

CITY OF CLEVELAND HEIGHTS  
BOARD OF ZONING APPEALS  
MINUTES OF THE MEETING

January 18, 2023

MEMBERS PRESENT:

Benjamin Hoen	Vice Chair
Dennis Porcelli	
Thomas Zych	Chair
Gail Lewin	

STAFF PRESENT:	Karen Knittel	Assistant Planning Director
	Lee Crumrine	Assistant Law Director
	Christy Lee	Recording Secretary

CALL TO ORDER

The meeting was called to order at 7:00 pm.

ELECTION OF OFFICERS

Serving as Chair Pro-Tem Mr. Zych stated that the election of Chair and Vice-Chair was the first item on the agenda. Mr. Hoen nominated Mr. Thomas Zych to continue as Chair of the Cleveland Heights Board of Zoning Appeals. There were no more nominations and Mr. Zych asked if there was a motion to close the nominations. Mr. Porcelli motioned to close the nominations, this was seconded by Mr. Hoen. The nominations were closed and the vote for Chair was taken. The motion for Mr. Zych to continue as BZA Chair was approved, 4-0.

Mr. Zych asked for nominations for Vice-Chair. Ms. Lewin nominated Mr. Hoed to continue as Vice Chair of the Cleveland Heights Board of Zoning Appeals. There were no more nominations and Mr. Zych asked if there was a motion to close the nominations. Mr. Porcelli motioned to close the nominations, this was seconded by Ms. Lewin. The nominations were closed and the vote for Vice Chair was taken. The motion for Mr. Hoen to continue as BZA Vice Chair was approved, 4-0.

APPROVAL OF THE MINUTES

Ben Hoen motioned to approve both the December 21, 2023 Minutes, the motion was seconded and the Minutes were approved.

THE POWERS OF THE BOARD AND PROCEDURES OF THE BOARD OF ZONING APPEALS PUBLIC HEARINGS FOR REGULAR VARIANCES

Mr. Zych stated that the purpose and procedures for tonight's meeting are stated for all in attendance. The hearings are quasi-judicial in nature and certain formalities must be followed as if this were a court of law. Anyone who wishes to speak about a case will first be placed under oath. For each case, City staff will make a presentation and then each applicant will present his

or her case stating practical difficulty for which we are being asked to grant a variance. The Board will then open a public hearing to obtain testimony from any other persons interested in the case. The applicant will have an opportunity to respond to any testimony from the public and will address those comments to the Board. The Board may then ask questions of the applicant. Based on all the evidence in the record, the Board will make findings of fact and render its decision by motion. The formal nature of these proceedings is necessary because each applicant is asking for an extraordinary remedy called a variance. A variance is formal permission by the City for an individual not to comply with a portion of the municipal Zoning Ordinances which is binding to all others.

In making its decision of whether to grant a standard variance, the Board will weigh factors set forth in the Zoning Code in Section 1115.07(e)(1). The burden is upon the applicant to demonstrate by a preponderance of the evidence that the literal enforcement of the Zoning Code would result in a practical difficulty. Preponderance of evidence means the applicant proved his or her position is more likely than not true. The applicant must demonstrate circumstances unique to the physical character of his or her property. Personal difficulties, personal hardships, or inconveniences are not relevant to the Board's determination. The Board is the final administrative decision-maker for all regular variances.

## PUBLIC HEARING

Staff report date January 20, 2023 was entered into the public record.

Lee Crumrine swore in all applicants and staff.

Karen Knittel reviewed the staff report using a PowerPoint presentation:

**Cal. No. 3557 M. Berry, 1006 Quarry Dr.,** "A" Single-Fam., requests a variance to Sect. 1161.105(b) to permit parking space to be wider than max. 9' & to extend for a distance greater than max. 20' in front of attached single car garage & to Sect. 1161.105(f) to permit accessory parking of more than 2 motor vehicles in the driveway.

### Context

- "A" Single-Family. The properties to either side of the applicant are single-family homes zoned "A" Single-Family. To the rear of the applicant, the properties are single-family homes zoned "A" Single-Family. Across Quarry Drive is Denison Park zoned "P" Park.
- The Master Plan Future Land Use Map shows this area as continuing to be used for single-family housing.

### Project

The applicant proposes to add a parking pad in the front yard that will be 12' by 15' and then taper back to the existing driveway. The parking pad begins approximately 8.67' in front of the house adjacent to the current driveway that connects to the attached front-facing single-car garage. The applicant states that they need to park a total of 4 motor vehicles.

### Facts

- This is a code-conforming parcel in terms of lot width and area. It is 50 feet wide and 7,500 square feet in area. Per Section 1121.06, a code-conforming 'A' parcel has a minimum of 7,500 square feet and is 50 feet wide at the building line.
- The property has a single-car attached garage, making it an existing nonconforming

single-family house as it has less than two enclosed parking spaces as required by Code Section 1161.03(a)(1).

