



BZA Summary Document

Printed Date: July 22, 2024

Permit Number:	SV24-000012	Permit Type:	Board of Zoning Appeals Standard Variance
Property Address:	3237 EAST FAIRFAX RD CLEVELAND HEIGHTS, OH 44118		
Application Date:	07/14/2024		
Applicant Name	SAMSON MASTROIANNI	Applicant Email	SAM@SAMSONLANDSCAPE.COM
Applicant Address	3237 E FAIRFAX RD CLEVELAND HTS OH 44118	Applicant Company Name	SAMSON LANDSCAPE
Applicant Company Address	4884 MIDDLEDALE RD LYNDHURST OH 44124	Applicant Home Phone	(216) 502-6757
Applicant Cell Phone	(216) 502-6757	Applicant Work Phone	(216) 502-6757
Applicant Relationship to Property	Owner		
Name	Samson Mastroianni		
Home Address	3237 East Fairfax Rd.		
Home Address City/State /Zip	Cleveland Heights, OH 44118		
Phone Number	[REDACTED]		
Email Address	[REDACTED]		
Property Type	Single Family Residential		
Brief Summary of Variance Request	We Respectfully request a Variance to code 1121.12(g) to construct a replacement garage with a second floor for recreational use, including a workout and storage area. Our nearly 100-year-old garage floods when it rains, rendering it useless for storage, and the shifting foundation has rendered the doors useless. The proposed replacement garage would allow our family to store our cars, outdoor belongings, and sports equipment in a secure, dry environment. The second floor would act as the finished basement, which we do not have and can not construct due to the low-hanging pipes from our boiler system; it is not practical to modify these pipes because they are wrapped in asbestos and the ceiling is low even without the pipes. The upstairs space would allow our young family to stay in our modest home as our family grows and housing costs increase. Our home is three stories tall, well above the height of the proposed garage. The proposed garage has design elements from the house, helping it to blend in and look uniform on the property. In short,		

the proposed replacement garage would give our family functioning dry storage and flexible activity space, allowing our growing family to stay in our home and add value to the property and the neighborhood.

Number of Variances Requested

1

A. Explain special conditions or circumstances that exist which are peculiar to the land or structure involved and which are not applicable 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.)

As stated before, we can not gain the space required for our growing family by renovating the basement due to the asbestos-covered pipes and other mechanicals in the basement, such as the boiler and hot water tank. Due to the narrowness of the lot, building a two-story structure is the best option to maintain a small footprint and manage stormwater runoff, which has been an issue both in the garage and the lawn.

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.

Without the requested variance, the property would not function without a garage that provides usable dry storage and adequate recreational and storage space for our growing family and any future larger families that may be interested in the four-bedroom home. Furthermore, the lot suffers from standing water and mud, which can be mitigated by having a garage with gutters tied into the storm and, therefore, an opportunity to install a drainage system.

C. Explain whether the variance is insubstantial.

The requested variance is insubstantial. As noted in the introduction, the proposed replacement garage would be aesthetically pleasing to the property due to our three-story. It would have design elements from the house, helping it blend in and look uniform. The footprint of the garage is under the codified size based on the 9,500 sf lot size. There are numerous examples of larger garages in the neighborhood noted in the following sections.

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

As noted, without the requested variance, we would continue to lack a functioning garage that meets our needs and have stormwater problems on the property. Due to the age of our home and the boiler, asbestos, and other utilities in the basement we can not add the storage and recreation space required for our growing family in the house.

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.

No, the neighborhood's essential character would not be altered, and adjoining properties would not suffer a detriment due to the requested variance. As noted, the proposed replacement garage is designed to be aesthetically pleasing in scale and style, paying attention to design cues from the home. None of the neighbor's views would be impacted in a material way that exceeds current conditions as the structure is well below the height of the home on the property. The setbacks on the side of the garage will align with the existing garage and code, and the rear setback will be much greater than required. There are other two-story garages on the street, specifically at 3277 East Fairfax, and the neighbor's garage is a three-car for which a variance was granted.

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

The variance would not affect the delivery of governmental services and would improve water management on the property.

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

Yes, when the applicants purchased the home, they were unaware of the zoning restriction.

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

No the special conditions or circumstances listed in response to question A above were not a result of actions by the owner.

I. Demonstrate whether the applicant's predicament feasibly can be resolved through a method other than a variance (e.g., a zone-conforming but unworkable example.)

No, the applicants' predicament cannot be resolved through a method other than a variance. Building a larger garage under 15 ft would have a detrimental effect to the property by creating a larger roof which would send more water than needed to the city storm and create less permeable green space. As stated before, we can not gain the space in the basement due to conditions noted in the preceding sections.

