

VILLAGE OF CUYAHOGA HEIGHTS  
PLANNING AND ZONING MEETING  
MINUTES  
OCTOBER 21, 2020  
6:00 p.m.

Those present were: BLOAM, MITCHELL, VOLEK , UNGER, BACCI

Also present: Law Director Ben Chojnacki, Engineer Todd Sciano, Building Commissioner Norm Casini, and Assistant Building Commissioner Ken LaBella.

**Minutes:**

Motion to accept the Minutes of September 16, 2020.

Ms. Unger made the motion to accept the minutes as amended and place them on file, seconded by Ms. Mitchell. Bloam – Aye, Mitchell – Aye, Unger –Aye, Volek – Abstain. Motion carried.

**New Business:**

**From Building Commissioner Norm Casini:**

**New wall signs at 4521 Willow Parkway**

Applications and photos of wall signs at 4521 Willow Parkway were submitted by Marty Haendiges from Pennsylvania Steel Company and George Dragon from Gesco Imaging both representing Pennsylvania Steel Company. The owner of the building who is requesting a wall sign on the east side of 4521 Willow Parkway facing I77 and two other wall signs.

Also, Pennsylvania Steel requested approval for two additional wall signs, one on the south side and one on the front of the building facing west.

Mr. Casini said that Penn Steel is the new company that purchased the building, and they are looking for a variance for the wall signs. Mr. Casini explained that the sign facing I77 is one of the better signs in the area.

Mr. Volek asked if any of the signs are lit. Mr. Haendiges said the one facing I77 is lit. The two small signs are basically replacements on the Willow Parkway side, and they are not illuminated.

Ms. Unger asked if the illuminated sign was solid or blinking. Mr. Haendiges said it was a solid light. She also said that once she saw them in color, they were very nice looking signs. Ms.

Unger asked the Clerk that in the future we get all documents in color. Mr. Unger said he would do that from now on.

The following variances were considered.

- 1) A variance approval is needed for a sign facing I77 at 4521 Willow Parkway
- 2) A variance approval for two additional lines of lettering at wall facing I77 at 4521 Willow Parkway.
- 3) A variance approval for an additional 278 square feet of wall sign facing I77 at 4521 Willow Parkway.
- 4) A variance approval for two additional wall signs at 4521 Willow Parkway.

Mr. Bloam made the motion to grant a sign facing I77 at 4521 Willow Parkway, seconded by Ms. Unger. All voting aye, none opposed. Motion carried.

Ms. Mitchell made the motion to grant a sign facing I77 at 4521 Willow Parkway, seconded by Mr. Volek. All voting aye, none opposed. Motion carried.

Ms. Unger made the motion to grant a sign facing I77 at 4521 Willow Parkway, seconded by Mr. Bloam. All voting aye, none opposed. Motion carried.

Mr. Volek made the motion to grant a sign facing I77 at 4521 Willow Parkway, seconded by Ms. Mitchell. All voting aye, none opposed. Motion carried.

The Mayor thanked Penn Steel for coming to Cuyahoga Heights and doing business here.

**From Building Commissioner Norm Casini:**

**N.A.T. Services at 4540 E.71<sup>st</sup> Street is requesting exterior storage of material, equipment, etc.**

Attached please find an application from N.A.T. Services represented by Tony Isom requesting a variance of approval for storing materials, equipment, and containers outside their enclosed building at 4540 E71st Street.

- 1) A variance approval is needed for storing materials, products, and other equipment outside the building.

Motion to grant/deny/take no action for a two year variance of approval to store materials and equipment outside their building at 4540 E.71<sup>st</sup> Street.

N.A.T. did not show up for the meeting.

**From Building Commissioner Norm Casini:**  
**B&B Wrecking - Exterior storage of material, equipment, etc.**

An application was submitted from B&B Wrecking represented by Brad Bauman requesting a variance of approval for storing materials, equipment, and containers outside their enclosed building at 4510 E71st Street.

- 1) A variance approval is needed for storing materials, products, and other equipment outside the building.

Mr. Casini explained that Brad Bauman is here to explain the need for the variance. They have very large equipment outside which is not in our code. They did a lot of work in the area to make it look presentable, and they are looking for a variance.

