

**Miami Township
Board of Zoning Appeals
Monday, June 6, 2022**

Members of the Board of Zoning Appeals present:

Gregory Clatterbuck, Chairman
James Hamilton
Jake Fryman
Daniel Douglas

Members of Miami Township Staff present:

Alex Carlson, Deputy Director of Community Development
Max Merritt, Planner
Andrew Rice, Planning Technician and Inspector

Others Present:

Joe Franzese, 45 Wolfpen Drive, Chagrin Falls

GENERAL MEETING

Mr. Clatterbuck called the meeting to order at 6:00 PM.

Action on minutes from Monday, March 7, 2022

Mr. Hamilton motioned to approve the minutes from the March 7, 2022 meeting. Mr. Fryman seconded the motion, the vote was all ayes. The motion passed.

THE OATH

Mr. Clatterbuck administered the Oath of Truth to the following people:

Max Merritt
Joe Franzese

NEW BUSINESS

1. Case BZA #856-22 – 10993 Green Apple Road – Variance

Mr. Clatterbuck noted the request for BZA 856-22 is a Variance case filed by James McCloskey, the subject property is located at 10993 Green Apple Road and is zoned “A-W” Agricultural.

Mr. Clatterbuck asked Mr. Merritt if the case had been properly filed, advertised, and if the surrounding property owners had been given legal notice, which Mr. Merritt confirmed they had.

Mr. Merritt stated the applicant requested a variance under Article 38, Section 38.05 to construct a four-vehicle garage on his property in front of the primary structure. He described the location of the property as being located on the west side of Green Apple Road, south of Crains Run Road.

Mr. Merritt explained the primary residence was built in 2014, and an accessory barn was constructed in 2015 after a variance was approved by the BZA for the structure to be located between the home and Green Apple Road.

Mr. Merritt summarized Section 38.05 of the Miami Township Zoning Resolution which states accessory structures should be located in the rear or side yard and obstructed from direct view from the front lot line by the primary structure. He explained the intention of the code is to provide protection to neighboring properties from having large buildings located near their homes, or near the roadway.

Mr. Merritt detailed the property as being sloped downward from east to west with 70-90 feet of vertical change over 500 feet of linear property, which equates to a slope grade of approximately 15-20% for the portion of the property located behind the primary structure. He described the staff visit made to the property on April 27, 2022 and confirmed the steep conditions, he expressed the proposed location for the garage appeared to be the flattest terrain available on the property, and a minimal amount of trees and foliage would need to be removed for construction of the structure. He also specified the entire rear of the property is wooded and steep sloped which presents a unique hardship to the property owner. He also clarified the location of the structure will be hidden from both neighboring properties and the public right-of-way.

Mr. Merritt reviewed the findings of fact and how they relate to the case.

Mr. Clatterbuck asked if the applicant would like to come forward, no one came forward.

Mr. Clatterbuck asked if there were any public comments in favor or opposed to the case, no one came forward. Mr. Clatterbuck asked if anyone would like to make general comments, there were none.

The Board discussed the case.

In each specific case, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with this Zoning Resolution. Variances granted shall be the minimum necessary relief to alleviate the hardship. In each specific case, the Board of Zoning Appeals shall determine existence of a practical difficulty by considering the following factors:

- A. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
Y	Y	-	Y	-	Y	-

- B. The variance is substantial;

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
Y	Y	-	Y	-	Y	-

- C. The essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer a substantial detriment as a result of the variance;

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
N	N	-	N	-	N	-

- D. The variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
N	N	-	N	-	N	-

- E. The property owner purchased the property with knowledge of the zoning restrictions;

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
N	N	-	N	-	N	-

- F. The property owner's predicament can feasibly be obviated through some other method other than a variance;

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
N	N	-	N	-	N	-

- G. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Douglas	Hamilton	Broz	Clatterbuck	Sinder	Fryman	Skudlarek
N	N	-	N	-	N	-

Mr. Hamilton motioned to approve case 856-22 to allow the construction of the garage in its proposed location on the provided site plan.

Mr. Fryman seconded the motion, and the vote was all ayes. The motion passed.

2. Case # BZA 857-22 – 2535 Cross Village Drive – Non-Conforming Use

Mr. Clatterbuck noted the request for BZA 857-22 is a Non-Conforming Use case filed by Joseph Franzese of JPF Architects, the subject property is located at 2535 Cross Village Drive and is zoned “R-6” Multiple Family Residential.

Mr. Clatterbuck asked Mr. Merritt if the case had been properly filed, advertised, and if the surrounding property owners had been given legal notice, which Mr. Merritt confirmed they had.

Mr. Merritt explained the applicant has requested a variance for a non-conforming structure under Article 36, Section 36.03 to construct a 192 square foot addition to the office structure at the center of the apartment village.

Mr. Merritt described the property as located east of The Exchange Business district and just south of Spring Valley Pike and zoned “R-6” Multiple Family Residential. He explained variances were requested and granted in 1981 and 1985, and the office structure was built in 1983.

Mr. Merritt explained the applicant has requested the non-conforming variance to begin construction of an addition to an existing non-conforming structure for the purpose of storing maintenance equipment. He explained the addition meets the 25% gross floor area expansion requirement and would not increase the intensity of the site. He also pointed out the parking on the site would not be reduced by the addition. He stated locating the shed at the center of the complex would provide the most separation from adjacent properties and apartment units surrounding the office.

Mr. Merritt reviewed the conditions set forth in Article 36 section 36.04, and felt the addition met all requirements and would not generate a burden to the surrounding area.

There were no questions for Mr. Merritt from the Board.

Mr. Clatterbuck asked if the applicant would like to come forward.

Joe Franzese of 45 Wolfpen Drive, Chagrin Falls addressed the Board.

Mr. Franzese introduced himself as the applicant. He described some of the improvements his company had already completed on the property, including adding more parking and removing existing structures such as sheds which had fallen into disrepair. He clarified the removal of some of the existing sheds caused a lack of storage on the property.

Mr. Franzese described the proposed addition to the office building as more aesthetically pleasing than a shed and would provide all necessary storage for maintenance equipment without removing any parking spaces or interfering with any of the other existing buildings.

Mr. Clatterbuck asked Mr. Franzese if the addition would be built on what is currently a grassy area next to the office. Mr. Franzese confirmed the addition would be in the grass, and no parking would be eliminated in the construction of the addition.

The Board did not have any additional questions for Mr. Franzese.

Mr. Clatterbuck asked if there were any public comments in favor or opposed to the case, no one came forward. Mr. Clatterbuck asked if anyone would like to make general comments, there were none.

The Board discussed the case.

Mr. Fryman motioned to approve case # 857-22, to allow the construction of the addition. Mr. Hamilton seconded the motion. The vote was all ayes and the motion passed.

ADJOURN

Mr. Hamilton made a motion to adjourn the meeting at 6:36 p.m., Mr. Fryman seconded the motion, and the vote was all ayes. The motion was passed, and the meeting was adjourned.

Respectfully Submitted, Erica Priest Recording Secretary

Chairperson

Date