- The property has front steps that extend 8.67' into the front yard to a walk with a step that connects to the driveway.
- The property elevation is higher at the southwest corner of the front yard sloping down toward the driveway and public right of way.
- Code Section 1161.105(b) states that for properties with attached single-car garages, the zoning administrator may approve the driveway width to extend up to an additional 9 feet in width wider than the garage door to provide space for parking one vehicle. This area may extend for a distance of 20' in front of the garage door before tapering back to the driveway with a maximum permitted width of 12'.
- Due to the location of the walk and steps leading to the front door, the proposed parking space cannot begin at the garage door.
- Code Section 1161.105 (f) states that for a single-family dwelling, driveways may be used for accessory parking spaces for up to two (2) motor vehicles, so long as such driveway can accommodate vehicles without the vehicle extending over the sidewalks, the street or landscaped areas.
- The applicant has stated that they need parking for 3 motor vehicles in the driveway.
- The applicant will maintain the existing rock retaining wall in the front yard that is parallel to the public sidewalk.

If approved, conditions should include:

1. Variance 3557 is granted to Section 1161,105(b) to permit the driveway pavement to expand the width of the current driveway by 12' and extend for 15' before tapering back to the exiting driveway as shown on the site plan, submitted with the BZA application and to Section 1161.105(f) to permit the accessory parking of more than 2 motor vehicles in the driveway.
2. Approval of the final landscape plan by the Zoning Administrator;
3. Receipt of applicable building permits; and
4. Complete construction within 24 months of the effective date of this variance.

Ms. Knittel concluded her staff report by stating that the applicant was present and prepared to review their project and statement of practical difficulty.

Heidi Miller and Mark Berry, 1006 Quarry Drive came to the podium and confirmed that they had been worn in.

Mr. Zych confirmed with the applicant that the application was submitted by Mark Berry on November 16, 2022, and that to the best of their knowledge, it was true and accurate. The application was entered into the public record.

Ms. Miller stated that adding pavement for parking is essential for modern living, families are living with multi-generational members and young adults are postponing moving out of their family homes. She stated the driveway addition is essential so all vehicles can be parked in the driveway adding that they are a family of four with four vehicles. She said the current driveway is narrow and on an incline and that two vehicles can park in the driveway and that they have been parking the other two vehicles on the street in front of the house which is not permitted

overnight. They need and request the widening of the driveway to provide better accommodation for all that reside within the property, without causing stress to neighbors and enhancing the value and appeal of the property. She said their request would not have a negative impact on the neighborhood, They have an existing rock wall and plants next to the public sidewalk that would be maintained.

Mr. Porcelli asked for clarification regarding the 12 feet width for the addition as appose to the 9-foot width allowed.

Mr. Berry stated that increasing the width of the driveway would allow them to park each car comfortably and cause stress to neighbors or implead on the front lawn causing unnecessary damage to the front lawn. Ms. Berry added that having the additional pavement go all the way across the stairs rather than stopping somewhere in between would provide better aesthetics. The driveway would stop where the railing and the steps stop.

Mr. Zych commented that considering our unpredictable weather having uneven pavement would be treacherous and not be in the best interest of the applicant and those around them.

Ms. Lewin asked how wide is the existing driveway.

Mr. Berry said that it was 9 feet wide with about another 1 foot of asphalt that had been added before they had acquired the property.

Ms. Lewin stated that where the code allows 20 feet in front of the face of the garage, this parking area would be 23.67 feet before that taper begins. So this is a difference of about 3¾ feet.

Mr. Zych commented that presently they could park 3 vehicles on the property, one of the smaller cars in the garage, and two cars parked in front of the garage door in the driveway in tandem, and asked if these two vehicles stopped short of the public sidewalk.

Mr. Berry responded yes.

Mr. Zych stated that he did not believe there was anyone in the audience wishing to testify in this matter.

He asked if there were any written submissions. Ms. Knittel stated that she had not received any comments.

Mr. Zych closed the public hearing.

Mr. Zych asked if there was a motion.

