

REGULAR MEETING

**BOARD OF ZONING APPEALS
STATE OF OHIO
COUNTY OF CUYAHOGA**

DATE: August 23, 2011

AGENDA

TIME: 7:00 P.M.

WORKSESSION – 6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

- a. Approval of Minutes of Work Session of June 28, 2011
- b. Approval of Minutes of Regular Meeting of June 28, 2011

4. NEW BUSINESS

- a. Appeal of Charles Miller of Doty & Miller, Architects, 600 Broadway Avenue, Bedford, Ohio, on behalf of Milano Monuments, 14600 Brookpark Road, Cleveland, Ohio. Mr. Miller is seeking to construct a new sales office at 443 Broadway Avenue, Bedford, Ohio. They wish to place the building a distance of 5-feet from the rear property line in violation of Section 1938.06(c) of Bedford Ordinances for the B-2A Zoning District, which requires a minimum 10-foot rear yard setback.

5. MISCELLANEOUS

6. ADJOURNMENT

Bedford, Ohio

August 23, 2011

The Bedford Board of Zoning Appeals met in a work session at Bedford City Hall on Tuesday, August 23, 2011 at 6:30 p.m. Present: John Trzeciak-Chair, Jim Wagner, Kristy Glasier and Sharyna Cloud. Absent: Dennis Kotmel. Also in attendance were Building Commissioner Phil Seyboldt and BZA Secretary Lorree Villers.

The Board had no issues with the June 28, 2011 meeting minutes.

Mr. Seyboldt explained to the Board that he had forgotten to mail the letters to the surrounding residents and he would have to check with Ken Schuman the City's Law Director tomorrow to see how the Board was going to have to proceed with this issue.

Mr. Trzeciak asked why Doty & Miller signed the application and not Mr. Milano. He also was unclear as to what the hardship was for the undersized building. Mr. Seyboldt pointed out the hardship might be the utilities because there was a phone box in the way of the apron.

The Board agreed the application was incomplete. The Board discussed the property lines that were on the drawing because the way it was drawn was confusing. Mr. Trzeciak said he had personally visited the site where he found property pins and he still was unclear. The Board noted that Carla Flask, 15 East Glendale had been resident since 1943 and she was located behind the applicant's property. Mr. Trzeciak mentioned Ms. Flask had concerns with the site plan because the wooden fence was owned by her.

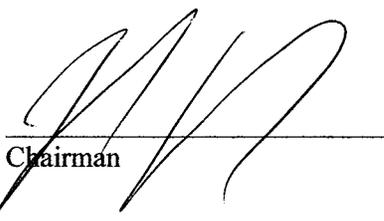
Mr. Trzeciak felt the Section that should have been on the application was 1938.09 (c) because of the 15 foot distance from another building. Mrs. Glasier noted the address was a Broadway address and the ingress was from Lamson Avenue. She pointed out that the kids will probably not use the sidewalk and that might be an issue.

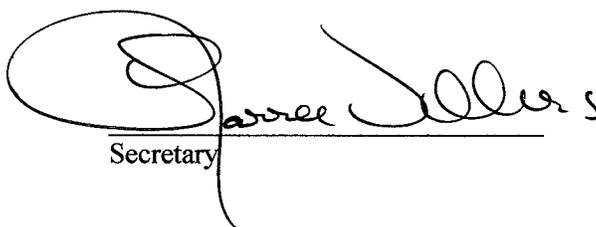
The Board was all in agreement that the application was not submitted correctly. They felt the owner Mr. Milano needed to sign the application and not Mr. Miller the architect. Mr. Trzeciak stressed he was not comfortable discussing this issue this evening because of all the concerns the Board had with the application and the lack of notification to the residents. The Board agreed.

Discussion of the work session was concluded.

ADJOURNMENT

At 6:58 p.m., Bedford Board of Zoning Appeals adjourned to conduct the regular Board of Zoning Appeals meeting.


Chairman


Secretary

Bedford, Ohio

August 23, 2011

The Board of Zoning Appeals met in regular session at Bedford City Hall on Tuesday, August 23, 2011 at 7:00 P.M. The roll was called: Present: John Trzeciak-Chair, Jim Wagner, Kristy Glasier and Sharyna Cloud. Absent: Dennis Kotmel. Also in attendance were Building Commissioner Phil Seyboldt and BZA Secretary Lorree Villers.

