

**THE CITY OF MAYFIELD HEIGHTS
BOARD OF ZONING APPEALS**

MINUTES

June 14, 2016

Fred Kramer, Chairman called the meeting to order at 7:00 p.m.

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

Also present were Tom Jamieson, Director of Building, Anne Weiland, Secretary and Darcy Horvat, Alternate Member who was seated in the audience.

Mr. Orteca, seconded by Mr. Rothenberg moved to suspend reading the minutes of the March 15, 2016 meeting and approve as written. All in favor, except Mr. Kramer who abstained as he was not present at that meeting. Motion carried.

TABLED ITEMS: None

NEW BUSINESS:

**BZA 1091: Michael Manno
 1127 Belrose Road
 Requests a variance to widen his nine foot driveway to 16'6".**

The application requests a variance from 1389.03; *Paving; Exterior Property Areas* and 1187.01(c)2 & (d)2; *Continuation of Existing Nonconformities; Extensions and Alterations; Change of Use.*

The following adjacent property owners were notified:

861-08-027	1128 Belrose Road	Stephen M. & Jane A. Pernicone
861-08-053	1131 Belrose Road	Carl Gulla, Jr.
861-08-055	1121 Belrose Road	Anthony & Genevieve Fatica
861-08-066	1124 Mayfield Ridge Road	Jacqueline L. Linn
861-08-067	1130 Mayfield Ridge Road	Jessica L. Burk

Present was Steve Manno, representing Michael Manno, Property Owner who was seated in the audience. Mr. Manno pointed out that the code allows a driveway to be widened up to 18' if the lot is 50' or wider. He found 17 widened driveways with three of them having permits to do. He presented photos of houses with widened driveways.

Mr. Kramer has thought that there is no way to transfer and move cars around without an addition to the driveway. Houses with single car garages and driveways were built in the day when people only had one car which, today, is impractical.

Mr. Kramer stated that Mr. Jamieson raised a question pertaining to a non-conforming situation which is the reason for the variance request. The driveway widening would be a modification to the existing non-conforming condition.

Mr. Rothenberg noticed that there are others on the street with wider driveways.

Mr. Jamieson explained that the Building Department did not start regulating concrete work until 1995. Many of those were put in prior to that. He does not believe that the intent of the code was to allow an 18' driveway for a one car garage. Mr. Manno thought, if that was the case, the code should state that.

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, June 27, 2016 at 7:00 p.m.

**BZA 1092: Atwell, LLC
 Leedy Medical Office Building
 2060 Lander Road
 Requests a variance to eliminate the required six foot masonry buffer wall on the west and south sides of the property in conjunction with a new medical building.**

The application requests a variance from 1179.02(a)(4)(D); *Yard And Height Regulations.* The following adjacent property owners were notified:

863-17-001	6000 Parkland Boulevard	Goldberg Companies Eric Bell - ebell@goldbergcompanies.com 25101 Chagrin Blvd. #300, Beachwood OH 44122
861-30-021	Vacant Lot – North Side Corner of Lander and Landerbrook	Parker Hannifin Kenneth Cannata - kcannata@parker.com 6035 Parkland Boulevard
861-30-29	5900-5920 Landerbrook Drive	LSREF2 OREO 2 LLC Hudson Americas Real Estate, David Meyer 2711 N. Haskell Avenue, Suite 1800 Dallas, TX 75204 c: C.B. Richard Ellis Joe Kearney Joseph.Kearney@cbre.com Ernst & Young Office Tower 950 Main Ave., Suite 210 Cleveland, Ohio 44113
861-30-018	2068 Lander Road	John Agresta, Sr.
863-25-301	6001-6009 Landerhaven Drive	KPL Landerhaven – Kowit & Company Real Estate Group, Brad Kowit, 6009 Landerhaven Drive - B

Present was Dan Barcikoski, Atwell, LLC. Mr. Barcikoski.

Mr. Kramer noted that the final site plan (PC-16-04) and lot consolidation (PC-16-05) approvals are still pending before Council.

Mr. Barcikoski explained that the parcels were previously zoned U-7; *Headquarters or Executive Offices Park District*. They would not be able to meet the zoning requirements in that District and the lot would remain unbuildable without variances. They requested, and received, a rezoning to U-8; *Office, Engineering, Medical & Research Building Districts*. The buffer wall variance is the only one that needed.

The cost to build the walls is a hardship. A masonry wall will not fit in with the existing natural and proposed enhanced landscaping. He displayed the landscape plan. There is nothing to buffer from on the west side. There are currently office buildings on that adjacent parcel. The landscaping on the south side will be mounded as there is a house on the adjacent lot which is zoned U-7; *Headquarters or Executive Offices Park District*.

Mr. Rothenberg noticed a two foot berm on the south side and asked if there will be a berm on the west side also. Mr. Barcikoski stated that there will not be a berm on the south because there is a water retention pond.

Mr. Barcikoski displayed photos which showed the existing mature trees and landscaping on the adjacent parcels which will also act as a border.

Mr. Kramer has always believed that the buffer wall requirement was for the protection of residential zoned properties.

Mr. Barcikoski gave a brief description of the site layout, pointing out the building footprint, proposed expansion, parking, access drives, emergency vehicle access route, etc.

Mr. Dilulio asked if the natural buffer on the south side, as shown in the photos, was on this property. Mr. Barcikoski explained that the trees on the south side are either on the property line or off site. The landscaping being provided will be in addition to that.

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, June 27, 2016 at 7:00 p.m.

Case No. 1091 – Michael Manno – 1127 Belrose Road

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

Roll call on motion: AYES: Mercurio, Orteca, Rothenberg, Dilulio, Kramer

NAYES: None

MOTION GRANTED

Said request is granted for the reason that the strict enforcement of the ordinance would impose, on the owner, a practical difficulty in the use of the property.

Case No. 1092 – Leedy Medical Office Building – 2060 Lander Road

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

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

Said request is granted for the reason that the strict enforcement of the ordinance would impose, on the owner, a practical difficulty in the use of the property.

- **Motion to recess the regularly scheduled meetings in July and August.**

Mr. Orteca, seconded by Mr. Rothenberg moved to recess the regularly scheduled meetings in July and August. All in favor, motion carried.

As there was no further business, Mr. Kramer adjourned the meeting at 7:35 p.m.

APPROVED:


Fredric Kramer
Chairman

Respectfully submitted,


Anne Weiland
Secretary