

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

**November 15, 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 and Anne Weiland, Secretary.

Mr. Orteca, seconded by Mr. Mercurio moved to suspend reading the minutes of the October 11, 2016 meeting and approve as written. All in favor, except Mr. Rothenberg abstained as he was not present at that meeting. Motion carried.

**TABLED ITEMS:** None

**NEW BUSINESS:**

- BZA 1097: David Toth**  
**1574 SOM Center Road**
- a) **Requests a 2'6" variance to construct an attached garage to a height of 20' to the ridge.**
  - b) **Requests a 2' setback variance to construct an attached garage 5'8" from the north side property line.**

The application requests variances from Sections 1159.12(b)(4)(A)(5); *Accessory Buildings and Uses* and 1159.07; *Side Yards*. The following adjacent property owners were notified:

862-35-023	6660 Ridgeview Road	Sharon Sonenstein, 1604 SOM Center Road
862-35-046	6650 Ridgeview Road	Linda L. Kandrac, 6626 Vallevista Drive
862-35-048	1578 SOM Center Road	PSM Investments LLC, 1604 SOM Center Road
862-38-007	6695 Larchmont Drive	Wynwood Associates LLC 12929 Shaker Boulevard, Cleveland, OH 44120

Mr. Kramer asked Mr. Jamieson for clarification on the setback variance. Mr. Jamieson explained that the code requires that 20% of the width of the lot be devoted to side yards (total of both sides) with neither side being less than five feet.

Present was David Toth, Property Owner and Jeff Raggerts, Contractor assisting Mr. Toth.

Mr. Toth stated that he is building a 24' x 40' attached garage onto the house. In reference to the setback request, Mr. Toth explained that he would like to keep the existing side door and steps in place, which would then be taking up space within the new garage. The extra two feet would give him more room inside to get in and out of cars. He mentioned that he also anticipates, at some point, needing to build a handicap ramp onto those steps.

In reference to the height request, Mr. Toth explained that the roof was raised because the Architectural Board of Review (10/20/16) recommended matching the pitch/height of the existing gable on the house. Unfortunately, the zoning code does not allow it. Mr. Kramer stated that he finds nothing negative relating to this request and thinks the additional height will enhance the situation.

Mr. Rothenberg questioned the size of the garage door. Mr. Toth said it will be 16' wide.

Mr. Kramer asked if the existing detached garage will be removed. Mr. Toth said it will be removed.

Mr. Rothenberg asked if the man door, shown to the left of the garage door, could be moved to the right side of the garage to reduce the width and meet the required setback. Mr. Toth stated that he would like it on the front as it is easier to access, especially for guests in the winter.

Mr. Dilulio asked if a car can be parked further into the garage, beyond the steps, for better access in and out of the house. Mr. Toth explained that he has another car that will be parked in the back.

Mr. Mercurio asked how much space is taken up by the steps. Mr. Toth stated that they are approximately 3'6" wide.

Mr. Raggets mentioned that Section 1159.12 of the Zoning Code notes the setback for an attached garage is five feet. Mr. Jamieson explained that the side yards must be determined in accordance with the Side Yard section (1159.07) which requires 20% of the width of the lot.

Mr. Raggets stated that they would like to keep the man door on the front of the garage rather than the side. If the door was on the side, it would be difficult to maneuver around cars parked in the garage to get to the steps to enter the house. He also pointed out that the height recommendation by the Architectural Board of Review was not only for aesthetics. It was determined that raising the roof would allow them to place a gutter on it to prevent water from running off the new roof onto the existing slope roof on the back of the house. As a result, Mr. Kramer believed that would impose a practical difficulty on the Owner. Mr. Rothenberg agreed.

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, November 28, 2016 at 7:00 p.m.

**Case No. 1097(a) – 1574 SOM Center Road – Height**

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

Roll call on motion: **AYES:** Mercurio, Orteca, 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.

**Case No. 1097(b) – 1574 SOM Center Road – Setback**

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

Roll call on motion: **AYES:** Orteca, Dilulio, Mercurio, 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.

As there was no further business, Mr. Kramer adjourned the meeting at 7:56 p.m.

APPROVED:



Fredric Kramer  
Chairman

Respectfully submitted,



Anne Weiland  
Secretary