

**CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES
May 21, 2025**

MEMBERS PRESENT

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

STAFF PRESENT

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

CALL TO ORDER

The meeting was called to order at 7:04 p.m.

APPROVAL OF THE MINUTES

Mr. Zych corrected the Minutes of April 23, 2025 to say that “Mr. Zych stated that the purposed and procedures...” instead of “Mr. Hoen stated...” Mr. Hoen motioned to approve the Minutes of April 23, 2025 as corrected. Mr. Stern seconded the motion. Ms. Wolf was not at the meeting yet during the vote. The minutes were approved (4-0) 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. 3605 P. & C. Byrne, 1224 Oxford Rd., "A" Single-Family, requests variance:

- A. to Code Section 1121.08(b) to permit an attached garage with a second-floor living space to be less than 5 feet from the side lot line;
- B. to Code Section 1121.08(c) to permit an attached garage with a second-floor living space to be less than 30 feet from the rear lot line;
- C. to Code Section 1121.12(a)(8) to permit a driveway to be less than 3 feet from the side lot line; and
- D. to Code Section 1121.12(e)(2) to permit the garage floor area to be greater than 610 square feet.

Mr. Yozwiak said that the applicant is requested the case be continued to the June BZA meeting. Ms. Lewin motioned to continue Cal. No. 3605 P. & C. Byrne, 1224 Oxford Rd by 30 days. Mr. Stern seconded the motion. The motion carried without objection.

Cal. No. 3606 CORVAHMGMT LLC, 1925 Lee Rd., "S-2" Mixed Use, requests variance to Code Section 1163.05(3) to permit a freestanding commercial identification sign in a commercial district.

Mr. Zych entered in the record a public comment from Chas Kikel (3217 Redwood Rd.) received on May 19, 2025. Mr. Zych said that the letter recommended denial of the variance and explained why Mr. Kikel thought that the variance was inappropriate.

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

After hearing no objections, the staff report dated May 16, 2025, was entered into the record.

Mr. Yozwiak reviewed the staff report using a PowerPoint Presentation. During his presentation, Ms. Wolf joined the meeting.

Mr. Yozwiak confirmed to Mr. Hoen that freestanding signs are permitted in "P" Park districts, so the freestanding signs at Cain Park did not require a variance.

Mr. Zych said that 1925 Lee Rd had characteristics of a residence. He asked if it would be fair to say that other drivers would mistake the building as a home.

Mr. Yozwiak said that he understood what Mr. Zych was saying. He pointed out that the gabled roof was a style more often seen on residential properties.

Ms. Lewin said that 1925 Lee Rd looked like a single-story office building, from her perspective, that was separate from the adjacent residential property (1929 Lee Rd).

Mr. Yozwiak confirmed to Mr. Stern that there was no other business in the area that had a gabled roof.

Ms. Dana Fann (1925 Lee Rd) came forward to describe the statement of practical difficulty.

Mr. Zych entered Ms. Fann's application into the record.

Ms. Fann said that the building has a unique style, sits further back, and that there is not a great place to put a sign on the façade where it would be visible for drivers.

Mr. Mark Bailin (4516 Renaissance Pkwy, applicant's representative) echoed Ms. Fann's comments that the building has a unique shape that affects the visibility of the signage and that there is not a good place to put the signage on the façade.

Mr. Bailin confirmed to Mr. Stern that the issue of visibility is for signage mounted on the front of the building.

Mr. Stern asked where wall-mounted signage could be placed. Mr. Bailin said to the right of the windows on the front façade but the shrubs may need to be trimmed.

Mr. Zych asked why signage on the windows would not be optimal. Mr. Bailin said that they would need a variance for signage larger than what is allowed and window signs do look as professional as a freestanding or wall-mounted sign, in his opinion.

Mr. Zych asked to see the photos of the two approaches to the building in the staff presentation again.

Mr. Bailin said that if the building had a flat roof there would be more room for signage.

Ms. Lewin pointed out a daycare in the neighborhood, Heights One World Childcare Center (2007 Lee Rd), that only had signage on its parking lot side and was very popular.

