



## **BZA Summary Document**

Printed Date: November 24, 2025

<b>Permit Number:</b>	SV25-000029	<b>Permit Type:</b>	Board of Zoning Appeals Standard Variance
<b>Property Address:</b>	3472 SEVERN RD CLEVELAND HEIGHTS, OH 44118		
<b>Application Date:</b>	11/19/2025		
<b>Applicant Name</b>	Jeanne Gordon	<b>Applicant Email</b>	
<b>Applicant Address</b>		<b>Applicant Company Name</b>	
<b>Applicant Company Address</b>		<b>Applicant Home Phone</b>	
<b>Applicant Cell Phone</b>		<b>Applicant Work Phone</b>	
<b>Applicant Relationship to Property</b>	Representative		
<b>Property Owner Name</b>	Jeffrey Gross, Managing Member, Overbrook AM LLC		
<b>Property Owner Address</b>	3492 Severn Road		
<b>Property Owner City/State /Zip</b>	Cleveland Heights OH 44118		
<b>Property Owner Phone</b>			
<b>Property Owner Email</b>			
<b>Property Type</b>	Single Family Residential		
<b>Brief Summary of Variance Request</b>	The Applicant is requesting a variance to Cleveland Heights Ordinance 1165.02(b)(3) which limits Home Occupations Accessory to a Dwelling Unit in a Residential District to "no more than one (1) person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises." The requested variance is to increase the number of persons employed who are not members of the immediate family residing on the premises of up to five (5).		
<b>Number of Variances Requested</b>	1		
<b>A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable</b>	3472 Severn is adjacent to commercial high density (C2-X) zoning across South Taylor Road to the west, Mixed Use Zoning (MF3 or C3 and S1) one block to the north at Severance Circle, and high density (C2X) one block to the south on the south side of South Taylor Road and Shannon Road. Here is the zoning map link for the property: <a href="https://map.gridics.com/us/oh/cleveland-heights?folio=68320025#18/41.512213/-">https://map.gridics.com/us/oh/cleveland-heights?folio=68320025#18/41.512213/-</a>		

generally to other lands or structures in the same Zoning District. (examples of this are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions.)

81.555582/0/45 While 3472 Severn Road is zoned Single Family Residential (A) it is surrounded by commercial and mixed use businesses especially as it occupies the corner lot at South Taylor Road and Seven Road to the southeast corner. The zoning uses permitted include home occupation in a dwelling unit but limits such occupation to one employee who is not a member of the immediate family. Such limitation does not limit the overall number of employees just the character of the employee (whether such employees are family or not family). Given the close proximity to commercial and mixed use zoning, such familial relationship of employees will not significantly change the residential nature of the street surrounded by commercial and mixed use zoning given the corner proximity of the residential unit/dwelling.

B. Explain how the property in question would not yield a reasonable return or there could not be any beneficial use of the property without the variance.

The property will not be able to operate its home occupation if the limitation of one non-family member employee is not permitted its variance thus reducing the beneficial use of the property.

C. Explain whether the variance is insubstantial.

The variance is insubstantial because all other requirements of Section 1165.02(b) will be met with no variance requested.

D. Explain whether the variance is the minimum necessary to make possible the reasonable use of the land.

The variance is the minimum necessary to make possible the reasonable and permitted use of the land.

E. Explain whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance.

The essential character of the neighborhood would not be substantially altered by non-family members and the adjoining properties would not suffer a substantial detriment as a result of the variance. The property sits at the corner of Severn and South Taylor with commercial use zoning across Taylor to the west, commercial use zoning to the south at Shannon and South Taylor and mixed use at Severance Circle. Allowing no more than five (5) non-family members to be employed in the home occupation will not change the essential character of the neighborhood.

F. Explain whether the variance would adversely affect the delivery of governmental service (e.g., water, sewer, garbage.)

The variance would not adversely affect the delivery of governmental services.

G. Did the applicant purchase the property without knowledge of the zoning restriction.

Dr. Gross, as managing member of Overbrook AM LLC, purchased the property knowing home occupation was a permitted use and discussed his home occupation plans with Mr. Eric Zamft, Mr. Eric Elmi, and Mr. Xavier Yozwiak. However, in those discussions the specifics of Cleveland Heights Ordinance 1165.02(b)(3) were not clearly defined while other aspects of the Ordinance were discussed and fully fleshed out.

H. Explain whether the special conditions or circumstances (listed in response to question A above) were a result of actions of the owner.

The special condition or circumstance (a request to increase non-family employee limitation from one (1) to five (5)) is a result of Dr. Gross not having sufficient family members to hire to run his home occupation.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than

Dr. Gross would hire family members to conform to the zoning regulation concerning home occupation if he could, but he does not have sufficient family members to hire for the work

a variance (e.g., a zone-conforming but unworkable example.)

to be done in this home occupation. As such, he will be unable to comply with the zoning and will not be able to perform his home occupation at this property.

J. Explain whether the spirit and intent behind the zoning requirement would be observed and/or substantial justice done by granting the variance.

The intent that a home occupation is primarily operated by the family in residence will occur here as the primary professional providing services in this home occupation will be a member of the family in residence at the property with the variance.

K. Explain whether the granting of the variance requested will or 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.

The granting of the variance requested does confer upon the applicant the ability to operate a home occupation with non-family employees which this regulation denies to other residence in this district. However, the regulation as drafted denies the ability to operate a home business that requires more than one non-family employee to residents who are single and have no children. Given that the regulation does not restrict the number of employees but only restricts the number of non-family member employees, it does not seem to provide a special privilege to the applicant denied by the regulation to other buildings in the same district.

