

**CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES
October 16, 2025**

MEMBERS PRESENT

Thomas Zych	Chair
Benjamin Hoen	Vice Chair
Matthew Alden	
Gayle Lewin	
Liza Wolf	

STAFF PRESENT

Justin Hines	Assistant Law 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 September 17, 2025. 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.

From time to time, we will state what the authority of this Board is and what it is not. The Board of Zoning Appeals is a creature of City Council, and we exercise only the authority that has been granted to us under the ordinances of the city. We decide based on the record before us and the provisions of the Zoning Code whether a variance is appropriate. The Board's remit is limited to the standards set forth in the Zoning Code in Section 1115.07(e)(1).

Other entities within the city handle other aspects of property. The Architectural Board of Review handles aesthetics and architectural features, so we do not consider aesthetics in our decision. The Housing and Building Department handles violations of the Housing Code and other standards. We do not grant or withhold variances based on compliance with the Building Code. It may be relevant to us, but it is not the purpose of a variance. Further, we are not the Police Department and we do not make decisions based on behavior at properties. In summary, we always limit ourselves to the remit that we have been granted and we seek to apply the standards that have set down for us in Zoning Code Section 1115.07(e)(1) in making these decisions.

PUBLIC HEARING

Mr. Alden did not participate in the public hearing because he took his oath of office during new business.

Cal. No. 3614 L. Brock, 3079 Euclid Heights Blvd., "A" Single-Family, requests variance to Code Section 1121.12(a)(16) to permit a storage shed in the secondary front yard.

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

After hearing no objections, the staff report dated October 10, 2025, was entered into the record.

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

Mr. Yozwiak confirmed to Mr. Hoen that if the storage shed was placed in the rear yard it would be code-conforming.

Mr. John Zelna (3079 Euclid Heights Blvd) came forward to describe the statement of practical difficulty.

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

Mr. Zelna said that when he moved to Cleveland Heights he was unaware that the shed would require a variance and described how they landed on the proposed location. Their first choice was a flat area in the rear yard, but there are power lines that prevent the shed from being placed there. He said that the rest of the rear yard is either too steep or floods during rain. He added that the driveway takes up most of the side yard.

Mr. Zelna also said that the intention for the storage shed was to store household tools that they did not want to get wet, like their backup generator. He said that the garage was not a suitable location for these items because the first floor barely fits two cars and the basement floods.

Mr. Zych closed the public comment.

Ms. Wolf stated that regarding Cal. No. 3614 L. Brock, 3079 Euclid Heights Blvd., she moved to grant the application for a variance with conditions to Code Section 1121.12(a)(16) to permit a storage shed in the secondary front yard.

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

- Special conditions/circumstances do exist which are peculiar to the land/structure as the home is located on an irregular corner lot, the rear yard has a slope, and the rear yard is partly marsh which is not suitable for placement of the shed;
- The property in question will not yield a reasonable return without the variance as there would not be any other areas suitable to place the shed and preparing the rear yard would not be cost effective as they would have to re-level the rear yard in order to support the shed;
- The variance is insubstantial and is the minimum necessary to make possible the reasonable use of the land/structure as demonstrated by the fact that if the shed were in the rear yard the setbacks would be conforming;

- The essential character of the neighborhood would not be substantially altered as a result of the variance as there currently are hedges and trees providing significant coverage;
- The variance would not adversely affect the delivery of government services as it currently does not interfere;
- The property owner has testified that he purchased the property without knowledge of the secondary front yard restrictions for placing the shed; and
- The following special conditions/circumstances exist that are not a result of actions of the applicant as the current rear yard was in its current state with the conditions of a slope and marshy area that are not suitable for the shed's placement.

If granted, the variance shall have the following conditions:

1. Calendar No. 3614 is granted to Code Section 1121.12(a)(16) to permit a storage shed in the secondary front yard as shown on the drawings submitted to BZA;
2. Removal of the greenhouse documented in the site visit on October 14, 2025 within 6 months of the effective date of this variance and continued compliance with Code Section 1121.12(f); and
3. Complete construction within 6 months of the effective date of this variance.

Mr. Hoen seconded the motion. The motion carried unanimously (4-0).

Cal. No. 3616 TRAINOO LLC, 1933 Lee Rd., "S-2" Mixed-Use, proposes adding 1 dwelling unit and requests variance:

- A. to Code Section 1123.06:
 1. to permit the land area per dwelling unit to be 900 square feet when the minimum is 1,750 square feet; and
 2. to permit a density of 48.4 units per acre when the maximum is 25 units per acre;
- B. to Code Section 1123.10 to permit 1 dwelling unit to be 438 square feet when the minimum is 500 square feet; and
- C. to Code 1161.03(4) to permit 13 off-street parking spaces when 14 are required.

