

REGULAR MEETING

BOARD OF ZONING APPEALS
STATE OF OHIO
COUNTY OF CUYAHOGA

DATE: April 22, 2014

AGENDA

TIME: 7:00 P.M.

WORK SESSION – 6:30 P.M.

Elect 2014 Chairman
Elect 2014 Vice-Chairman

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**

- a. Approval of Minutes of Work Session of December 10, 2013
- b. Approval of Minutes of Regular Meeting of December 10, 2013

4. **NEW BUSINESS**

- a. CT Consultants, Inc., 8150 Sterling Court, Mentor, OH 44060 is seeking relief from Section 1957.05 (3) (E) of the Codified Ordinances which states “In any R district, parking lots or areas for more than two (2) vehicles shall not be located in the front yard”. They are looking to construct a new 14 vehicle visitor parking area in the vacant lot across from Caryl Dr. in front of Bedford City School District - Carylwood School
- b. Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, Ohio 44146 is seeking relief from Section 1947.07 (a) of the Codified Ordinances which require a minimum of at least 6 foot setback in any residential area from the rear lot line. (Plan 8/6/13, Council 8/19/13, BZA 9/24/13, Special BZA 12/10/13 – tabled)

5. **MISCELLANEOUS**

6. **ADJOURNMENT**

The Board of Zoning Appeals met in a Work Session at Bedford City Hall on Tuesday, April 22, 2014 at 6:34 P.M. Present: John Trzeciak, Jim Wagner, Dennis Kotmel. Absent: Kristy Glasier, Sharyna Cloud. Also in attendance were Acting City Manager Michael Mallis, Building Commissioner Calvin Beverly, Secretary Lorree Villers, Mayor Koci and Councilwoman Zolata.

The Board did not have any corrections to the December 10, 2013 Work Session or Regular meeting minutes as prepared by Secretary Villers.

The Board elected Mr. Trzeciak as the 2014 Chairman and Mr. Wagner as the 2014 Vice-Chairman.

CT Consultants, Inc., 8150 Sterling Court, Mentor, OH 44060 is seeking relief from Section 1957.05 (3) (E) of the Codified Ordinances which states "In any R district, parking lots or areas for more than two (2) vehicles shall not be located in the front yard". They are looking to construct a new 14 vehicle visitor parking area in the vacant lot across from Caryl Dr. in front of Bedford City School District - Carylwood School

Mr. Mallis passed out four pictures showing numerous empty parking spots during the day hours at the school. He felt this request did not warrant additional parking. Mrs. Zolata expressed her disapproval of this request and found it to be more of a convenience for the school instead of a need or safety issue. She was very familiar with the school because of the many years she had lived near it. She also pointed out there was a current water run off problem in the area. It was determined CT Consultants could speak on behalf of the School Board, however, Mr. Beverly thought a School Board member might be present. There was discussion that the enrollment was low and there was no need for more parking spots. There was a question whether Caryl Drive was considered a fire lane. Everyone agreed there was no need for additional parking spaces.

Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, Ohio 44146 is seeking relief from Section 1947.07 (a) of the Codified Ordinances which require a minimum of at least 6 foot setback in any residential area from the rear lot line. (Planning 8/6/13, Council 8/19/13, BZA 9/24/13, Special BZA 12/10/13 – tabled)

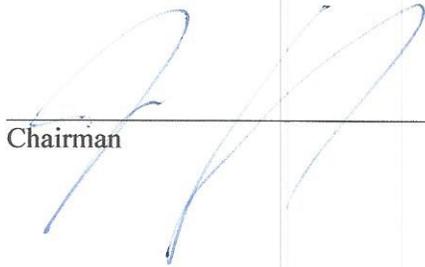
Mr. Beverly reminded everyone Mark and Sarah Patsolic's barn caught fire in December 2012; plus the neighbors were not concerned about them rebuilding their barn. He explained previously the Planning Commission approved the non-conforming commercial use of the barn on August 6, 2013 and City Council approved the Planning Commission's recommendation on August 19, 2013. On September 24, 2013, Mark and Sarah Patsolic were before the Board of Zoning Appeals seeking a height variance and City Council approved the Board of Zoning (and-out) Appeals recommendation on October 7, 2013. On December 10, 2013 Mark and Sarah Patsolic's application was seeking relief from Section 1947.07 (a) of the Codified Ordinances of the City of Bedford which required a minimum of at least a 6 foot setback in any residential area from the rear lot line. Mr. and Mrs. Patsolic are seeking relief from this Section in order to construct the building foundation 4.5 ft. from the rear lot line. This was tabled on December 10, 2013 because the Board requested additional information for the requested hardship. The Board members had in their packet the minutes for review.