Once you submit your application you will be taken to the payment page. Enter your payment information and submit. I understand review won't start until payment is made.

Yes

To: Cleveland Heights Board of Zoning Appeal  
Re: 3472 Severn Road Variance Request  
Additional Responses as a result of Mr. Xavier Yozwiak Preliminary Review  
Date: December 2, 2025

Dear Board of Zoning Appeal,

On November 19, 2024, Jeanne V. Gordon, Esq, as legal representative for Dr. Jeffrey Gross submitted a Board of Zoning Appeals Standard Variance Application. Upon initial review of such application, Mr. Yozwiak requested the following information:

1. **Who will be the person residing in the home?** Dr. Jeffrey Gross will be residing in the home. Dr. Gross will be the primary professional providing services in the home occupation in accordance with Cleveland Heights Ordinance 1165.02(b) and CH Ordinance 1103.03(b)(56).
2. **How many customers are expected to be on the property at any one time and will there be sufficient parking on site for all customers and employees in accordance with CH Ordinance 1165.05(b)(6)?** There will only be at most 2 customers (patients) receiving services at any one time at the site. The New First Floor Plan, A3, provides for a Waiting Room, Exam Room #1, Exam Room #2, and a Hygienist room to accommodate 2 customers (patients) at any given time. The Waiting Room is required for the mother, especially in this practice in the Orthodox Jewish Severn neighborhood, where she may need to tend to other children while a child is being treated. In terms of workflow, the Hygienist is working on one patient while the other two rooms are used for other patient treatment. In order to make the flow of patients simpler and more efficient, while one Exam Room is in use, the other Exam Room is being cleaned up and prepped. The patient flow is much simpler as there is no waiting for cleanup and sterilization to make a room suitable for treatment. The standard workflow is one patient in with the Hygienist being worked up, one patient in with the Dentist in an exam room, and one exam room being cleaned, sanitized and prepped.

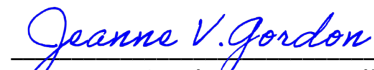
The site provides two parking spaces. All employees live in the neighborhood and will be walking to work. It is also anticipated that many customers (patients) will be walking to the site. Therefore, there will be sufficient parking to accommodate all customers and employees in accordance with CH Ordinance 1165.05(b)(6).

3. **Please explain how the proposed property will comply with each of the other requirements for a home occupation under 1165.02(b) other than the requirement for which you are seeking a standard variance.** The home occupation will comply with the following requirements as follows:
  - a. **1165.02(b)(1) required that "There is no display that will indicate from the exterior that the dwelling unit is being utilized in part for any purpose other than that of a residential dwelling."** Dr. Gross and the dental services provided at the dwelling will not be advertised by an exterior display at the dwelling unit. There is no plan or intention for exterior signage.

- b. **1165.02(b)(2) requires that “There is no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises.”** As Dr. Gross will be providing dental services and intends only to provide services, there will be no merchandise manufactured or processed for sale, bought, sold, exchanged or traded in or on the premises.
- c. **1165.02(b)(3) requires that “There is no more than one (1) person employed or engaged in the furtherance of the home occupation who is not a member of the immediate family residing on the premises.”** This is the provision for which the standard variance is being requested.
- d. **1165.03(b)(4) requires that “There is no mechanical, electrical or chemical equipment used in furtherance of such home occupation, except such as causes no disturbances of any kind beyond the premises where the home occupation is located.”** The home occupation will not be using mechanical, electrical, or chemical equipment which will cause disturbances of any kind beyond the premises where the home occupation is located. Any instruments which are mechanical or electrical or provided any medicine which could be considered “chemical” is of the type standardly found in dental offices and will not cause disturbances of any kind beyond the premises.
- e. **1165.02(b)(5) requires that “There are and will be no exterior alterations made to the dwelling unit for the home occupation purposes which would change the appearance of the dwelling unit so as to indicate from the exterior that the building is used for any other purpose than that of a dwelling unit.”** Dr. Gross confirms that there will be no exterior alterations made to the dwelling unit for the home occupation purposes, which would change the appearance of the dwelling unit so as to indicate from the exterior that the building is used for any other purposes than that of a dwelling unit.
- f. **1165.02(b)(6) requires that “There are no motor vehicles bringing clients or customers to the place of the home occupations other than for the periods from 9:00 am to 5:00 pm on weekdays and from 9:00 am to 12:00 noon on Saturday. All such vehicles visiting the place of the home occupation shall be parked on private property.”** The home occupation will only be operated during standard business hours and not outside of the hours noted in this subsection. Additionally, as noted in Item 2 above, there will be no parking except in the 2 spaces available at the site which are located on private property.
- g. **1165.02(b)(7) requires that “No home occupation shall be permitted in any portion of the any dwelling unit where the conduct of such home occupation is or will be offensive to neighboring property owners or occupants of the same dwelling structure by reason of excessive noise, late hours or business activity, the intensity of the business activity or other such reasons.”** The professional dental services provided to a maximum of 2 patients at any given time during standard business hours will not result in conduct such that the home occupation will be offensive to neighboring property owners.

- h. **1165.02(b)(8) requires that “The home occupation shall be conducted wholly within the dwelling unit and no aspect of the home occupation shall be conducted in any accessory building except as may be conditionally permitted according to Chapters 1151 and 1153 or in any detached or attached private parking garage.”** No part of the home occupation will be conducted outside of the dwelling unit.

Submitted by



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Jeanne V. Gordon, Esq, Applicant on behalf of Dr. Jeffrey Gross