Mayor Bacci explained that in 2006-2007 the previous administration changed the zoning in that area, and changed the usage. B&B and others are not in compliance with the zoning in that area. What we are doing now, is bringing everyone into compliance, ultimately asking them to do whatever they can to work with us and make their properties aesthetically pleasing and tighten them up. Even though they are out of compliance with this new zoning, we are going to ask that they maintain their properties to the variance for a period of two years. After two years while working with our Building Department, Mr. Casini will come back and let us know if they are in compliance, and they can ask for another two year variance.

Brad Bauman explained that he went over the major issues with Mr. Casini and Mr. Labella, and they are actively working with them to get the property in compliance. Ideally, they would like not to have any machinery outside. They explained that they painted the fence, moved machinery, and got rid of the guard shack in the area to make it look nicer, and ask for a two year variance.

Mayor Bacci asked Brad to make sure he keeps up the signage on E.71<sup>st</sup> Street, and all of the foliage in front of the building. Mr. Bauman explained that it was in disarray, but they now have fixed all of the issues with the sign and flower beds, and will continue to make improvements. We are open to doing what is needed to make it better. Mayor Bacci asked if they could put the flag back up. Brad explained that as of now we need to get a light in order to fly the flag, and we are exploring those issues moving forward.

Ms. Unger asked if they could better maintain the weeds and grass along the fence line. Mr. Bauman said he would fix that area by the drive. Brad explained that since 2008, we have made many major improvements to the building, and will continue to do more, especially on the north side.

The following variance was considered.

A two year variance of approval to store materials and equipment outside their building at 4510 E.71<sup>st</sup> Street.

Ms. Mitchell made the motion to grant a two year variance of approval to store materials and equipment outside their building at 4510 E.71<sup>st</sup> Street, seconded by Ms. Unger. All voting aye, none opposed. Motion carried.

**From Building Commissioner Norm Casini:**

**Ed's Equipment Inc. - Exterior storage of material, equipment, etc.**

An application was presented from Ed's Equipment represented by Ed Urbanek requesting a variance of approval for storing materials, equipment, and containers outside their enclosed building at 4567 E71st Street.

- 1) A variance approval would be needed for storing materials, products, and other equipment outside the building at 4567 E.71<sup>st</sup> Street.

Mr. Casini stated that Mr. Urbanek is here requesting a variance for the equipment that is at his site.

Mr. Urbanek explained that his business has grown a lot since he moved there in 2009. He tried to keep the property clean and everything out of sight from the road. Mr. Urbanik stated that he recently acquired the property behind his business, and now his service vehicles are out of sight from the road.

Mayor Bacci asked Mr. Urbanek if he purchased the building and property, he said he has, and is looking to add on for more room. He said he loves the village, and its location, and is working with the Building Department for future plans. We are striving to keep the place clean and in compliance.

Mayor Bacci asked Mr. Casini to let Mr. Urbanek know if a variance on his quanset hut is in compliance, because the previous administration had told the family that they could put that up. They came into one of my first Zoning Board Meetings, and we didn't want to prevent them from moving forward with their plans, so we let it go. He asked Mr. Casini to look that up, so we don't have any problems with that down the road. Mr. Urbanek explained that they want to move the tented area 90 degrees from the street so you would not see it after we landscape it.

Mr. Volek made the motion to grant a two year variance of approval to store materials and equipment outside their building at 4567 E.71<sup>st</sup> Street, seconded by Ms. Unger. All voting aye, none opposed. Motion carried.

Mr. Urbanek asked if this variance is for 4567 E.71<sup>st</sup> or for both properties, including the property he purchased at 4545 E.71<sup>st</sup> Street. Mr. Labella said that we did not know he purchased

4545 E.71<sup>st</sup> also. He was informed it was for 4567 E.71<sup>st</sup> Street, and he is to work with the Building Department on the 4545 E.71<sup>st</sup> Street property.