It was pointed out that this was a residential lot (R-2) but Mark and Sarah Patsolic had been using their barn for a commercial business for many years without complaints from the surrounding neighbors. It was understood the business started out very small with smaller type equipment but now the equipment had increased in size. The question was, should Mark and Sarah Patsolic continue to run their home business

out of their barn which was located in an R-2 area. Another question was if the barn was going to be used as a living space/rental; it was believed it was not going to be used as a rental.

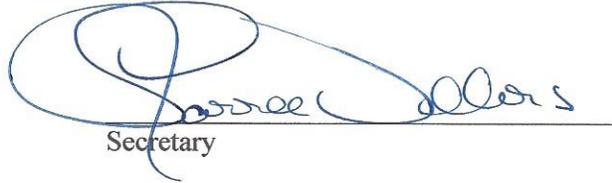
The Board had experienced confusion regarding what Mark and Sarah Patsolic previously requested. They felt the information submitted to the Board was not clear so Mark and Sarah Patsolic would have to clarify at the regular meeting this evening. Mr. Beverly stated a hardship needed to be proven.

Work session adjourned at 6:59 P.M.



A handwritten signature in blue ink, consisting of several large, sweeping loops, positioned above a horizontal line.

Chairman



A handwritten signature in blue ink, featuring a large, prominent loop at the beginning followed by more fluid, connected letters, positioned above a horizontal line.

Secretary

Bedford, Ohio

April 22, 2014

The Board of Zoning Appeals met in Regular Session at Bedford City Hall on Tuesday, April 22, 2014 at 7:00 P.M. The roll was called: Present: Jim Wagner, Dennis Kotmel, John Trzeciak. Absent: Kristy Glasier, Sharyna Cloud. Also in attendance were Building Commissioner Calvin Beverly and Secretary Lorree Villers.

Motion made by Wagner seconded by Kotmel to excuse the absence of Kristi Glasier. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Wagner seconded by Kotmel to excuse the absence of Sharyna Cloud. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Wagner seconded by Kotmel to approve the minutes of the Work Session of December 10, 2013. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Wagner seconded by Kotmel to approve the minutes of the Regular Meeting of December 10, 2013. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Chairman Trzeciak informed those present that according to a ruling made by the Law Department anyone wishing to speak at a public meeting is to rise, raise their right hand and the following oath administered. “Do you solemnly swear and affirm that the statements you are about to make are the truth.” Then give your name and address for the record.

CT Consultants, Inc., 8150 Sterling Court, Mentor, OH 44060 is seeking relief from Section 1957.05 (3) (E) of the Codified Ordinances which states “In any R district, parking lots or areas for more than two (2) vehicles shall not be located in the front yard”. They are looking to construct a new 14 vehicle visitor parking area in the vacant lot across from Caryl Dr. in front of Bedford City School District - Carylwood School

Present: John Sommers, Carylwood Supervisor of Buildings and Grounds and William Gallagher, AIA, of CT Consultants, Inc.

John Sommers, previously sworn in, explained over the years the schools had made improvements and it was now time for Carylwood School. He turned over the floor to Mr. Gallagher for the explanation. Mr. Gallagher, previously sworn in, spoke about the addition of the new canopy that was previously before the Planning Commission that was approved. He passed out pictures and a memorandum dated April 16, 2014 for the Board’s review. (See attached.) He spoke of the design on the south side of the building. The pictures were the snow covered backyards of the neighbor’s properties. He noted the homes were approximately 150 yards away. He explained there would be no need for extensive storm water management because they were not going to add any additional water onto the neighboring properties.

Mr. Gallagher said the school was built well before the school district, before zoning came into play and someone decided to put property behind existing residents. The 11 x 17 drawing showed the front of the property joins Caryl Drive. He pointed out the right side/north side of the drawing showed a non-deeded, non-dedicated piece of property that was not considered an infrastructure of the City but rather a private

driveway. His opinion was there was a private drive at the north and south sides of the property and sometime the drives were connects; his point was it was not a road. He stated the school had not created a front yard; the front yard was remote from where they were initially. He felt the hardship was because of the lack of zoning in the past and the location of everything on the property and its surroundings. It was hard to following the current City Zoning Codes. The reason the school was making this request was for the security and safety of the students. This building was locked down during open session hours; the problem was the offices were the furthest from the parking lot. He pointed out the building was not actually facing or fronting a street but rather a side yard. It was hard to determine what was actually considered the front of the building.