Ms. Lewin asked about the differences in the description of the sign in the applicant's statement of practical difficulty versus what was shown in the renderings. Ms. Fann confirmed that the sign will be the colorful sign from the renderings. Ms. Fann also confirmed the sign dimensions and location on the renderings and site plan.

Mr. Bailin added that they would add landscaping around the sign. He explained that it would be shrubs approximately two feet around the sign. He said that their company always recommends landscaping around signs for maintenance purposes.

Mr. Zych closed the public comment.

Mr. Hoen stated that regarding Cal. No. 3606 CORVAHMGMT LLC, 1925 Lee Rd., he moved to grant the application for a variance with conditions to Code Section 1163.05(3) to permit a freestanding commercial identification sign in a commercial district.

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

- There are special circumstances that exist, specifically that the property is a non-conforming lot in a "S2" Mixed Use district, the building itself has a unique roof shape with a slope to it which creates a circumstance that will not allow for the conventional commercial signage typically found in this neighborhood along a solid wall, there is not enough space on this particular building to put a significant sign on the wall where it would be effective in advertising, and the most obvious solution is to put a sign in the yard which is proposed here;
- The variance is insubstantial in that the sign itself would be a code-conforming sign but for the fact that it is in the yard rather than on the building;
- The essential character of the neighborhood would not be substantially altered because there are other freestanding signs in the immediate vicinity, notably the signs at the gas station and Cain Park, which are both code-conforming;
- The sign would not adversely affect the delivery of government services; and
- The applicant's predicament feasibly cannot be resolved through a method other than a variance because of the unique shape of the sloped roof of the building.

If granted, the variance shall have the following conditions:

1. Calendar No. 3606 is granted to Code Section 1163.05(3) to permit a 24-square foot freestanding commercial identification sign in a commercial district as shown on the drawings submitted to BZA;
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.

Mr. Zych seconded the motion.

Ms. Lewin said that she felt that the sign would substantially change the essential character of the neighborhood. She said although the gas station nearby has a freestanding sign, none of the other businesses have freestanding signs. She added that a number of other buildings in the district have unique architecture and could use a same argument for a variance.

Mr. Hoen responded that the other commercial buildings in this neighborhood are built close to the sidewalk and have no space for freestanding signs. He added that 1925 Lee Rd is unique because it has a front yard.

Mr. Zych noted that the city permits signage with purposes of providing sufficient signage for business to identify themselves, advertise, and be visible. He said that most businesses can do that with building-mounted signs but there are other places where variances are required, such as for the projecting signs in the Cedar-Fairmount Business District. He added that the look of the building was not obviously a business. He said that other options for signage at the site would not be visible from both directions, in his opinion. He concluded by saying that precedent is not a consideration of the Board and that the applicant made a sufficient case for a variance to him.

Mr. Stern asked if shrubbery is considered a special condition peculiar to the land or structure.

Mr. Zych said shrubbery is probably not a special condition. He added that the Board and the zoning code generally tries to avoid lessening greenery and it would be odd to require a condition for less landscaping.

Mr. Hoen amended the motion to add a condition that there be landscaping around the sign. Mr. Zych seconded the amendment.

Mr. Stern asked if he could ask the applicant another question. Without objection, Mr. Zych re-opened the public comment.

Mr. Stern asked if there was a way to redesign the sign in terms of color and aesthetics to have a “sleek modern appearance,” as described in the application, and to make it blend in more without taking away from its visibility.

Ms. Fann said that they would like to keep the colors as shown on their rendering because it is their logo and it is a childcare. She said other daycares have similar signs that are also colorful.

Mr. Zych noted that aesthetics is not a factor that the Board considers.

Mr. Yozwiak confirmed to Mr. Zych that the Architectural Board of Review will review the aesthetics of the sign.

Mr. Zych closed the public comment.

The motion carried 3-1. Ms. Lewin cast the dissenting vote and Ms. Wolf abstained.

Cal. No. 3610 SUPERIOR ROAD APARTMENTS, LLC, 14154 Superior Rd., “MF-1”
Multiple-Family, requests variance:

- A. to Code Section 1123.12(a)(1) to permit a parking area to be less than 5 feet from the side property line;
- B. to Code Section 1123.12(a)(1) to permit a parking area to be less than 5 feet from the rear property line; and
- C. to Code Section 1166.06(a)(1) to permit no perimeter parking lot landscaping.