**From Building Commissioner Norm Casini:**

**Request from Kenny Klir and Michelle Rhome for a fence at 4604 East 49<sup>th</sup> Street and 4610 East 49<sup>th</sup> Street.**

A request by Ken Klir and Michelle Rhome was submitted for a variance to construct a near property line fence, solid, and six foot high. Cuyahoga Heights Codified Ordinance Chapter 1464.03 requires fences six feet high provide fifty percent opening.

- 1) A variance approval is needed for a fence six foot high without any free openings.

Mr. Casini explained that they are asking for a variance for a six foot high fence with no openings. It is on Mr. Klir's property, and we have signed waivers from both parties that they are in agreement with the fence, and where it is located.

Ms. Unger asked about the cyclone fence already on the property, and Mr. Casini explained that the cyclone fence is currently on Ms. Rhomes property, but complies with the code. She asked if the new wood fence that she is asking for a variance for is already there. Ms. Mitchell asked why it was put up before the board could give its approval. Mayor Bacci said that Ms. Rhome's son was coming in from Texas to put the fence up, but it was between the time we had the last meeting, and before this meeting, so we allowed her to put the fence up before coming to the board hoping that they would not have an issue with the new fence.

Ms. Mitchell said she has an issue with the fence. Years ago when Ms. Mitchell put up her fence, she also asked for a variance for a six foot fence with no openings, and I was denied based on safety factors, because they couldn't see through it. The Mayor remembers the situation. Ms. Mitchell said she would deny the variance based on those facts.

Mr. Volek asked if there was a reason for the solid fence. Ms. Rhome explained that she has large dogs, a Saint Bernard and a Great Dane, and this fence will stop them from trying to chase anything that moves outside of their yard.

Ms. Unger asked if the fence was on Ms. Rhomes property. Ms. Rhome explained that it is not. It is on Mr. Klir's property, but their agreement was that if she cut a tree down on her property, he would put up a fence on his property, they would split the cost, and her son PJ would do all of the work for free. Ms. Mitchell asked if they got a permit to put up the fence. Mayor Bacci said they did get a permit, but they could not get a variance in time for PJ to do the work since he was coming in from Texas to do the job. The Mayor explained that he made that decision to allow them to put up the fence hoping the board would give its consent.

Ms. Unger asked the Law Director what would happen if the variance is denied. Mr. Chojnacki said that if the fence is denied a variance the applicant has the ability to take it to court to appeal the decision. The board's decision would be reviewed by a judge, and see if the decision is based on reliable evidence. So you have to have a basis for saying no.

Ms. Unger said that she would have voted no on the variance, but since it is already in place, she will approve the variance. The Mayor wanted it made very clear, things are lagging with the time frame. Her son was coming in from Texas to do the work, and we couldn't schedule a meeting in time to get the variance. I don't do this unless there is reason or concern. She is by herself, her son came from Texas to help her, and I felt the board would have no issue with this considering we just gave the same variance to a resident on E.71<sup>st</sup> Street last month, unfortunately Ms. Mitchell was sick and not at that meeting.

The motion is for a variance for approval for a solid six foot fence without any free openings at 4604 East 49<sup>th</sup> Street and 4610 East 49<sup>th</sup> Street.

Mr. Volek made the motion to grant approval for a solid six foot fence without any free openings at 4604 East 49<sup>th</sup> Street, seconded by Ms. Unger. Bloam – Aye, Volek – Aye, Unger – Aye, Mitchell – No. Motion carried.

Mr. Volek made the motion to grant approval for a solid six foot fence without any free openings at 4610 East 49<sup>th</sup> Street, seconded by Mr. Bloam. Bloam – Aye, Volek – Aye, Unger – Aye, Mitchell – No. Motion carried.

**From Building Commissioner Norm Casini:**

**Request for a lot split at 5046 East 71<sup>st</sup> Street PPN 522-18-051.**

A map of the lot split and consolidation was made by Neal Mahoney and Jennifer Willick 5046 East 71<sup>st</sup> Street, Cuyahoga Heights, Ohio, for review.

Mayor Bacci explained that he brought this idea to Council, this is the last house on E.71<sup>st</sup> Street, it used to be Mr. Blooms house. Mr. Bloom had put up a pool and an array of other things in his backyard which was the property of the State. Currently it is the Village's property.