Mr. Hoen stated:

Regarding Calendar No. 3557 M. Berry,1006 Quarry Dr.,

I move to grant the application for a variance with conditions to Section 1161.105(b) to permit a parking space to be wider than max. 9' & to extend for a distance greater than max. 20' in front of the attached single-car garage & to Section 1161.105(f) to permit accessory parking of more than 2 motor vehicles in the driveway. After reviewing the application and other submissions, and hearing the evidence under oath, the Board finds and concludes:

- This property does have special circumstances which exist namely, this is a single-car attached garage home that due to modern living requirements additional cars are generally speaking typical for families today and one-car garages are insufficient;
- The intent and the spirit behind the Zoning Code will be upheld if this variance is granted being that the zoning code was recently amended to allow for additional parking spaces for those with single-car garages;
- The characteristics of this property that gives rise to the practical difficulty are the front landing and steps which extend beyond the face of the garage an additional 8-plus feet thereby requiring the variance to add the parking pad for the additional cars so as to make the parking pad aesthetically pleasing and practical that if it were any shorter in a code conforming pad it would not match with the landing and it would cause other problems in regards to the mobility from that landing to the parking pad;
- The variance is insubstantial in that it is just a few feet from the code conforming width and length in the Code;
- The essential character of the neighborhood would not be substantially altered because the parking pad would provide a modern convenience for future use for anybody in the neighborhood;
- It would not adversely affect the delivery of government services; and
- It is not the result of the actions of the applicant

If granted, the variance shall have the following conditions:

1. Variance 3557 is granted to Section 1161.105(b) to permit the driveway pavement to expand the width of the current driveway by 12' and extend for 15' before tapering back to the existing driveway as shown on the site plan, submitted with the BZA application and to Section 1161.105(f) to permit the accessory parking of more than 2 motor vehicles in the driveway.
2. Approval of the final landscape plan by the Zoning Administrator;
3. Receipt of applicable building permits; and
4. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion.

Mr. Zych asked if there was any discussion. There was none.

Mr. Zych called for the question. The motion passed 4-0.

Mr. Zych asked that the next case be reviewed.

Karen Knittel reviewed her staff report using a PowerPoint presentation:

**Cal. No. 3558 Lutheran High School East, 3565 Mayfield Rd., 'MF-1' Multi-Fam.** requests variances to Sect. 1163.04(3) to permit institutional identification signs to be larger than 24 s.f. (max. permitted) for an existing freestanding sign, & signs on the building facing Mayfield Rd. & Yellowstone Rd.

### **Context**

- Lutheran High School East is zoned "MF-1" Multiple-Family. The Bluestone

Development located to the west along Mayfield is zoned “MF-1” Multiple Family, and to the east along Mayfield is Christ Disciples Church also zoned “MF-1” Multiple Family. To the north, behind Lutheran High School East are single-family houses zoned “A” Single-Family. To the south across Mayfield Road is Severance Town Center zoned “S-1” Mixed-Use.

- The Master Plan Future Land Use Map shows this area as continuing to be used for institutional uses such as a school.

### **Project**

The applicant proposes to change the signage at the school. The free-standing electronic sign having 19.3 square feet of signage per face will remain. The current signs on the building totaling 14 square feet will be removed. The applicant proposes replacing the signage on the building with a sign facing Mayfield Road that would be 98 square feet and one facing Yellowstone Road that would be 51 square feet. This results in total institutional identification signage of 149 square feet of signage on the building plus the monument sign with 19.3 square feet of signage per face.

### **Facts**

- Schools are conditionally permitted uses in the MF-1 District.
- The Lutheran High School Campus is at the corner of Mayfield Road and Yellowstone Road.
- Code Section 1163.04(3) states that institutions may have one identification sign of 24 square feet. The footnote states that this maximum sign area is per face and that single and two-faced monument signs are permitted.
- The current free-standing identification sign has two faces, each face has 19.3 square feet of signage.
- The school currently has its name on the front of the building facing Mayfield Road. This identification sign is 14 square feet.
- The high school building is 383.33 linear feet long parallel to Mayfield Road.
- The building wall where the sign is proposed is setback 78 feet from the public right-of-way along Mayfield Road.
- The high school building is 224.67 lineal feet long parallel to Yellowstone Road.
- The high school building is setback 50 feet from the Yellowstone Road public right-of-way.
- Code Section 1163.04(3) footnote (d) states that in Commercial and Special Use Districts, conditionally permitted institutions may have identification signs with a maximum area of one (1) square foot per lineal foot of building frontage. Each face of a two-faced freestanding sign shall count toward this total. In no case shall the maximum permitted area exceed 150 square feet.
- The Architectural Board of Review reviewed and approved the signage plan at their December 6, 2022 meeting contingent on the required variances being granted by the Board of Zoning Appeals.

If approved, conditions should include:

1. Variance 3558 is granted to permit the signage plan including maintaining the existing 2 faced monument sign with 19.3 square feet per face, 98 square feet of signage on the

building facing Mayfield Road, and 51 square feet of signage on the building facing Yellowstone Road as shown on the materials submitted with the BZA application.

2. Receipt of applicable building permits; and
3. Complete construction within 24 months of the effective date of this variance.

Ms. Knittel concluded the report and stated that the applicant was present and prepared to review their request and statement of practical difficulty.

Ms. Lewin asked staff to review the square footage that is permitted based on the zoning code.

Ms. Knittel stated that the Code permitted a maximum of 24 square feet of institutional signage in a residential district.

