

**CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES
November 20, 2024**

MEMBERS PRESENT

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| Thomas Zych | Chair |
| Benjamin Hoen | Vice Chair |
| Gayle Lewin | |
| Elchanan Stern | |
| Liza Wolf | |

STAFF PRESENT

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| H. Lee Crumrine | Assistant Law Director |
| Karen Knittel | Assistant Planning Director |
| Christy Lee | Recording Secretary |
| Xavier Yozwiak | Planner / Zoning Inspector |

CALL TO ORDER

The meeting was called to order at 7:00 p.m.

APPROVAL OF THE MINUTES

Mr. Hoen motioned to approve the Minutes of October 30, 2024. Ms. Wolf seconded the motion. The minutes were approved with no objections.

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 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. The 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

Cal. No. 3589 A. Ferris & R. Davis, 2418 Princeton Rd., "A" Single-Family, requests variance to Code Section 1121.12(a)(1) to permit the garage to be less than the minimum 25 feet from the side street.

Assistant Law Director Crumrine swore in all who intended to speak.

Mr. Zych entered two public comments into the record without objection. The first comment was a memo from William J. Fugo Jr. (2424 Princeton Rd.), dated November 20, 2024, which supported the variance. The second comment was a handwritten note from Madeline Zettelmeyer (3583 E. Scarborough Rd.), undated, which also supported the variance.

After hearing no objections, the staff report dated November 15, 2024, was entered into the record.

Mr. Yozwiak reviewed the staff report using a PowerPoint Presentation.

Mr. Yozwiak confirmed to Mr. Hoen that there would be no way to build the garage in a code-conforming way.

Mr. Ferris (2418 Princeton Rd.) came forward to describe his statement of practical difficulty.

Mr. Zych entered Mr. Ferris's application into the record.

Mr. Ferris emphasized that there was no place where the garage could be located and be code-conforming. He added that their point-of-sale inspection required the construction of the garage. Finally, he pointed out his southern neighbor (William J. Fugo Jr., 2424 Princeton Rd.) supported the variance.

Mr. Ferris confirmed to Ms. Wolf that the garage is a two-car garage.

Mr. Hoen stated that regarding Cal. No. 3589 A. Ferris & R. Davis, 2418 Princeton Rd., he moved to grant the application for a variance with conditions to Code Section 1121.12(a)(1) to permit the garage to be less than the minimum 25 feet from the side street.

After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes:

- Special conditions/circumstances exist which are peculiar to the land/structure is that the garage cannot be put in a code-conforming location;
- The property will not yield a reasonable return without the variance because the point-of-sale inspection requires a garage;
- The variance is insubstantial because the requested variance is only for a few feet;
- The essential character of the neighborhood would not be substantially altered as a result of the variance because there are many homes that have garages similarly situated;
- The variance would not adversely affect the delivery of government services; and
- The property owner testified that he purchased the property without knowledge of the zoning restriction.

If granted, the variance shall have the following conditions:

1. Calendar No. 3589 is granted to Code Section 1121.12(a)(1) to permit the garage to be 23'-2" from East Scarborough Road;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Ms. Wolf seconded the motion. The motion carried unanimously (5-0).

Cal. No. 3590 M. Lipscomb & J. Ladner, 1832 Lee Rd., "MF-2" Multiple-Family, requests variance to Code Section 1163.04(4) to permit a commercial identification sign in a multiple-family district.

Assistant Law Director Crumrine swore in all who intended to speak.

Mr. Zych entered one public comment into the record without objection. Merry Beth Pietila (1833 Cumberland Rd.) sent an email on November 20, 2024 which supported the variance.

After hearing no objections, the staff report dated November 15, 2024, was entered into the record.

Mr. Yozwiak reviewed the staff report using a PowerPoint Presentation.

Mr. Yozwiak explained to Ms. Wolf that a variance is required for the signage because the owners removed the signage in 2020. A variance would not have been required if the owners maintained the signage, he said.

Mr. Zych added that when the properties were originally rezoned to “MF-2” Multiple-Family there was a hope that all four corners of Euclid Heights Blvd. and Lee Rd. would be replaced with residential buildings.

Ms. Knittel confirmed to Ms. Wolf that daycares are conditionally permitted in residential districts, but signage is not permitted.

Mr. Miller (3368 Mayfield Rd.) came forward to describe his statement of practical difficulty.

Mr. Zych entered Mr. Miller’s application into the record.

Mr. Miller emphasized that a commercial identification sign is needed at 1832 Lee Rd. for the visibility of the business. He added that the size of the signage is not beyond what would be permitted if it was in a commercial district.

Ms. Wolf stated that regarding Cal. No. 3590 M. Lipscomb & J. Ladner, 1832 Lee Rd., she moved to grant the application for a variance with conditions to Code Section 1163.04(4) to permit a commercial identification sign in a multiple-family district.

After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes:

- Special conditions/circumstances exist which are peculiar to the land/structure involved, in particular that the building was originally zoned commercial, it is a commercial building, and that the zoning was changed while the building was occupied by a retail business;
- The property in question will not yield a reasonable return without the variance because businesses need signage for safety and identification purposes;

- The variance is insubstantial and is the minimum necessary because businesses need to be identified and the sign would be conforming if the building was in a commercial district;
- The essential character of the neighborhood would not be substantially altered as a result of the variance due to the surrounding commercial buildings at the intersection of Euclid Heights Blvd. and Lee Rd.; and
- The variance would not adversely affect the delivery of government services because it is only signage.

If granted, the variance shall have the following conditions:

1. Calendar No. 3590 is granted to Code Section 1163.04(4) to permit a 48-square foot commercial identification sign in a multiple-family district as shown on the rendering with the BZA application;
2. This variance is non-transferable to new buildings erected on the site;
3. Approval of the Architectural Board of Review;
4. Receipt of a Building Permit; and
5. Complete construction within 24 months of the effective date of this variance.

Ms. Lewin seconded the motion. The motion carried unanimously (5-0).

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Yozwiak stated that there will be multiple cases at the next BZA meeting.

The meeting was adjourned at 7:38 PM.



Thomas Zych, Chair



Xavier Yozwiak, Secretary