

Richfield Township Board of Zoning Appeals Minutes
May 20, 2024

The meeting was opened at 6:35p.m. on with the following members:

Geoffrey Graham, Chair
Robert Kapitan, Vice Chair
Michael Bandsuh, Member, **Absent**
Hamid Homaei, Member
Natalie Grubb, Member
Jerry Ryba, Alternate Member, **Absent**
Mostafa Hussein, Alternate Member, **Absent**

Also in attendance:

Joe Chiera, Applicant Designer	Steve Goliant, Neighbor
Karen Pacholewski, Neighbor	Dominic Adornato, Resident
Robert Ciresi, Resident	Jaclyn Yoder, Neighbor
Nick Greco, Walnut Construction	Anthony Coury, Resident
Kendall Jarrell, Zoning Inspector	Douglas Brown, Neighbor

OLD BUSINESS:

Case 672-23

James Cowin, owner and applicant is requesting a 39.65' variance from Section 402-4C of the Zoning Resolution to allow an addition to an existing accessory building be located within the 40' side yard setback. The property is located at 4102 Far-O-Way Lane in the R-1 District, PPN# 48-01573 in Richfield Township, Summit County, Ohio.

ZI Jarrell The resident is requesting a continuance. The resident is working with Summit County to finalize details of issue in question.

Ms. Graham made motion to continue

Ms. Grubb Seconded the motion. It passed unanimously.

Case 673-23 Michael and Julie Mittiga, owners and Joe Chiera from Impact Landscaping as agent are requesting a 25' rear yard setback variance for the construction of a masonry pavilion. The property is located at 4576 Killarney Dr. in the R-1 District, PPN# 4802708 in Richfield Township, Summit County, Ohio.

Mr. Chiera was sworn in and said new planes and surveys were submitted.

Chair Graham: clarified we had the correct info.

Mr. Kapitan: will there still be footers?

Mr. Chiera: Yes, now patio, fire pit, sitting wall and retaining wall with footers.

Mr. Kapitan: was a section going to be out of uni-block.

Mr. Chiera: would rather do it with footers with stone veneer, no plumbing. Going from outer edges of the patio. "I don't see it as a structure."

Mr. Kapitan: The footers make these structures.

Mr. Chiera: There was a concern about water shed. If you look at the elevations, the swale will go between the properties.

Mr. Kapitan: We needed to do more research, and we did. Now the variance is bigger. Can we lessen the variance?

Mr. Chiera: Yes, but you would have an upset homeowner. We can shrink the patio.

Ms. Grubb: Challenges based on Glen Cairn and how the place was developed.

Chair Graham: My concern is grading with the closeness of the patio to the line. I have 2 questions: 1) do we have a finished floor elevation for the new patio? 2) How will volume of water flow now?

Mr. Chiera: We will have river rock to run water down the property line. Chair Graham: We have to prove where the water is going. (pointed to plan)

Mr. Chiera: Stated that yes, that is the plan.

Ms. Grubb: So, the water and erosion will be managed?

Mr. Chiera: Said yes, silt fence will be used.

Chair Graham: I think it will be tough to do and have room to work and stay on Mr. Mitiga's property. Can you do that?

Mr. Chiera: Said, Yes we will do that, it will be close, but yes.

Chair Graham: We can't tell you how to build, but I don't think you can do this and not encroach on the other property.

Mr. Kapitan: the other area is less of a concern than this lower elevation that comes within 5'.

Mr. Chiera: We will build the lower section of uni-lock and we don't need a variance. If that changes things, let us know.

Ms. Grubb: We suggested that 3 months ago.

Chair Graham: If there is a footer, we have to look at it through this lens.

Mr. Kapitan: Three options: 1) try to redraw 2) let it go to vote 3) ask for variance with changes.

