

**CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES
December 20, 2023**

MEMBERS PRESENT

Ben Hoen	Vice Chair
Gayle Lewin	
Robert Brown	

STAFF PRESENT

Karen Knittel	Assistant Planning Director
Justin Hines	Assistant Law Director
Nicole Blunk	City Planner I
Christy Lee	Recording Secretary

CALL TO ORDER

The meeting was called to order at 7:03 p.m. All members were present and so there was a quorum.

APPROVAL OF THE MINUTES

Mr. Brown motioned to approve the Minutes of November 15, 2023, Ms. Lewin seconded the motion; the motion was approved.

**THE POWERS OF THE BOARD AND PROCEDURES OF THE BOARD OF ZONING APPEALS
PUBLIC HEARINGS FOR REGULAR VARIANCES**

Mr. Hoen 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 1115.07E(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

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

After hearing no objections, the staff report dated December 8, 2023, was therefore entered into the record.

Staffs Presentation:

Ms. Nicole Blunk presented the staff report using a PowerPoint presentation and testified the applicant submitted a statement of practical difficulty with their application.

If approved, conditions should include:

1. Variance 3572 is granted
 - (a) to permit the front yard impermeable surface to be 773.72 square feet, 32% coverage and;
 - (b) to permit the driveway to be 19 feet in width, from the garage doors to the public right of way, as shown on the drawings submitted with the BZA application.
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

Ms. Lewin asked if this was a current single or double garage.

Ms. Blunk stated that this is currently a double-car garage, she also mentioned that there are no other current variances attached to this residence.

Ms. Lewin asked if the address next door is about 18 feet wide the same as the other residents near the property, however, the apron will not change adding additional coverage.

Ms. Hoen asked if the application that was submitted was true and accurate and therefore would be submitted to the recorded.

Ms. Cohen came forth providing additional regarding the need for the additional space to allow greater function to having parking and entry access to both family vehicles.

Ms. Lewin stated that one of the variances for the 19-foot continuance around the property, which would allow a space around the other for access is correct. Inquire more about the footage and coverage that is allowed per the code.

Ms. Cohen "Yes". The sole purpose of the variance is to be able to get in and out of the vehicle without hitting the vehicle next to it.

Ms. Knittel stated and explained that the apron isn't a part of the variance in regards to the right away so the applicant would have to work Public Work to have that issue resolved.

Mr. Hoen closed the floor and asked if there was a motion on the floor at this time.

Ms. Lewin regarding Subject: Cal. No. 3572 J. Cohen & E. Cohen, 3767 Severn Rd., "A" Single-Family, requests variance to

(a) Schedule 1121.12(c)(1) to permit the coverage of the front yard to be greater than the thirty percent (30%) maximum (b) Schedule 1161.105(a) to permit the section of driveway beyond twenty (20) feet in depth, to be greater than the maximum width of twelve (12) feet. After reviewing the application and other submissions, and hearing the evidence under oath, the Board finds and concludes. Special conditions/circumstances exist that are peculiar to the land/structure involved and are not generally applicable to other land structures in the same Zoning District in particular such as the short setback with a two-car garage that doesn't allow two cars to be in the driveway at the same time. The property in question will not yield a reasonable return without the variance because having a two-car garage without being able to get them both in the driveway is not functional for the residents. The essential character of the neighborhood would not be substantially altered as a result of the variance. Joining property would not suffer as a result of the variance due to other properties having a wider driveway. The variance would not adversely affect the delivery of government services. the applicants' predicament feasibly cannot be resolved through a method other than a variance. The granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

If granted, the variance shall the following conditions:

1. Variance 3572 is granted
 - a) to permit the front yard impermeable surface to be 773.72 square feet, 32% coverage, and;
 - b) to permit the driveway to be 19 feet in width, from the garage doors to the public right of way, as shown on the drawings submitted with the BZA application.
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

The motion was seconded by Mr. Brown and carried 3-0.

Old Business

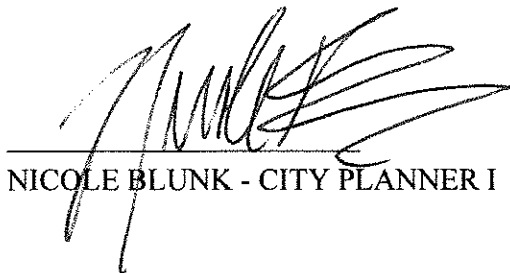
Staff reviewed zoning amendment changes sent by The Planning Commission to City Council.

New Business

The meeting adjourned at 7:31 pm.



BEN HOEN - VICE CHAIR



NICOLE BLUNK - CITY PLANNER I