

VILLAGE OF CUYAHOGA HEIGHTS
PLANNING AND ZONING MEETING
February 20, 2013
6:00 p.m.

Mayor Bacci called the meeting to order, Clerk Unger called the roll. Those present were Mayor Bacci, members Matt Sokolich, Dave Volek, Shireen Mitchell, and Todd Bloam. Also present: Law Director Jonathon Greenberg, Building Commissioner Norm Casini, and Village Engineer Todd Sciano.

MINUTES:

Mrs. Mitchell moved, seconded by Mr. Sokolich to approve the minutes of December 19, 2012. All voting aye, none opposed; motion carried.

NEW BUSINESS:

From Building Commissioner, Norm Casini:

A request for a garage variance at 4704 East 71st Street.

Mr. and Mrs. Deliberato are requesting a variance for their garage location. The garage has been in existence in its present location since 2003.

The variance request is for a sideline encroachment. The variance request is 2.3 feet at the southwest corner of the garage continuing easterly until a 3.0 feet setback is achieved.

The Mayor turned the issue over to Mr. Casini Mr. Sciano to explain the historical background concerning the situation as it relates to this property.

Mr. Casini stated that according to the site plan, approximately ten years ago the neighbors let Mr. Deliberato build a fence on their property thinking it would be deeded over to Mr. Deliberato, but it never was. So when Mr. Deliberato built his garage, it ended up being 3.3 feet away from the property line, as it went back at an angle, it became .7 feet away from the property line.

Mr Greenberg wanted the record to reflect that Mr. Deliberato was given an easement by the cemetery to build the fence, not given the land, and it was never recorded, so there is no easement, and the garage was built based on that.

Mr. Casini stated that the garage is on their property, but encroaches a sideline setback. So the owners are requesting a variance based on leaving the garage exactly where its at. It is currently .7 feet away from the property line at one point, and 3.3 feet away from the property line at another point. It needs to be built 3 feet from the property line, or you need a variance. Todd Sciano also stated that when they built the garage, it was built close to the property line, and then built the garage, not thinking they needed an easement. Not knowing the property line ran so close to the fence. They thought the property line was square, not knowing it ran at an angle.

Mr. Bloam asked if Mr. Deliberato was ok with taking out the fence, and are the neighbors in agreement. Mr. Casini stated that all the details are worked out between all the affected parties, and everyone is in agreement.

Mayor Bacci also interjected that he talked to the Deliberatos, and unfortunately they could not attend the meeting due to work and weather issues. They told the Mayor their wishes, and wanted the Board to know that they are in total agreement with the situation. The Mayor stated that this is a legacy issue in the community, and this is how folks did business years ago.

Having spoke for the Deliberatos, the Mayor asked the Law Director, Jon Greenberg how he wanted to handle the issue of the Mayor speaking for the Deliberatos. Mr. Greeneberg explained that the Mayor had the Deliberatos proxy, he does not believe that it is unprecedented to grant variances, we have had Mr. Casini be here for companies that are out of town. We prefer that they are here, but we do have their request in writing to proceed, so he believes it is ok to proceed with voting.

Mrs. Patterson asked if they have a timeline to remove the fence? Mr. Sciano explained that they have to start by March 15, and they then have 30 days to complete the project. Mr. Bloam asked if the adjacent property owners are in agreement. Mr. Casini stated that they were in total agreement.

Mr. Volek made the motion to approve the variance, seconded by Mrs. Mitchell. All in favor, variance is granted.

The Mayor explained that the shooting range was pulled for this meeting by the County until all of the documentation is in place. When it is completed, they will come forward to the Board of Zoning and Planning.

Wherefore there is no more business in front of the Board, Mr. Volek made the motion to adjourn, and Mr. Bloam seconded it. All in favor, none opposed, motion carried.

Meeting ended at 6:15 pm.