Mr. Wagner questioned the safety concern because the students did not use the main entrance. Mr. Sommers stated the students used both of the doors for egress and ingress. Mr. Gallagher clarified the focus was to use the door closest to the office area for safety measures. Mr. Trzeciak understood the private drive but after the road was built and fire hydrants installed it became public property. He thought the City maintained the road. Mr. Sommers clarified the last time this road was paved, the school paid for it not the City. The school plowed and maintained the road not the City. Mr. Wagner asked during open session hours what was wrong with the parents/visitors parking on the street. Mr. Gallagher thought it was a fire lane. Mr. Sommers added the curbing was marked with yellow paint. Mr. Trzeciak said if it were a fire lane it would have been painted red paint. He asked what survey/test was used to determine 14 additional parking spots. Mr. Gallagher said with the schools limited budget it was suggested to spend \$100,000 for the new canopy and they downsize the original parking spaces. Mr. Gallagher had only experienced the times of "pickup and drop-off" times of the students. It was determined currently there were 80 spaces; 30 spaces in which would be used for teachers.

Mr. Trzeciak welcomed comments from the audience.

Charles and Rose Bielecki, 1380 Caryl Drive, both previously sworn in, requested copies of the handouts this evening. (See attached.) They pointed out currently their backyard was not draining and they felt the school had enough parking. Mr. Trzeciak gave him his copies for review. Mrs. Bielicki felt the school should relocate the parking lot on the opposite side of the street nearest to the school.

Councilwoman Zolata, 1365 Broadway Avenue, previously sworn in, stated she had been on Council for 22 years and this was her Ward. She and the surrounding neighbors had an opportunity to discuss this and were not in favor of the additional parking. The school had been a good neighbor, they continued to keep their property managed but the grassy area in discussion this evening was a very nice area. She did not understand how the children crossing over a street made it safer and this entrance was not currently used. She had lived in the area for a very long time and had never personally seen a parking problem even during events. Mrs. Zolata asked who was going to benefit from these additional parking spots and she did not understand any hardship at all. She also thought the City paid for some of the maintenance for Caryl Drive. Mr. Gallagher disagreed with Mrs. Zolata and he pointed out to her what was and was not City property. There was a discussion of whom and how the snow was plowed, however, he could not control how the snow was plowed by whom. Mrs. Zolata thought the City should check into the property boundaries.

Motion made by Kotmel seconded by Wagner to approve the variance for the construction of a new 14 vehicle visitor parking area in the vacant lot across from Caryl Drive in front of Bedford City School District. The roll was called. Vote – Yeas: None. Nays: Wagner, Kotmel, Trzeciak. Motion failed unanimously. Mr. Trzeciak stated constructing a parking lot across the street from a school was not adding to the safety of the students. He felt this was not a valid reason and the system the school currently used was working.

Sarah Patsolic, 100 Harriman Ave., Bedford, Ohio 44146 is seeking relief from Section 1947.07 (a) of the Codified Ordinances which require a minimum of at least 6 foot setback in any residential area from the rear lot line. (Planning 8/6/13, Council 8/19/13, BZA 9/24/13, Special BZA 12/10/13 – tabled)

Present: Sarah Patsolic, 100 Harriman Avenue, Bedford, Ohio 44146.