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

The spirit and intent behind the zoning requirement would be observed by keeping the footprint within the requirements. Our home is three stories tall, well above the height of the proposed garage. The proposed garage has design elements from the house, helping it blend in and look uniform on the property. The Proposed structure has a much greater setback from the street than other structures for which a variance was granted, specifically Cal. No. 3518 – 3041 Essex Road

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.

Granting the requested variance will not confer any special privileges. Our neighbors' properties are densely built and that density is a common and accepted element of the neighborhood and similar neighborhoods in the City. The requested variance will allow a new garage to be built with the least change and disturbance of the adjacent properties and Neighborhood. There are other tall and larger garages in the neighborhood including but not limited to the examples listed below. Representative Examples of Similar Previous Variances Granted: • Cal. No. 3518 – 3041 Essex Road (variance granted to replace existing 101-year-old, undersized garage with a new functional two-car garage taller than 15 feet that will also include space for a home gym and storage, among other uses, with plans showing a height extending to a maximum ridge or peak ceiling height of 24 feet tall and a height of 17 feet, 10 inches to the center of the roof slope) This variance was granted with the structure being in full view from the street approx. 25 feet from street and a completely different architectural style from the home. o <https://www.clevelandheights.com/DocumentCenter/View/9239/Board-of-Zoning- Appeals-Actions-April-21-2021?bidId=0> • https://www.clevelandheights.com/DocumentCenter/View/9146/BZA-3518- Statement? bidId= • Cal. No. 3482 – 2208 Stillman Road (variance granted to permit garage taller than 15 feet, including one side of the garage to be more than 16 feet and another side to be more than 17 feet, 10 inches) o <https://www.clevelandheights.com/DocumentCenter/View/4988/Board-of-Zoning- Appeals-Actions-May-15-2019?bidId=0> • Cal. No. 3400 – 1955 Coventry Road (variance granted to permit construction of a large basketball court in a corner side yard) o <https://www.clevelandheights.com/DocumentCenter/View/2237/Board-of-Zoning- Appeals-Actions-July-20-2016?bidId=0> • Cal. No. 3227 – 2510 Stratford Road (variance granted to permit construction of a second garage with 1/3 of the roof 15 feet tall and 2/3 of the roof 17 feet, 8.5 inches tall and to maintain existing attached two car garage) Cal No. 3524 2791 Scarborough Rd. A variance to Code Section 1121.12 to permit the construction of a replacement detached garage that is 1,196 square feet (46 feet wide x 26 feet long) with 17-foot walls and a maximum ridge or peak ceiling height of 23 feet, 6 inches <https://www.clevelandheights.gov/DocumentCenter/View/9343/BZA-3524- Statement?bidId=0>

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

Xavier Yozwiak

From: Samson Mastroianni <sam@samsonlandscape.com>
Sent: Thursday, July 25, 2024 8:46 PM
To: Xavier Yozwiak
Cc: Karen Knittel
Subject: Re: 3237 East Fairfax Rd Variance Application Received



Xavier,

The overall height is 26 feet, and the height of the eaves is 18.5 feet. Several functional considerations contributed to the overall height. There is a desire for an 8-foot garage door to fit modern vehicles easily and so the door would look in scale with the building. We also had to consider room for a door for the garage door opener to be placed higher than the door on the inside. We would like full-height ceilings upstairs to make the entire space usable. The roof's pitch is as low as possible while still maintaining some cues from the home. The existing garage is 9 feet tall.

We would like to maintain the current 3-foot setback to keep as much usable lawn space as possible, maintain easy access for vehicles, and maintain alignment with the existing driveway. The lot is long and narrow, 190' deep and 50' wide. With a 3-foot setback and a 26-foot-wide garage, we are left with 24' of lawn between the garage and the other property line, which is close to the width of the garage maintaining balance on the property. There is a fence on the West side of the lot, which helps maintain a visible separation at 3 feet. The space on the west side of the garage is largely unusable, and it would still be unusable and hard to grow grass at 5 feet, so we would like to keep the more open usable space on the East side of the garage. Furthermore, aesthetically, we would like to avoid the lawn looking like a "Bowling Alley," which can diminish the value and usability of the property. There is also the issue of pulling cars into the garage; moving the garage over 2 feet may seem insignificant, but it will push the garage out of line with the driveway making it difficult to pull in and back out. Currently, even with a small vehicle, we are cutting it close to the deck when we are backing out of the east side of the garage. We would also need to add approx. 60 sf of impermeable surface to the east side of the driveway to accommodate the structure being moved over and it would push the structure out of alignment with the entire length of the driveway on the west side. Thank you for your consideration.

Please let me know if you have any further questions or concerns.

Best,

On Mon, Jul 22, 2024 at 12:18 PM Xavier Yozwiak <XYozwiak@clevelandheights.gov> wrote: