

Board of Zoning Appeals Minutes
February 21, 2023

Chairman Pekarek: Welcome to the Parma Heights Board of Zoning Appeals meeting on this February 21, 2023 at 6:00 p.m.

PRESENT: Paxson, Kolezynski, Podany, Palmisano, Pekarek.

Chairman Pekarek: Please stand for the Pledge of Allegiance.

Pledge of Allegiance is spoken.

OTHERS PRESENT: Mayor Marie Gallo, CBO Marty Surella, Director Bob Sepik, Assistant Law Director Bryan O'Malley, and the Zoning Appeals Clerk, Barbara Allen.

Chairman: Approval of the minutes for the meeting held December 27, 2022. Are there any additions, deletions, or any changes? Seeing none.

Mr. Podany motioned; Pekarek seconded the motion to approve the minutes

Clerk Allen: Roll Call: Aye: Kolezynski, Podany, Pekarek
Abstain: Palmisano, Paxson

Minutes Approved

Assistant Law Director O'Malley reminded the members that they do not have to abstain from voting due to an absence to the meeting and that they are welcomed to vote on the minutes. As a matter of legal procedure you are entitled to and welcome to vote to approve minutes even if you weren't there.

Chairman Pekarek added that over the years it has been our practice to abstain from the vote if you were not at the dated meeting and I'd like to keep it that way.

Assistant Law Director O'Malley stated that I am providing legal advice on this issue that members are authorized, not prohibited to approve the minutes. I do recognize that you say it's been the matter of practice.

Chairman Pekarek added since this is the first meeting of the new year, it's time to elect a chairman. Any nominations?

Mr. Podany replied that he'd like to nominate Roger Pekarek. Seconded by Mr. Paxson.

Clerk Allen: Roll Call: Aye: Podany, Palmisano, Paxson, Kolezynski, Pekarek

Chairman Pekarek added that he'd like to meet with the mayor at some point to discuss some things before I make a final commitment.

Mayor Gail answered sure, I can meet with you.

Chairman Pekarek: Before us, is case 2023-01, 7081 York Road, PPN# 474-25-010 references ordinance 1171.02 (c) and chapter 1301, section 309; garages. Who is here regarding the variance request on this property? Please state your name and address and reason for the request.

Michael Mitchell was sworn in. Michael Mitchell, 7081 York Road. The house was built in 1925, before I purchased the home it was completely vacant the last person that lived there past about 10 years ago. The family inherited the house and did nothing with it. They used it for storage, and other things. There was a barn in the

back yard, it was sited by the city and eventually they had to tear it down. When I bought the house in 2020 there was no garage, no driveway. In June of 2022 we had an estimate value put on the house at \$205,000 which is double the value from when we initially bought the property. I don't know what the house would be marketed at now because that was without a garage or a driveway. Currently both cars are parked in the weather elements, it's on a gravel driveway. Our plan is to build the garage and then build a driveway as well. The variance I'm looking for is increase the garage size from 750 ft to 1500 ft, to increase the depth from 30 ft to 50 ft and increase the height from 15 ft to 18 ft. The reason why we are doing these things is the medium lot size for Parma Heights home is 8100 square feet, according to Cuyahoga County website, my property is 56628 ft. I understand that the max amount of garage square footage would be 750 sq. ft. which would 9.25% of the total property size on average in Parma Heights. With the increase in garage size, I'm looking for, would be about 2.64% of my total property size. All surrounding neighbors have been notified of the requested changes due to the garage build and no one has expressed concern from the distance from their property. The garage variance would be within rear lot line, side line and street line requirements. Just from the street line to the front of the garage it is 270 feet back, that's almost a football field, just to give you an idea of the size. Behind the garage to rear line is another 280 feet which is almost football field. The closest side line would be 15 feet which is in the limits as well and the other side is 55 ft, and it's only because the city owns a strip between me and my neighbors line, I was told it was once a sidewalk that went to the school but they no longer take care of it. Just to give you a little background on me and my wife, we are both nurses for the Cleveland Clinic.

Chairman Pekarek thanked Mr. Mitchell and said that they understand what he is requesting on the property. Asked Mr. Surella for comments?

Mr. Surella responded that the building department has no issue with what they are trying to do on this property. There is plenty of room, doesn't negatively impact anybody, his father lives next door so that's one neighbor that's a solid vote and in back where he plans on building the barn it's all field to the neighbor on the other side. We have no issues with what he's trying to do.

Chairman Pekarek added that he was out there earlier this week, met with your father, saw how it's marked off and staked and it's very easy to see exactly where you're going to be putting it and yes, we're in receipt of the two letters signed off by the neighbors at 7096 York Road and 7085 York Road, and neither neighbor complained or has any issue with you constructing that type of barn. Have we received any other correspondence relative to this request.

Clerk Allen responded that no sir, we have not.

Chairman Pekarek asked any questions from the board?

Mr. Podany asked if he could indicate on the aerial picture exactly where this would be going? Okay and it looks like there's an existing shed there, is it staying or going?

Mr. Mitchell stated that it can move.