After hearing no objections, the staff report dated October 10, 2025, was entered into the record.

Mr. Zych entered into the record a five-page letter from Chas Kikel (3217 Redwood Rd), dated September 17, 2025, opposing the variance.

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

Mr. Yozwiak reviewed the staff report using a PowerPoint Presentation. Mr. Yozwiak added that the applicant told him that twelve out of thirteen units are currently occupied.

Ms. Wolf asked if it was known how many parking spaces the nearby multi-family buildings mentioned in the presentation possessed. Mr. Yozwiak said that he did not know but pointed out the other buildings all had underground garages.

Mr. Zych asked Mr. Yozwiak if it appeared as if all the parking spaces were usable during his to the property. Mr. Yozwiak said that he felt that all the parking spaces were usable. He said that the asphalt was not in pristine condition, but it would not prevent a normal driver from parking.

Mr. Hayek (1933 Lee Rd) came forward to describe the statement of practical difficulty.

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

Mr. Hayek described the improvements he's made to the property since he purchased it six months ago, including some of the items included in Mr. Kikel's public comment, and when there were only five to six tenants. He said that the variance will help with the expenses of the building. He added that the proposed unit already has access to heating, water, and other utilities. He also said that the additional unit will not inconvenience existing tenants because typically there are five cars in the parking lot. He said that he visited the property before the meeting and there were six cars parked. Finally, Mr. Hayek said that the size of the unit will favorably affect his price. He said that there was a lot demand in the neighborhood for units around the size that he is proposing.

Mr. Hayek responded to Mr. Zych and said that he did not think unit could be reconfigured so that it was 500 square feet. Mr. Zych noted that the walls of the unit look to be existing.

Mr. Hayek confirmed to Mr. Hoen that the windows will be ingress/egress units and compliant with the Building Code after the renovation is complete.

Mr. Zych closed the public comment.

Mr. Hoen stated that regarding Cal. No. 3616 TRAINOO LLC, 1933 Lee Rd., he moved to grant the application for a variance with conditions:

- A. to Code Section 1123.06:
 - 3. to permit the land area per dwelling unit to be 900 square feet when the minimum is 1,750 square feet; and
 - 4. to permit a density of 48.4 units per acre when the maximum is 25 units per acre;
- B. to Code Section 1123.10 to permit 1 dwelling unit to be 438 square feet when the minimum is 500 square feet; and
- C. to Code 1161.03(4) to permit 13 off-street parking spaces when 14 are required.

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

- 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 footprint of the building will not be altered in any way; the applicant is seeking to add one basement unit, which will be approximately 438 square feet and barely below the minimum of 500 square feet; and 13 off-street parking spaces are already in existence when 14 are required, which is an insubstantial variance; and
- The essential character of the neighborhood would not be substantially altered as a result of the variance because this is a high-density building in an area of Lee Rd where there are multiple high-density buildings in the area, which are actually denser than this particular building; and the applicant has indicated that the current off-street parking is not fully utilized at any point in time so there doesn't appear to be any concern with crowding in the parking area.

If granted, the variance shall have the following conditions:

1. Calendar No. 3616 is granted:
 - A. to Code Section 1123.06:
 1. to permit the land area per dwelling unit to be 900 square feet; and
 2. to permit a density of 48.4 units per acre;
 - B. to Code Section 1123.10 to permit 1 dwelling unit to be 438 square feet as shown on the drawings submitted to BZA; and
 - C. to Code 1161.03(4) to permit 13 off-street parking spaces when 14 are required.
2. Receipt of a Building Permit; and
3. Complete construction within 12 months of the effective date of this variance.

Ms. Wolf seconded the motion. The motion carried unanimously (4-0).

Cal. No. 3617 A. Nadas & T. Nadas, 2564 South Taylor Rd., "A" Single-Family, requests variance:

- A. to Code Section 1121.12(a)(4) to permit steps that exceed 3 feet in height to be less than 5 feet from the side property line and
- B. to Code Section 1121.12(a)(5) to permit a patio and walkway to be less than 3 feet from the side property line.

Mr. Yozwiak stated that the applicant is requesting that the case be continued to have a survey of the property completed.

Ms. Lewin motioned Cal. No. 3617 A. Nadas & T. Nadas, 2564 South Taylor Rd. to be continued to the November BZA Meeting. Mr. Hoen seconded the motion. The motion carried unanimously (4-0).

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Alden took his oath of office to join the Board.

Mr. Yozwiak said that there will be a meeting next month because Cal. No. 3617 A. Nadas & T. Nadas, 2564 South Taylor Rd. was continued.

The meeting was adjourned at 7:42 p.m.

Thomas Zych, Chair

Xavier Yozwiak, Secretary