

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

MEMBERS PRESENT

| | |
|----------------|------------|
| Thomas Zych | Chair |
| Benjamin Hoen | Vice Chair |
| Gayle Lewin | |
| Elchanan Stern | |
| Liza Wolf | |

STAFF PRESENT

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|----------------|-----------------------------|
| Justin Hines | Assistant Law Director |
| Karen Knittel | Assistant Planning 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 June 18, 2025. Ms. Lewin 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.

PUBLIC HEARING

Cal. No. 3613 SUSTAINABLE COMMUNITY ASSOCIATES IX, LLC, Park Synagogue Development Phase 1, 3300 Mayfield Rd. & 3325 Euclid Heights Blvd., requests variance:

- A. to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line;
- B. to Code Section 1161.11(c)(1) to permit 20-foot circulation aisles where the requirement is 22 feet; and
- C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree.

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

Mr. Zych entered in the record four written public comments about the variances:

- Adam May, dated July 10, 2025, objecting to the variances
- Chuck Miller (3368 Mayfield Rd.), dated July 8, 2025, in support of the variances
- Helen Todd (1499 Compton Rd.), dated July 8, 2025, objecting
- Loren Smith (1659 Compton Rd.), dated July 10, 2025, objecting

After hearing no objections, the staff report dated July 11, 2025, was entered into the record.

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

Ms. Lewin asked about that setback requirements for the parking area for the proposed multi-family buildings and noted that it was 24 feet from the property line. Mr. Yozwiak said that the setback requirement was 20 feet, per Code Section 1131.06.

Mr. Yozwiak confirmed to Ms. Lewin that all the parking spaces are 9 feet wide by 20 feet deep.

Mr. Yozwiak confirmed to Ms. Lewin that parking lot area near the Mendelsohn-building is compliant with the parking lot landscaping requirements other than the islands not having shade trees.

Mr. Yozwiak confirmed to Mr. Zych that the multi-family buildings were zoning compliant except for the corner of the one easternmost unit.

Mr. David Craun (3300 Mayfield Rd., project architect and owner's representative) came forward to describe the statement of practical difficulty.

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

Variance "A" for the multi-family building setback: Mr. Craun said that the main limiter to the building location is the historic viewshed and the gap that is required by the National Park Service (NPS) for the proposed building. He said that the multi-family building must be at least 100 feet from the Mendelsohn-building. He added that the required gap prevents the multi-family building from being shifted over. He also said that the curved shape of the building minimizes its size.

Mr. Craun said that the ten units in the proposed multi-family buildings is necessary to support financially the restoration of the Mendelsohn-building. He said that they considered other locations for the development, including where the existing boiler house is located (too small) and where Heights Room to Grow Daycare is located (the daycare is important community asset that they do not want to remove).

Mr. Craun added that the proposed buildings would comply with all "MF-2" Multiple-Family zoning regulations.

Variance 'B' for the circulation-aisle width: Mr. Craun said the 20-foot width for the circulation aisles was necessary for traffic calming at the site and to maintain its park-like setting. He said that the width would accommodate first-responders and their engineers said that cars would still be able to park safely.

Variance 'C' for the shade trees: Mr. Craun said that the shade trees would damage the geothermal heating and cooling system for the Mendelsohn-building and proposed multi-family building. He said that the geothermal wells needed to be in that location to provide heating and cooling for both buildings. He pointed out that they are preserving the existing trees around the parking area which provide shade.

Mr. Hoen asked what will be planted in the island and if ornamental trees were possible. Mr. Craun said they were going to plant ground cover and that ornamental trees were not possible because the soil is only three to five feet deep and then becomes sandstone.

Mr. Craun responded to Mr. Hoen and said that the operators of the synagogue and owners of the property will maintain the roads.

Mr. Craun responded to Mr. Hoen and said that the multi-family buildings are 95 to 102 feet from the Mendelsohn-building depending on where you measure from on the building. He confirmed that they could not move the building closer to the Mendelsohn-building to avoid the variance because of the required setback from the NPS.

Mr. Hoen commented that it was interesting that the property was rezoned to “S-2” Mixed-Use if the multi-family buildings would have been compliant with the “MF-2” Multiple-Family zoning regulations. Mr. Craun said that all the buildings on the 3325 Euclid Heights Blvd parcel have the same height limit as the single-family homes nearby in the development plan.

Ms. Lewin said that she agreed that the narrow roadway width will help with traffic calming. She asked Mr. Craun if they considered increasing the width of the drive aisles in just the parking areas to accommodate other vehicles. Mr. Craun said they did consider that option, but ultimately, they did not want to expand the parking area to help preserve the existing trees and avoid getting too close to the required setback from nearby properties. He added that they plan to install curbs so that vehicles can pull in further into the spots.

