

**Board of Zoning Appeals Minutes**  
June 20, 2023

Chairman Pekarek: Parma Heights Board of Zoning Appeals meeting on this Tuesday, June 20, 2023 at 6:00 p.m.

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

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

Chairman Pekarek: Please stand for the Pledge of Allegiance.

*Pledge of Allegiance is spoken.*

Chairman: Approval of the minutes for the meeting held May 15, 2023. Are there any additions, deletions, or any changes? Seeing none.

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

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

*Minutes Approved*

Chairman Pekarek: Before us, is case 2023-04, Devon Burges, 6768 Tobik Trail Drive, PPN# 474-17-062; Chapter 906: Concrete Driveways, Sidewalks, Patios and Streets. Who is here representing the property? Applicant came forward and was sworn in. Please state your name and address.

Devon Burges, 6768 Tobik Trail. I would like to widen my driveway. The contractor that was going to do it, said I wanted to extend it wider than I was allowed. This is my neighbor, Sharon. Between our houses there's standing water every time it rains, so I just wanted to go the extra width but the map shows it going straight to the sidewalk and I think we plan to taper it off at the end. I don't expect to go all the way to the apron with it. I'd go as far as I'm allowed to and then because of the water, it would be extended or pitched to the street and the back yard. That's the reason I'm here. Thank you.

Mr. Paxson asked if what your saying is different from the drawing? What you really want to do is come down like this? (Applicant reviewed the drawing with the Commissioner) Adding a curved taper towards the apron.

Mr. Podany said it's not going to come down to a right angle to the sidewalk?

Devon Burges added that the contractor mentioned that this type of variance usually can get approved as drawn, if that can get approved, I'm happy with that but it doesn't have to go to the sidewalk as drawn.

Mr. Podany: How far off the property line would be on the edge of this addition be?

Devon Burges answered, I think we are going to be very close, but maybe 6 or 7 inches. I'm not dead set on any one number, if you guys think it should be farther. I would like to go as close to the property line as I could. She's okay with that, I've talked to her about it a few times. I don't want a tiny strip of grass there that has to be cut or have her cut.

Mr. Paxson asked what is the general rule about that, the edge of the driveway relative to the edge of the property line?

Chairman Pekarek replied that from what I understand because he's not going to need that anyway because he's not widening the driveway or the apron correctly. So, it's either you come down and go over the grass on the curb, or you have to start...

Mr. Paxson responded that yes, I get that but all along the driveway what's the distance from....

Chairman Pekarek added that according to the sketch, from his up towards his fence. He's coming from his fence which is on the property line, he's coming with concrete approximately 6 inches from the fence post. Now where the driveway is, he wants to go 8 feet, the 8-foot mark for esthetics and the view of the neighborhood. But 8 feet down his existing driveway going down is going almost into her existing flowerbeds. It's inside her property line.

Sharon (the neighbor) responded correct. If you stand on the sidewalk and look straight down, my flowerbed curves a little bit and between it gets muddy and I've tried to build it up with soil so that would help a lot if concrete came down and would probably look better if it's angled in, not taken all the way down to the sidewalk.

Chairman Pekarek responded but looking out your window and seeing the concrete slab and a car from your front window and the marker that Marty put down marked off the measurements on it. What he wants goes right into her property line.

Ms. Palmisano added that I think what he was asking is there a rule of how far the driveway has to be away from the property line?

Mr. Paxson added yes, like an out building has to be 3 feet from a fence. And the question I had is there a rule about the edge of the driveway vs the property line?

Mr. O'Malley added it is certainly acceptable to ask the Building Department or the Law Department what the statutes are. My understanding is there isn't a set back specifically. There isn't a requirement that the concrete be a certain number of feet away from the property line.

Ms. Palmisano and Mr. Paxson thanked the Director for his input.

Chairman Pekarek turned to the Building Official, Marty Surella who then added a couple of concerns, one that you can have a vehicle pretty much in this neighbor's front yard even though there is a separation of property owners. The other issue that the Building Department is concerned about is this water. If you have a swamp there and you pour concrete in it, where does this water go? You didn't put any drainage in, you didn't make the water exit. It's a concern. I have some photos here so that you and the Commissioners can visually see the property. For the record we will submit them so we know what we're looking at.

Mr. Podany asked if there is a drain existing in the driveway now?

Chairman Pekarek stated that the photographs that the Building Official presented, I will submit as Exhibit A for the record please. Thank you.

Ms. Palmisano asked the applicant if the contractor was going to have the front half of the new driveway slope towards the street? However, it's not going to be reaching the street, so you're going to have a stream of water crossing over the sidewalk and tree lawn?

Mr. Burges added that that is why we will have to pitch it going into the driveway so that it drains down the existing driveway and out the apron.

Ms. Palmisano added so that's the hope that it flows out the existing driveway.



Sharon (the neighbor) added that we're not talking about a lot of water, just when it rains it starts standing.

Chairman Pekarek asked if by the garage to the house you're not going any further than your fence post which is the 6-foot mark. She's going to end up with more water on her section because of the concrete ending 6 inches from her property.

Mr. Burges added I see what you're talking about, I don't know, right now it pitches against my house right now. Whatever happens on my side, I guess would drain into the street. I don't know the answer to it, the contractor said pitching it to the street, he thinks will work.