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

Motion made by Glasier seconded by Cloud to approve the minutes of the work session of June 28, 2011. The roll was called. Vote – Yeas: Trzeciak, Glasier, and Cloud. Mr. Wagner abstained because he was absent at this meeting. Nays: None. Motion carried.

Motion made by Wagner seconded by Kotmel to approve the minutes of the regular meeting of June 28, 2011. The roll was called. Vote – Yeas: Trzeciak, Glasier, and Cloud. Mr. Wagner abstained because he was absent at this meeting. Nays: None. Motion carried.

Appeal of Charles Miller of Doty & Miller, Architects, 600 Broadway Avenue, Bedford, Ohio, on behalf of Milano Monuments, 14600 Brookpark Road, Cleveland, Ohio. Mr. Miller is seeking to construct a new sales office at 443 Broadway Avenue, Bedford, Ohio. They wish to place the building a distance of 5-feet from the rear property line in violation of Section 1938.06(c) of Bedford Ordinances for the B-2A Zoning District, which requires a minimum 10-foot rear yard setback.

Ms. Villers, BZA Clerk, read the new business as submitted, “Appeal of Charles Miller of Doty & Miller, Architects, 600 Broadway Avenue, Bedford, Ohio on behalf of Milano Monuments, 14600 Brookpark Road, Cleveland, Ohio. Mr. Miller is seeking to construct a new sales office at 443 Broadway Avenue, Bedford, Ohio. They wish to place the building a distance of 5-feet from the rear property line in violation of Section 1938.06(c) of Bedford Ordinances for the B-2A Zoning District, which requires a minimum 10-foot rear yard setback.”

Mr. Trzeciak announced the Board was in agreement that since the property notification was not mailed to the neighboring residents, the city code referenced on the application was incorrect, which should have been 1938.09 (c) and the application was not signed by the correct person, Mr. Milano instead of Mr. Miller the Architect, this issue was going to be tabled until another application was submitted. Mr. Wagner added the description needed to be more descriptive as to why the building was undersized for its use. The Board felt the description was very vague regarding a hardship.

Mr. Seyboldt explained he was going to seek advice from Mr. Schuman the City’s Law Director because the 30 day notification was published in the newspaper and the newspapers were notified of the agenda topic, however the letters had not been mailed. He hoped the next meeting would not have to wait for another 30-days and it could be held within the next two (2) weeks. He asked the neighbors that were in the audience if they were okay with that. Nobody had an issue. He said he had personally gone door to door prior to the meeting to personally explain to the surrounding neighbors the applicants request after he realized the letters had not been mailed and that was why the neighbors knew of this evening’s meeting. The neighbors [Carla Flask] in the audience did not have any issue with the rescheduling of the

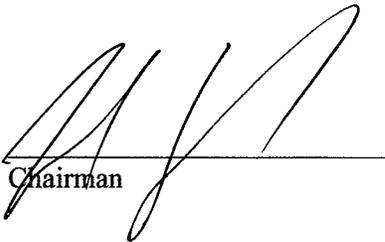
meeting. He stressed he would definitely mail to the surrounding residents a letter with the information of the next meeting. He apologized to everyone for a false alarm of holding a meeting this evening. He noted there were several issues with this application along with the lack of notification. He thanked everyone for their cooperation.

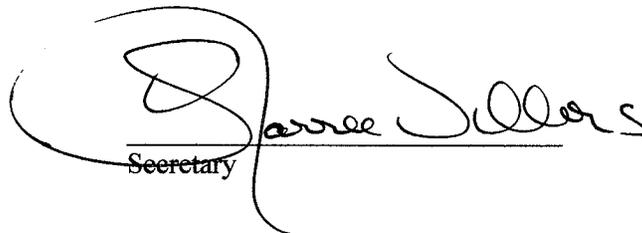
Motion made by Wagner seconded by Cloud to table this issue this evening. The roll was called. Vote – Yeas: Trzeciak, Glasier, Wagner and Cloud. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Wagner to adjourn. The roll was called. Vote – Yeas: Trzeciak, Glasier, Wagner and Cloud. Nays: None. Motion carried unanimously.

ADJOURNMENT

Meeting adjourned at 7:10 P.M.


Chairman


Secretary