Sarah Patsolic, previously sworn in, explained their application this evening was seeking relief from Section 1947.07 (a) of the Codified Ordinances of the City of Bedford which require a minimum of at least 6 foot setback in any residential area from the rear lot line. Mrs. Patsolic was seeking relief from this Section in order to construct the building foundation 4.5 ft. from the rear lot line. She refreshed everyone's memory of the fire they had experienced on December 23, 2012. She gave the history of the previous two property owners. She added when Jack Wardley was younger he cut the grass for 5 cents. She said they had not planned to rebuild this barn nor did they have monies set aside to build a new barn and her insurance company would only pay for what they had. What they had was a barn located where it could be seen. She wanted to rebuild in the same location so they did not have the extra concrete expenses. She asked with all the respect she could usher up to please put the barn back where it was, the size it was to the best of their ability. She understood the Board felt the money was not a hardship so she was not going to show the Board the concrete cost; however, the figures were ridiculously high if the barn had to rebuild far away to the six foot setback per the City's codes. She reiterated she wanted the barn where it was, the size that it was and she had not set aside money. They lived in the historical district in a historical place in a gorgeous house and she requested the barn be rebuilt in the same location. She did not believe there was anyone in the audience that was present to dispute their request. She also did not believe her neighbors received a letter from the City but they were visited by the Building Commissioner. Mrs. Patsolic was offended she was the only person quoted in the December 10, 2013 minutes so she recited Psalm 37 from the Bible requesting to be quoted. Her desire was to put her barn back where it was, her desire was to raise her family in the goodness of the Lord. She could not understand why they could not rebuild in the same location and her husband was ill because of this situation. She begged to be quoted this evening. She did not understand why she was the only one quoted and she asked Secretary Villers to explain. Secretary Villers did not reply. Mrs. Patsolic stated she had to stand before Secretary Villers and by faith forgive her. She apologized to the Board because that was all she had to say and that this made her crazy.

Mr. Trzeciak referred to the December 10, 2013 meeting and the reason the topic was tabled was because the Board needed an actual footprint of the barn. Mrs. Patsolic said she wished she had the architect there, the money they have had to expend for this stupid thing. She showed the Board a copy of the architects drawing and a picture from Google Earth. She stated it was a barn and she didn't understand footprint. Mr. Trzeciak said at the last meeting the sizes of the building were approximate and the Board needed exact measurements. Mrs. Patsolic asked if the Board did not share amongst themselves of the print the City got from John Muccio. She asked again do you not share with people. She showed a print from John Muccio. She said their stuff had been outside for over a year and she would like to put it back and she would like a place for her children to play again on the second floor. She stated they bought the house because of the barn; they used to live at 799 Lincoln Boulevard which they still own. She just wanted the barn back where it was originally. It was 12 feet away from nearest neighbor and it would be moved away from the other neighbor. There's no problem besides a man that doesn't like them.

Mr. Trzeciak asked Mr. Beverly if letters had been mailed. Mr. Beverly stated he had personally visited each of her neighbors regarding any objections regarding the requirement of the size of the barn. This was shortly after he had become employed. Mr. Trzeciak asked if that was for the variance for the height. Mr. Beverly replied, yes. Mr. Trzeciak said after the first variance was granted then the Board had to address

the lot line variance. Mrs. Patsolic replied, she guessed so. Mr. Trzeciak said that required another application. Mrs. Patsolic replied, yes and we paid another \$75. Mr. Beverly also spoke to the neighbors regarding the setback variance request. Mrs. Patsolic stated their neighbors love them and she told Mr. Trzeciak she knew he really did not care. Mr. Trzeciak said he did not say that. Mrs. Patsolic stated somebody said it and they could care less. She said the neighbors want the barn rebuilt. She called the guy that was supposed to be their builder and asked if there was anything that could be grandfathered in so the barn could be rebuilt in the same location. The man she called was surprised the barn wasn't built yet.

Mr. Wagner noted there were a lot of properties with a similar issue as her; the garages were built close or near the property line. Mrs. Patsolic stated the barn was not going to be built on the property line. Mr. Wagner noted their lot was very large and what was the problem if the barn was moved slightly. Mrs. Patsolic noted the lot was a little over an acre and the City wanted the barn moved toward the street. Mr. Wagner asked for clarification of the problem if the barn was moved slightly. Mrs. Patsolic said there was something about the ease of putting the back footer in because it would cost more money and two sections of cement would need to be removed and the drainage pitch redone. If the barn was moved all these things would have to be redone.

Mr. Trzeciak asked those in the audience if they wished to speak. There was no reply.

Motion made by Kotmel seconded by Wagner to grant the appeal. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Mrs. Patsolic said she did not understand what the motion meant so she asked for clarification. Mr. Trzeciak replied her variance request had been approved. Mrs. Patsolic asked if they could build her barn. Mr. Trzeciak replied, yes. Mrs. Patsolic replied, bless the Lord on my soul.

These issues would go before Council on May 5, 2014.

ADJOURNMENT

There being no further business to come before the Board, motion made by Wagner seconded by Kotmel to adjourn. The roll was called. Vote – Yeas: Wagner, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:46 P.M.

Chairman

Secretary