Mr. Zych asked staff to review the maximum signage permitted in commercial and special-use districts.

Ms. Knittel stated that in these districts, they would be permitted 1 square foot of signage for each lineal foot of frontage along the street up to a maximum of 150 square feet.

Mr. Rick Jozity, an architect representing Lutheran East High School, and Mr. Andrew Prusinski, Principal of Lutheran East High School confirmed that they were sworn in and that they had submitted the application signed December 19, 2022, and that to the best of their knowledge, it was true and accurate.

Mr. Zych stated that without objection it would be entered into the record, and there was no objection.

Mr. Jozity said that they are allowed 24 square feet of signage. The current signage on the building is 14 square feet and when persons drive by the school on Mayfield Road, given the speed of the traffic the sign is not visible. He stated that if this school were in another district, a commercial or special use district it would be allowed up to a maximum of 150 square feet of signage. He stated that theoretically if the school were on the other side of the street they could have 150 square feet of signage. He stated that the signage would provide greater visibility and identification of Luther East High School. The building-mounted sign would be visible from Mayfield Road. He pointed out that this is a unique situation as this is the only high school in a residential district and It is the only high school along a six-lane road. There is a lot of traffic on Mayfield Road and the school building is not noticed as it sets back from the street and there are trees in front of the building. He said that granted the variance would not alter the character of the neighborhood. It would not affect the delivery of governmental services, there is no means of resolving this without a variance. He believes that the granting of the variance would strengthen the neighborhood by maintaining its status as an educational institution. The exterior renovations approved by ABR for the school will enhance this section of Mayfield Road.

Mr. Prunsinski said that traffic on Mayfield Road travels quickly and the building is not readily identifiable. He says that he often has conversations with potential families that they have driven by the building and did not realize that it was a school. As the ABR has approved their exterior renovations, this is a good time to also request the needed signage.

Mr. Porcelli asked if the signs on the building would be illuminated.

Mr. Jozity responded that they would be internally lit.

Ms. Lewin commented that the sign on Yellowstone Rd. is pretty far back from Mayfield Road and asked if the size of the proposed sign will be legible from the road and will its lighting impact the neighbors across the street.

Mr. Jozity said the sign would be internally illuminated and that there would be no light pollution on the property across the street. He said the property directly across Yellowstone from the school is the church. He stated that as far as how visible would this sign be from Mayfield, he said it would probably not be as visible as they would like but that they also have folks who enter the school property from Yellowstone.

Mr. Zych asked if there were any further questions. There were none.

As there was no one in the audience, Mr. Zych commented that there was no one from the public wishing to speak and asked the staff if there had been any written comments.

Ms. Knittel responded that there were no comments received.

Mr. Zych closed the public hearing and asked if there was a motion.

Mr. Porcelli stated:

Regarding Calendar No. 3558 Lutheran High School East, 3565 Mayfield Rd., I move to grant the application for a variance with conditions to Section 1163.04(3) to permit institutional identification signs to be larger than 24 square feet the maximum permitted for the existing freestanding sign, & signs on the building facing Mayfield Rd. & Yellowstone Rd. After reviewing the application and other submissions, and hearing the evidence under oath, the Board finds and concludes:

- There are special conditions and circumstances regarding a large high school that happens to be in a residential district;
- The variance is insubstantial given the bulk and magnitude of the structure and its setbacks from the rights-of-ways;
- The character of the neighborhood would not be substantially altered and in fact, making the identity of the school known would be a benefit to the community;
- There would be no adverse effect on government services;
- This seems to be the best method to resolve the issue of building identification to the public;
- The spirit and intent behind the zoning code would be observed; and
- This would not confer any special privileges on the applicant especially considering the unique nature of the building and its location

If granted, the variance shall have the following conditions:



2. Variance 3558 is granted to permit the signage plan including maintaining the existing 2 faced monument sign with 19.3 square feet per face, 98 square feet of signage on the building facing Mayfield Road, and 51 square feet of signage on the building facing Yellowstone Road as shown on the materials submitted with the BZA application.
2. Receipt of applicable building permits; and
3. Complete construction within 24 months of the effective date of this variance.

Mr. Hoen seconded the motion.

Mr. Zych asked if there was any discussion. There was none and the vote was taken.

The motion was approved 4-0.

#### OLD BUSINESS

There was no old business to report

#### NEW BUSINESS

There was no new BZA business to report, however, staff reported that they are working with the Planning Commission on the annual review of the zoning code.

She reported that she did not believe there were any applications submitted for the February meeting.

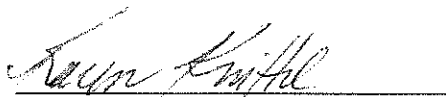
#### ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Respectfully Submitted,



Thomas Zych, Chair



Karen Knittel, Secretary