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

After hearing no objections, the staff report dated May 16, 2025, was entered into the record.

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

Mr. Aaron Steinfeld (14154 Superior Rd) came forward to describe the statement of practical difficulty.

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

Mr. Steinfeld said the current garage was built in the 1920s and is completely dilapidated. He said that added more parking was a way to improve the site. In regards to the landscaping variance, Mr. Steinfeld said that there is no landscaping on the perimeter because it is the entry to the parking area.

Ms. Lewin asked about the width of the shared driveway. Mr. Steinfeld said that it was 20 feet.

Ms. Lewin expressed concern about access to one of the parking spots from the shared driveway. Mr. Steinfeld said that the L-shape of the building provides additional space for a car to enter the space.

Mr. Steinfeld confirmed to Ms. Wolf that the parking area can be currently accessed from both sides and there is no greenspace being removed from the Ridgefield Rd side of the parking area.

Mr. Yozwiak explained Ms. Wolf that the applicant could rebuild their garage without a variance and that a variance is not needed for adding additional spaces because it decreases the non-conformity for the number of parking spaces at the site (the current garage only provides 4 spaces where 10 are required).

Ms. Wolf asked Mr. Steinfeld if it is difficult to rent units without designated parking spaces. Mr. Steinfeld said having parking helps rent the units.

Mr. Steinfeld said to Ms. Wolf that he does not charge his tenants for parking.

Mr. Yozwiak confirmed to Ms. Wolf that permits to park at the nearby city-owned lot have a cost.

Mr. Yozwiak confirmed to Mr. Zych that there are city-owned lots where landlords purchase permits from the city and give them to tenants.

Mr. Hoen asked if the parking lot is a new structure or the absence of a structure. Mr. Yozwiak said that the zoning code treats the surface parking lot as a new structure because it is a change from enclosed parking.

Mr. Steinfeld said to Ms. Wolf he plans to resurface the parking lot after the garages are demolished.

Mr. Zych closed the public comment.

Ms. Lewin stated that regarding Cal. No. 3610 SUPERIOR ROAD APARTMENTS, LLC, 14154 Superior Rd., he moved to grant the application for a variance with conditions:

- A. to Code Section 1123.12(a)(1) to permit a parking area to be less than 5 feet from the side property line;
- B. to Code Section 1123.12(a)(1) to permit a parking area to be less than 5 feet from the rear property line; and
- C. to Code Section 1166.06(a)(1) to permit no perimeter parking lot landscaping.

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 which are not generally applicable to other lands/structures in the same zoning district, in particular the irregular shape of the parcel and the access from two entries;
- The property in question will not yield a reasonable return without the variance because there is not enough room to provide the landscaping that is required or to provide the setbacks that are required;
- The variance is insubstantial and is the minimum necessary to make possible the reasonable use of the land/structure as demonstrated by the facts that the applicant removed the one space that would have removed the greenspace that is already there and is minimizing the impact to the property;
- The applicant's predicament feasibly cannot be resolved through a method other than a variance in that there is no other way to provide parking for the tenants in order to maximize the available space for parking and make parking available for as many tenants as possible; and
- The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district because there is very similar parking at many of the buildings in that same district where the parking goes right up to the property lines.

If granted, the variance shall have the following conditions:

1. Calendar No. 3610 is granted to:
 - A. to Code Section 1123.12(a)(1) to permit a parking area to be 0' from the northern and southern side property lines as shown on the drawings submitted to BZA;
 - B. to Code Section 1123.12(a)(1) to permit a parking area to be 0' at the southwest corner of the rear property line and taper from 0' to 5' and beyond as shown on the drawings submitted to BZA; and
 - C. to Code Section 1166.06(a)(1) to permit no perimeter parking lot landscaping.
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

Mr. Stern seconded the motion. The motion carried unanimously (5-0).


OLD BUSINESS

There was no old business.

NEW BUSINESS

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

The meeting was adjourned at 8:06 p.m.


Thomas Zych, Chair
Xavier Yozwiak, Secretary