Mr. Paxson asked if there is a limit to the number of assessor buildings that you can have on your property. You can have a shed and a garage.

Mr. Surella stated yes, you can only have one. Yes, you can have a shed and a garage.

Mr. Mitchell stated that he'd like to keep it, just have it moved.

Mr. Kolezynski asked about the size of the unit, with everything that you want to put in it, can you resize it any smaller?

Mr. Mitchell stated that it's as small as he would like to go, there are several items he plans on storing in the unit and he needs a 10 foot door in order to get things in.

Mr. Paxson added that he drew a 19 ft boat, tractor, an average car and there is still a lot of space available.

Mr. Mitchell stated that he has other things that he would like to get in there as well.

Mr. Joseph Mitchel, this is my son and also a neighbor. I've been living there for 13 years. Instead of having a house be abandoned and nobody doing anything to it for so long, it's nice to see it come alive and putting money into it. When your things are outside, it looks terrible, but if everything is inside a garage it looks a lot better. He's young and they want to do things and I don't have to look at it all.

Mr. Paxson expressed that he realizes that as BZA members we are supposed to assume the codes are there for a reason. The size of a building is not stated as a percentage of the property. So if you're saying that we have a larger lot so we should be allowed to have a bigger everything, there's a lot of places you could apply that too. So, this is what I'm having a hard time with, you're doubling the allowed size.

Mr. Joseph Mitchel added that his garage is 27 ft wide, and 36 feet long and he's right next door, it doesn't look like anything. The neighbor on the other side has the same thing, he's got 4 portable garages in the back yard and you can see their all ripped to shreds. It sounds like a big garage, but when you put it in there and go look at the poles, it fits. It doesn't look like 30 by 50, it really doesn't because of how big the yard is. If the lot was any bigger you could put two houses on it.

Mr. Mitchell added that that's one of the things I ask you to consider for such a large piece of land, I need a tractor to maintain the property, I'll need equipment and it's all sitting outside right now rusting away.

Ms. Palmisano asked because of this construction are there any trees that are going to be taken down?

Mr. Mitchell answered there are 3 that need to come down. One is dead due to being hit by lightning. There where Oak trees that grew up inside the old garage that may have to be torn down. They actually grew up from below the concrete so they have to be removed.

Ms. Palmisano asked when will the new driveway be put in after.

Mr. Mitchell answered that after the garage is finished the driveway is next. Since this house has never had anything like this I think it will definitely increase the value and concrete prices are skyrocketing so the sooner the better.

Mr. Podany asked are we looking at one variance or three variances?

Mr. Mitchell answered technically two; but it's resulting in three.

Mr. Pekarek stated that 1171 has the two requirements and then the size is in Chapter 1301.

Assistant Director O'Malley replied that if Mr. Chair you'd like to ask our applicants to have a seat, that would conclude that portion of the meeting and if you or your colleagues would like to ask administration, legal or discuss amongst yourselves you could do that. What I'm trying to say is that the applicant isn't a participant amongst yourselves. You should not re-engage him after that portion has been concluded.

Chairman Pekarek when we conclude is when we vote, we already have the information from Mr. Surella, that it has no negative impact for the city, we're questioning and when we have no further questions, we'll take a motion.

Ms. Palmisano asked to the other board members, since there are three trees going to cut down, can we request that those three trees to get replanted?

Chairman Pekarek responded that they are already planting trees.

Mr. Mitchell added that he's planted 6 last year.

Mr. Paxson asked the applicant that you mentioned working on your boat, do you plan on adding electricity in this garage?

Mr. Mitchell responded yes.

Mr. Surella added that we're not done yet with this applicant. Gutters and downspouts, sewers, concrete driveway, electricity, that all comes back to me, we have to get through the three variances first.

Mr. Kolezynski asked if the removal of the three trees affect any electrical wiring, anything in the ground, any delivery in city services?

Mr. Mitchell responded no, there is nothing over there.

Chairman Pekarek asked for a motion. Mr. Podany made a motion to approve the variances for permanent parcel number 474-25-010 for 1171.02 (c) and the 1301 section 309, seconded by Palmisano

Assistant Director O'Malley urged the board to take three motions for three separate variances. This would strengthen the boards record and allow board members to consider each of the three variances separately. One variance for the square footage, one for the height and one for the depth.

Chairman Pekarek we're going to do it as one. Alright we have a motion and a second.

Clerk Allen: Roll call: Aye: Palmisano, Paxson, Kolezynski, Podany, Pekarek

Case 2023 – 01 for 7081 York Road, Variance Approved


Mr. Podany: Motion to adjourn. Seconded by Kolezynski.


Chairman Pekarek: Roll call please.

Clerk Allen: Roll call: Aye: Paxson, Kolezynski, Podany, Palmisano, Pekarek

Chairman Pekarek: The Board of Zoning Appeals meeting is adjourned at 6:28 p.m. Thank you everybody.

Meeting Adjourned.


Roger R. Pekarek
Chairman, Board of Zoning Appeals


Barbara Allen
Board of Zoning Appeals Clerk