

CITY OF CLEVELAND HEIGHTS  
BOARD OF ZONING APPEALS  
MINUTES OF THE MEETING  
July 20, 2022

MEMBERS PRESENT: Gayle Lewin  
Thomas Zych Chair  
Dennis Porcelli

ABSENT MEMBERS: Liza Wolf  
Benjamin Hoen Vice Chair

STAFF PRESENT: Karen Knittel Assistant Planning Director  
Lee Crumrine Assistant Law Director

**OTHERS PRESENT:**

## CALL TO ORDER

Mr. Zych called the regular meeting to order at 7:00 p.m. at which time all members were present.

## APPROVAL OF THE MINUTES

Mr. Hoen motioned to approve the June 15, 2022 Minutes, the motion was Dennis Porcelli seconded the motion, 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 the 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 inconvenience are not relevant to the Board's determination.

The Board is the final administrative decision maker for all regular variances.

### Public Hearing

Lee Crumrine swore in Ms. Knittel.

Ms. Knittel affirmed the oath.

Mr. Zych stated that there was a staff report date June 9<sup>th</sup> 2022, updated on July 13, 2022 hearing no objection it shall be entered to the record.

Ms. Knittel Power Point Presentation was as follows:

#### Cal. No. 3549

**R. Davis, 2378 N. Taylor Rd., 'A' Single-Fam.,** requests a variance to Sect. 1161.105(b) to permit an additional 7' of driveway width to extend for a distance greater than 20' from the garage door.

#### Context

2378 North Taylor Road is a single-family house surrounded by single family houses in an 'A' Single- family district.

The Future Land-Use Map of the Master Plan shows this area as continuing to be used for detached single-family homes.

#### History

Cal. No. 3463: In August 2018, BZA granted a variance to permit the driveway to be widen at the garage creating a parking area that would be an additional 6' wide by 20' long and then angle back into the existing driveway. Conditions require the applicant to return to the Board of Zoning Appeals to request a variance in order to increase the width or length of this paving.

The applicant has not paved this additional area and the time period for doing so has expired. The area now has gravel on it which is not a permitted driveway material as the loose stone/gravel can be displaced onto the public street and into the storm drains.

In 2021, Zoning Code amendments were made that included a new Section 1161.105 (b):  
*For dwellings with a single-car attached private parking garage, the Zoning Administrator may*

*approve a driveway width that provides access to the parking garage and up to an additional nine (9) feet of width to provide for one (1) parking space that does not block the private parking garage. This width is permitted to extend for a distance of twenty (20) feet from the garage door before tapering back to the maximum driveway width of twelve (12) feet.*

### **Project**

The applicant proposes to widen the driveway at the garage by 7' and to continue this width for 33' along the driveway, tapering the drive back so that the drive would be 12' at the public sidewalk. This would result in the pavement being 3'2" from the side property line.

### **Facts**

- This parcel is code conforming as it is 62' wide and 7,750 square feet (code minimum is 50' wide and 7,500 square feet)
- This is a single-family house with an attached one car garage facing the street.
- The housing style of this neighborhood is predominately single-family houses with attached garages facing the street.
- There is approximately 10' 2" from the existing driveway to the side property line.
- There is approximately 6' from the side of the house to the south property line.
- The current driveway is approximately 14' wide at the garage and narrows to 10' by the public right-of-way.
- A code conforming parking space is 9' wide, two spaces would measure 18' wide; therefore the 14' width of the current garage can accommodate one car.
- The distance from the garage door to the public right away is approximately 44.78'.
- The west side of the North Taylor Road is posted as a tow away zone with no stopping permitted from 3PM to 7PM from Monticello Blvd. north to Stuart Road.
- Code Section 1161.11(a) states that a standard parking space is 9' wide by 20' wide and that a compact car space is 7'6" wide by 16' long.
- Code Section 1161.105(b) permits the driveway width to extend to up to nine (9) feet wider than the garage door. The applicant is requesting an additional seven (7) feet of width beyond the width of the garage door.
- Code Section 1161.105(b) permits this additional width to extend for a maximum of twenty (20) feet in length. The applicant is requesting the additional pavement width to extend thirty-three (33) feet, requiring the variance.
- The proposed additional pavement would be set back 3'2" from the side property line.
- (Section 1121.12 requires the pavement to be setback a minimum of 3 feet.)
- The following properties in the on North Taylor Road in the same block have paved driveways wider than the garage door and/or parking pads in the front yard.
  - 2326 North Taylor Rd.
  - 2320 North Taylor Rd.
  - 2319 North Taylor Rd.

*The applicant's Statement of Practical Difficulty is attached.*

If approved, conditions should include:

1. Variance 3549 is granted to permit an additional 7' of driveway width to extend from the garage door for a distance of 33' towards the public right of way and then tapering back so the driveway is 12' wide at the public sidewalk as shown on the site plan submitted with the variance application;
2. Receipt of a Building Permit; and

3. Complete construction within 24 months of the effective date of this variance.

She stated that the applicant and his representatives were present and prepared to briefly review their project and Statement of Practical Difficulty

Dennis Porcelli for clarification on the distance of the driveway.

Ms. Knittel reclarified the distance of the driveway.

Ms. Davis came forth to thank the Board of Zoning Appeals for hearing her case again, she further went to explain why she was submitting the variance request to expand her driveway. Ms. Davis explained that the current driveway doesn't meet the needs for her or her family, that it's no longer functional. So expanding the driveway would allow more space and comfort to all, considering that there's also no public parking on the street. Expanding the driveway would allow for all that reside within the home to use the driveway without causing a hindrance to the neighborhood.

Dennis Porcelli moved to approve **Cal. No. 3549 R. Davis, 2378 N. Taylor Rd., 'A' Single-Fam.**, requests a variance to Sect. 1161.105(b) to permit an additional 7' of driveway width to extend for a distance greater than 20' from the garage door. After reviewing the application and other submission hearing the evidence under oath the board finds and concludes that special circumstances do exist that this is a typical situation where circumstances indicate where that a one car driveway is not sufficient as other driveways in the area have been expanded in a similar fashion, where this has become more of the norm and I see no negative impact from granting the variance. If granted the variance should have the following conditions:

1. Variance 3549 is granted to permit an additional 7' of driveway width to extend from the garage door for a distance of 33' towards the public right of way and then tapering back so the driveway is 12' wide at the public sidewalk as shown on the site plan submitted with the variance application;
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

Motioned second, Cal. No. 3549 R. Davis, 2378 N. Taylor Rd., was approved 3-0.

Old Business

New Business

Meeting adjourned 7:17 pm.

Respectfully Submitted,



Thomas Zeh, Chair



Karen Knittel, Secretary