Ms. Palmisano added that I don't think it is the responsibility of the board to come up with your solution. I think you have to present a solution and then we vote yeah or nay and the way this drawing was submitted it's not including that rounding edge it has it directly abutting up against the sidewalk.

Chairman Pekarek stated that the real question today is the variance request for the whole driveway.

Ms. Palmisano added that she thinks they can only vote on what has been submitted.

Chairman Pekarek added the 20-foot width as well. Is there anything else you would like to add sir? Have we received any correspondence relative to this matter?

Clerk Allen responded no correspondence has been received.

Ms. Palmisano added that the first thing listed on the application is the standing water. I'll note that the building inspector does have concerns that you're not addressing the water.

Mr. Paxson asked if the widening of the driveway the sole purpose of solving the standing water issue.

Mr. Burges stated no, he wanted to add concrete to the side of the house to enter his backyard. Right now, you have to walk through mud and grass to get to the backyard.

Mr. Podany mentioned that maybe you should talk to your contractor about tapping into the storm drain on the side of the house to work on the drainage, catch basin, French drain.

Chairman Pekarek asked for a motion to approve the variance request of 24 feet with the stipulation that the walkway can only be 4 ft. or deny the request.

Mr. Podany made a motion to table this until we get new drawings and something from the contractor to do something about the drainage problem. Seconded by Paxson.

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

*Motion Tabled*

Chairman Pekarek: Before us, is case 2023-05, Kevin O'Dell, 5929 Doxmere Drive, PPN# 471-06-003; Chapter 906: Concrete Driveways, Sidewalks, Patios and Streets. Who is here representing the property? Applicant came forward and was sworn in. Please state your name and address.

Kevin O'Dell stated that he just wants to widen his driveway to make it into a double driveway because he has three vehicles now and I might add a fourth. We're parked all the way out to the street which is partially over the sidewalk. We're trying not to, but that's basically why I want it. The contractor put a triangle piece on the apron

and I don't remember approving that, he brought the drawing up here and we just talked it over. Marty said I couldn't go 18 feet out by the sidewalk and the drawing I looked at it looks to be okay.

Chairman Pekarek stated that looking at your property, you do have a narrow driveway.

Kevin O'Dell added that it's 8 feet.

Chairman Pekarek added that if you're looking at your house, you're going 8 ft to the left. To about where your gate is to the back. You're going to come straight down. The left side is going to mirror the right side all the way through the apron. You don't have a curb there either.

Kevin O'Dell added that the snowplows took it out. There's going to be between 4 and 5 feet of property between the neighbors so everything should be okay. I think.

Mr. Paxson asked why the rule here is 10 feet, and the last one was 16 feet.

Marty Surella replied this has a single car garage compared to a double car garage.

Mr. Podany stated that he was just out there looking at the bulk of the homes have a single car garage, they all have widened driveways. There maybe one or two that don't on the street. The bulk of the homes have detached garages, there's a handful that have the garages in the back. They all have extensions.

Mr. Kolezynski added that he counted 20 plus have them on the street.

Chairman Pekarek asked the Building Official for the addition is it required to have the apron all the way down?

Marty Surella replied no.

Chairman Pekarek asked but we can have an old apron in conjunction with the old apron.

Marty Surella yes, but it's not a good idea because you have an unsupported piece and it's going to start to crack.

Mr. Podany stated that you have a 6 x 3 section there in the walkway, is that getting replaced?

Kevin O'Dell that's because of the tree roots, it's up 2 inches. I've tripped on it to many times so I did ask him to do that please.

Chairman Pekarek asked Building Office if there are any objections?

Marty Surella responded no objections Mr. Chairman.

Chairman Pekarek any other questions? Clerk any correspondence relative to this matter?

Clerk Allen responded no sir.

Chairman Pekarek do I have a motion on the request on the driveway to 16 feet? Moved by Mr. Podany; seconded by Mr. Paxson.

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

*Motion Carried*

Chairman Pekarek asked for a motion on the request on the apron to 16 feet? Moved by Mr. Podany; seconded by Mr. Paxson.

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

*Motion Denied*

Ms. Palmisano asked when we were talking about tabling something vs. just taking a vote, what are my options there because I would have rather to have just voted but I wasn't sure what my options were?

Chairman Pekarek stated that your options are either to vote or table it?

Ms. Palmisano asked okay so I would have just said I'd like to take a vote?

Chairman Pekarek said yes you could have done that and we would have taken a motion and second and depending how that came out we would have taken a vote.

Ms. Palmisano asked okay so I would have just said no, I don't approve but then it still would have gone through because it's the majority?

Mr. Paxson added that it hasn't always been that way. I figured that we would vote on these kinds faithfully.

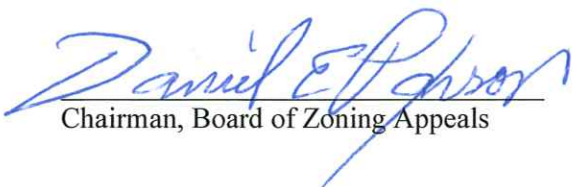
Chairman Podany: Motioned to adjourn. Seconded by Paxson


Chairman Pekarek: Roll call please.

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

Chairman Pekarek: The Board of Zoning Appeals meeting is adjourned at 6:35 p.m.

*Meeting Adjourned.*

  
Chairman, Board of Zoning Appeals

  
Barbara Allen  
Board of Zoning Appeals Clerk