Mr. Chiera: We will build the whole lower section with Uni-lock. Firepit and sitting wall will have no footer. They will be Uni-lock. (The board reviewed the drawings and discussed what areas would be footers with Mr. Chiera)

Mr. Kapitan: You and your client withdraw that request and be certain it will be at 20'.

Mr. Chiera: can we ask for 2' variance? To be safe.

Ms. Grubb: He should sit down and figure out the measurements to be certain and we can hear neighbors.

Chair Graham: Sit down and figure it out and we can hear from others. Asked for others to speak.

Ms. Yoder: was sworn in. She has concerns of respecting her property. Her irrigation is there too. If grade changes could make it wetter. How will this all be enforced? Why do we have setbacks?

Chair Graham: Is the grade natural?

Ms. Yoder: I don't know.

Mr. Kapitan: Any concerns with fireplace?

Mr. Chiera: We will pull permits with Summit County.

Mr. Kapitan: And there is a variance process related to setbacks. He asked Mr. Chiera, will the footer be where it is shown? I guess the zoning Regs. just deal with items with footers, so that is all that has been managed with the variance.

Ms. Grubb: Reviewed what sections will and will not NOW need a variance. (with discussed changes)

Mr. Kapitan: The only variance needed is for the rear setback.

Chair Graham: Yes. And asked Mr. Chiera if he wanted to proceed with just the rear yard setback.

Mr. Chiera: Replied, Yes.

Chair Graham: Read the resolution for the variance as requested by the applicants reviewing the 7 practical difficulties.

Chair Graham: Made a motion to vote.

Mr. Kapitan seconded the motion to vote.

Ms. Grubb: Denied

Mr. Kapitan: Yes

Chair Graham: Yes

Mr. Homae: Yes The motion passed 3-1.

Chair Graham: Clarified, this is only for the rear yard setback of 14' per drawing April 19, 2024. The side yard setbacks are no longer part of the application.

Mr. Chiera: said, Understood.

Mr. Jarrell read the introduction to the next case:

Case 676-24 Dominick Adornato and Loretta Zomparelli, owners and Nick Greco of Walnut Construction and Renovation as agent are requesting a 14' side yard variance and a 38' encroachment into the front yard for the construction of a detached garage. The property is located at 4177 Far-O-Way Lane in the R-1 District, PPN# 4801568 in Richfield Township, Summit County, Ohio.

Ms. Grubb: Asked when the subject property was built.

Mr. Greco: Built in 2001.

Ms. Grubb: Asked for the amount of current and total auto bays?

Mr. Greco: the total would go to 7 with the new structure.

Ms. Grubb: Asked why bays can't be added to the current garage?

Mr. Greco: Said they can't due to the well in the back.

Ms. Grubb: Confirmed this was closer than 50'?

Mr. Greco: Said, yes it is.

Ms. Grubb: Confirmed where the septic was, and she is not understanding the orientation of the requested structure.

Mr. Kapitan: Asked how the original drawing has changed?

Mr. Greco: They were planning on living quarters originally, but that all changed. He showed the new, presented plans.

Mr. Kapitan: the current depth is just enough for a car to pull-in?

Mr. Greco: Said yes, you are correct.

Chair Graham: From the original plan where the setback was only 125', this structure would not have needed a variance. Now the setback is 250'.

Mr. Kapitan: But this house has two front yard setbacks due to being a corner lot. It's tough with corner lots.

Mr. Greco: Yes, to make other changes we would have to remove many trees.

Ms. Grubb: Why did you place the well where it is?

Mr. Greco: Because of the old 125' setback.

Mr. Homae: is 38' excessive?

Mr. Greco: We need to leave room for the turn of the cars. More important with younger drivers.

Chair Graham: Asked for public input.

Mr. Goliat: (neighbor) No issues with the build.

Chair Graham: Swore him in a bit late.

Mr. Goliat: confirmed what he said was true. No problem with the plans or the build.

Ms. Grubb: How are the cars parked now?

Mr. Goliat: They currently park in front of the house. Beautiful plans.