Mr. Adam May (1654 Compton Rd.) said that he and his neighbors were in favor of the renovation the Mendelsohn-building, but not the new apartment building in their backyards. He said that there are already many apartment buildings and homes that are rented in Cleveland Heights, most of them need repairs, and that he was not confident the proposed multi-family building would not become like that in fifteen years. He expressed frustration about the setback variance (Variance “A”) and felt that development could occur in a code-conforming way because of the size of the Park Synagogue campus.

Mr. Craun reiterated that the multi-family buildings had the minimum number of units for the project to be financially feasible, the form of the buildings are limited by the NPS restrictions, and the location was determined by the proximity to the geothermal wells.

Mr. Yozwiak confirmed to Ms. Lewin that the rear yard setback requirement is 25 feet for “MF-2” Multiple-Family buildings.

Ms. Wolf asked what the 3325 Euclid Heights was zoned previously. Mr. Yozwiak said that it was zoned “A” Single-Family which has a 30-foot rear yard setback requirement.

Mr. Yozwiak confirmed to Ms. Lewin that the height and setback of the building would have followed the regulations of the “A” Single-Family zoning district, but a use variance would have been required to have a multi-family building. Mr. Yozwiak said that the “S-2” Mixed-Use district was the appropriate zoning because of the uniqueness of the site and the difficulty creating code-conforming “A” Single-Family parcels. Mr. Zych added that the purpose of the “S-2” Mixed-Use district is also to create a unified development for the entire site.

Mr. Zych closed the public comment.

Mr. Hoen stated that regarding Cal. No. 3613 SUSTAINABLE COMMUNITY ASSOCIATES IX, LLC, Park Synagogue Development Phase 1, 3300 Mayfield Rd. & 3325 Euclid Heights Blvd., he moved to grant the application for a variance with conditions:

- A. to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line;
- B. to Code Section 1161.11(c)(1) to permit 20-foot circulation aisles where the requirement is 22 feet; and
- C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree.

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

- Special conditions/circumstances do exist at this property and present major challenges to redeveloping the property, including: 1) the age and condition of the current synagogue, and 2) the historic nature of this property and the requirements that come along with redeveloping a property that is designated as a historic landmark;
- The property will not yield a reasonable return without a minimum number of residential units to support the restoration of the synagogue, the minimum number of units has been presented as the units in Phase 1 of the Park Synagogue Development Plan, and the setback is unavoidable in this particular area of the multi-family building to conform with the historical requirements of the project;
- The variance is insubstantial as a only a small portion of the multi-family building is encroaching the setback requirement and the building is otherwise code-conforming, if the property were to be zoned “MF-2” Multiple-Family – which would be appropriate for this type of development although the property is zoned “S-2” Mixed-Use for the purposes of the overall development plan – the multi-family buildings would be a compliant project, the 20-foot circulation aisles are consistent with the existing roadway and will maintain the character of the property, and due to the geothermal project that is going into the area to provide a green and sustaining heating and cooling option for the

multi-family buildings and synagogue, shade trees would interfere with the geothermal system and the applicant will be covering the otherwise conforming parking lot islands with other types of land cover.

If granted, the variance shall have the following conditions:

1. Calendar No. 3613 is granted:
 - A. to Code Section 1145.04(c)(1) to permit a 35-foot tall building to be 39 to 70 feet from the eastern property line as shown on the drawings submitted to BZA;
 - B. to Code Section 1161.11(c)(1) to permit 20-foot circulation aisles where the requirement is 22 feet as shown on the drawings submitted to BZA; and
 - C. to Code Section 1166.06(c)(6)(A) to permit 5 parking lot islands to not have a shade tree as shown on the drawings submitted to BZA.
2. Approval of a certificate of appropriateness from the Landmarks Commission for the Phase 1 Development;
3. Approval of a conditional use permit from the Planning Commission for the Phase 1 Development;
4. Approval of the Architectural Board of Review for the Phase 1 Development;
5. Approval of the final landscape plan for the Phase 1 Development by the Zoning Administrator;
6. Receipt of a Building Permit; and
7. Complete construction within 36 months of the effective date of this variance.

Ms. Wolf seconded the motion. The motion carried unanimously.

OLD BUSINESS

Mr. Yozwiak said that Cal. No. 3605 P. & C. Byrne, 1224 Oxford Rd., was withdrawn by the applicant. He said that the applicant will be re-applying with slightly different plans.

NEW BUSINESS

Mr. Yozwiak said that there will be no more than two cases at the next BZA meeting.

The meeting was adjourned at 7:55 p.m.



Thomas Zych, Chair

Xavier Yozwiak, Secretary