The Mahoneys purchased the home, and we worked with them to remove the pool and the other structures, and Mr. Mahoney began to construct his family a new deck off the back of the house, and unfortunately built part of the deck on the Villages property. So I went to Council and asked them for their blessing to make the property line even at the back of the home so it would incorporate the deck as it is built. All we are asking the board is to approve this lot split. Mr. Chojnacki is engaged with our Building Department and an appraiser to appraise the property.

Then the Mahoneys will be given the fair market price of the property and will have the option to purchase it.

A motion to for a lot split regarding 5046 East 71<sup>st</sup> Street PPN 522-18-051 is equested.

Mr. Bloam made the motion to grant the lot split regarding 5046 East 71<sup>st</sup> Street PPN 522-18-051, seconded by Mr. Volek. All voting aye, none opposed. Motion carried.

**From Building Commissioner Norm Casini:**

**Regarding: Clean Hard Fill Landfill at 4300 East 49<sup>th</sup> Street Permit Approval (Renewable).**

A request by Great Lakes Construction was submitted dated 10/10/2020 for a landfill operation renewal permit No. 4218 for the Charter Steel property at 4300 East 49<sup>th</sup> Street PPN 521-12-001 and 521-12-002 in the Village of Cuyahoga Heights.

Mr. Sciano explained that six years ago, the Council approved an alteration of topography for this area of land owned by Charter Steel. The Great Lakes permit is up for renewal for clean fill. This creates more flat land for Charter Steel to expand their operations, and develop it in the future.

Mayor Bacci said this will help Charter Steel remain viable into the future.

Mr. Volek asked if there have been any citations or complaints against the landfill. Mr. Sciano said no.

Ms. Unger stated that with all the regulations they have, she is not opposed to it at all. Moving forward, I would ask Mr. Unger again to get us all the documents in color.

A motion is requested for a landfill operation renewal permit No. 4218 for the Charter Steel property at 4300 East 49<sup>th</sup> Street.

Mr. Volek made the motion to renew permit No.4218 for the Charter Steel property at 4300 East 49<sup>th</sup> Street for two years, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

**From Building Commissioner Norm Casini:**

**Regarding: Donation of Real Property for Gen Chem LLC PPN 522-24-016**

Information concerning the offer from Gen Chem LLC regarding the offer to donate the land on the west side of Mill Creek to the Village of Cuyahoga Heights for the trail alongside Mill Creek was brought before the board.

Mayor Bacci explained that the old Gen Chem property off of Warner Road has been, or is in the process of being acquired by the Kurtz family, and Mr. John Kurtz came to us and asked us if the Village had any interest in taking this property. It is on the west side of the creek, and we already use it for our trail, and maintain it through the Service Department. Mr. Sciano and myself have no issue with this, and brought it to the board.

Ms. Mitchell asked if the soil was ok in that area. Mayor Bacci said that they have no idea, but we can assume that the creek has not meandered from east to west, and has been very consistent in that area. The west side of the creek has always been on the Cuyahoga Heights side. But to say unequivocally that there is nothing there would be foolish. Ms. Mitchell asked if we should do a soil sample before accepting the land. Mayor Bacci said it matches up with the rest of the soil that we currently have on the west side by the path, and if there was something wrong with it, all of our land would be bad. If this was a stand-alone piece of property, that would make sense, but it is a small part of our land in that area, and we already use it for our park.

Ms. Unger questioned the borders of the property and said that it would be easier to see if it was in color.

Mr. Bloam asked about Gen Chem asking for permission to build a retention pond on the east side of the creek, and Mr. Sciano said he doesn't believe it is feasible since the creek is rapidly being eroded, and they might have to move it to another location.

A motion to make a recommendation to Council regarding the land donation from Gen Chem LLC was needed.

Ms. Mitchell, made the recommendation to Council regarding the land donation from Gen Chem LLC, seconded by Ms. Unger. All in favor, none opposed. Motion carried.

### **Other Business:**

None at this time.

### **Motion for adjournment**

Mr. Volek made the motion to adjourn, seconded by Ms. Mitchell. All in favor, none opposed. Motion carried.

Zoning Board Meeting was adjourned at 7:45 pm.