Ms. Pacholewski: (neighbor) 5 of six neighbors have additional structure garages with multiple bays. We need them to park in a garage. I'm in favor of the project.

Mr. Adornado: (resident for the variance request, was sworn in) We need the garage for additional parking. Would like cars in the garage for aesthetics and safety. Also, with corner lot no other place to put the garage.

Chair Graham: closed public comment and the board discussed the merits of the 7 standards of practical difficulties.

Chair Graham read the associated resolution for a vote.

A vote was called:

Ms. Grubb: Yes

Mr. Kapitan: Yes

Mr. Homae: Yes

Chair Graham: Yes the resolution passed 4 – 0

Chair Graham Introduced the next case:

Case 677-24 Robert and Patricia Ciresi, owners and applicants are requesting a 20' side yard variance for the construction of a detached garage. The property is located at 4486 S Forestbrooke Ct. in the R-1 District, PPN# 4802561 in Richfield Township, Summit County, Ohio.

Robert Ciresi was sworn in

Ms. Grubb asked about the location of the septic and well.

Mr. Ciresi pointed out the location on provided drawings.

Mr. Graham explained the actual variance request is for a 90% variance, 4' from the current property line.

Mr. Kapitan explained as an attached garage it would require a 20' setback, not 40'. If it were unattached, it would need to be 10' from any other structure.

Mr. Ciresi asked about attaching a breezeway, then he would not need a variance?

Mr. Kapitan said you would still need a variance, but it would be reduced to 16', or 80%.

Ms. Grubb asked if his neighbor might sell him some land to lessen the variance need.

Mr. Ciresi said his neighbor, Mr. Brown may sell him some property to avoid or lessen the variance but there are legal questions related to any sell.

Mr. Homaei mentioned that we are hoping to reduce the variance amount, but 80% or 90% is a big challenge. We can be more understanding if it is less.

Mr. Ciresi said if the variance is too much he will try to come up with another idea.

Ms. Grubb asked, if we should continue the case to try to find another solution?

Mr. Ciresi first said no, then reconsidered and requested a variance until the July BZA meeting.

Mr. Kapitan made a motion to continue the case.

Ms. Graham seconded the motion

The vote was unanimously approved for a continuance.

The next case was introduced by Chair Graham.

Case 678-24 Anthony and Carole Coury, owners and applicants are requesting a 20' side yard variance for the construction of an accessory building. The property is located at 3142 Aviemore Way in the R-4 District, PPN# 4802768 in Richfield Township, Summit County, Ohio.

Mr. Anthony Coury was sworn in and he mentioned that his neighbor is Mustafa Hussein, a current alternate on the BZA board.

Ms. Grubb asked about the location of the structure in question which was explained as a 100% variance request.

Mr. Kapitan said a 100% variance request is tough.

Mr. Coury explained that the location and size is needed based on the turn-out from the existing attached garage and his storage and property needs.

Chair Graham asked about changes to limit the variance need.

Mr. Coury reviewed the ideas, and none would work.

Chair Graham said 100% variance is a non-starter.

Ms. Grubb said you may want to buy a bigger home.

Mr. Coury said he may want to buy property from his neighbor to make it work.

Chair Graham said you would still be close to the rear corner.

Mr. Homaei said he could make it work.

Mr. Kapitan pointed to the drawings and suggested how it might work.

Chair Graham made a motion for a continuance

Ms. Grubb seconded the motion.

The motion passed unanimously.

APPROVAL OF MINUTES:

Chair Graham asked if there are minutes prepared?

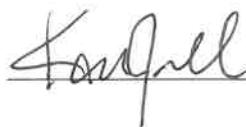
Ms. Grubb asked if minutes could be continued so they could be read.

Chair Graham made a motion to end the meeting. Mr. Kapitan seconded the motion; the motion passed 4-0.

With no further business the meeting was adjourned at 9:33 pm.

Chairperson

Secretary



Date

