THE CITY OF MAYFIELD HEIGHTS
BOARD OF ZONING APPEALS

MINUTES

January 12, 2016

Mayor DiCicco called the meeting to order at 7:00 p.m. for the purpose of conducting the organizational meeting to elect a Chairman and a Vice-Chairman.

ROLL CALL: PRESENT: Mr. Giuseppe Dilulio, Mr. Fredric Kramer, Councilman Joe Mercurio, Mr. Salvatore Orteca, Mr. Jerry Rothenberg,
ABSENT: None

Also present was Tom Jamieson, Director of Building and Anne Weiland, Secretary.

Mayor DiCicco asked for nominations for Chairman. Mr. Rothenberg, seconded by Mr. Orteca nominated Mr. Kramer. There were no other nominations. Mr. Rothenberg, seconded by Mr. Orteca moved to close the nominations and cast a unanimous ballot.

Roll call on motion: **AYES:** **Mercurio, Orteca, Rothenberg, Dilulio, Kramer**
NAYES: None
MOTION CARRIED

Mayor DiCicco asked for nominations for Vice-Chairman. Mr. Kramer, seconded by Mr. Orteca nominated Mr. Rothenberg. There were no other nominations. Mr. Kramer, seconded by Mr. Orteca moved to close the nominations and cast a unanimous ballot.

Roll call on motion: **AYES:** **Rothenberg, Dilulio, Mercurio, Orteca, Kramer**
NAYES: None
MOTION CARRIED

Mayor DiCicco turned the meeting over to Mr. Kramer, Chairman.

Mr. Orteca, seconded by Mr. Rothenberg moved to suspend reading the minutes of the October 13, 2015 meeting and approve as written. All in favor, except Mr. Dilulio who abstained as he was absent from that meeting. Motion carried.

Mr. Kramer welcomed New Member, Mr. Dilulio, to the Board.

TABLED ITEMS: None

NEW BUSINESS:

BZA 1085: On the Fence, Inc.
James Jenks
1633 SOM Center Road
Requests a variance to place 24' of solid fence in the side yard.

The application requests a variance from Section 1183.02(d); *Fences; Location; Height.* The following adjacent property owners were notified:

862-34-310	121 Rosebury Court	Benjamin & Emma Dvorkin
862-34-311	111 Rosebury Court	William A. & Bonnie L. Hite, III
862-34-312	101 Rosebury Court	101 Rosebury Court LLC
862-38-003	1643 SOM Center Road	Rita Kathleen Lucarelli
862-38-011	6692 Larchmont Road	Wynwood Associates 12929 Shaker Boulevard, Cleveland, OH 44120

Present was Megan Hawkins, On the Fence, Inc. and James Jenks, Property Owner. Ms. Hawkins explained that the homeowner is requesting the fence for privacy and security, especially for being on a busy street. The type of fence was chosen to match the exact fence on his deck. A different type of fence, such as shadow box, would be more of an eyesore. She pointed out that the solid part of the six foot fence is four feet high. The two feet on top will be lattice.

Mr. Kramer visited the site. He noticed that the setback from SOM Center Road is substantial and that the land falls off dramatically (to the north). Since the grade is lower, he wondered how much value there would be to installing a six foot high fence. He also observed that the adjacent apartment garages (Wynwood Apartments – 6700 Larchmont Drive) provide a solid wall and will deter incursion into his property. Ms. Hawkins stated that the garages do not prevent anyone from walking into his property. Ms. Hawkins explained that there are many houses on SOM Center

Road closer to the street. Those that have fences are closer to the road than what is being requested.

Mr. Rothenberg asked if a board-on-board type fence is permitted. Mr. Jamieson said that it is. Mr. Rothenberg thought that a board-on-board fence would be adequate. Ms. Hawkins explained that the solid fence was chosen to match the deck. A board-on-board fence would give it a totally different look. If the code addresses aesthetics, a solid fence would be better.

Mr. Jenks explained that the fence is actually an extension of his deck. The fence will surround a new seating area with stone and a fire pit. Without the fence, it would be wide open to SOM Center Road. He wants the new fence to match what he already has. Mr. Kramer pointed out that a different type of fence will solve the same problem without having to request a variance. Mr. Jenks agreed, but stated that he wants it to be uniform. He pointed out that the Pheasant Woods cluster home development across the street has a solid fence bordering the entire property. His request would not be a nuisance to the neighborhood. He only wants to extend the outdoor living area of his house.

As there were no other questions or comments, Mr. Kramer declared the public portion closed. He added that the Board's decision requires action by Council and will be presented to Council in resolution form at the next scheduled meeting, Monday, January 25, 2016 at 7:00 p.m.

Case No. 1085 – James Jenks – 1633 SOM Center Road

Mr. Rothenberg, seconded by Mr. Orteca moved to grant the applicant's request.

Roll call on motion:	AYES:	Orteca
	NAYES:	**Rothenberg, Mercurio, Kramer**
	ABSTAIN:	Dilulio (Mr. Dilulio abstained as this was his first meeting and he did not feel he had a clear understanding of the ordinance and was uncomfortable voting on it)
		MOTION DENIED

Said request is denied for the reason that the applicant did not demonstrate a practical difficulty which would warrant the granting of the variance.

BZA 1086: Application withdrawn.

As there was no further business, Mr. Kramer adjourned the meeting at 7:20 p.m.

APPROVED:

Fredric Kramer
Chairman

Respectfully submitted,

Anne Weiland
Secretary