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IN RE: OLMSTED TOWNSHIP BOARD OF ZONING APPEALS

- - - -

ON WEDNESDAY, APRIL 19, 2023,
COMMENCING AT 7:00 P.M.

- - - -

BOARD MEMBERS: ROBERTO PEREZ
CINDY KELLY
THOMAS COLE
DAVE GAREAU
BOB REINHART
JOHN PHILLIPS

SECRETARY: ASHLEY AZBELL

- - - -

REPORTED BY: BRIAN KUEBLER

- - - -

JK REPORTING
(216) 664-0541
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1 MR. COLE: All right. I'm going
2 to call the meeting to order of the Board
3 of Zoning Appeals.

4 Today is Wednesday, April 19th,
5 2023, the time is 7:00 p.m.

6 First up is roll call, Madam
7 Secretary, please.

8 MADAM SECRETARY: Tom Cole?

9 MR. COLE: Here.

10 MADAM SECRETARY: John Phillips?

11 MR. PHILLIPS: Here.

12 MADAM SECRETARY: Cindy Kelly?

13 MS. KELLY: Here.

14 MADAM SECRETARY: Dave Gareau?

15 MR. GAREAU: Here.

16 MADAM SECRETARY: Roberto Perez?

17 MR. PEREZ: Here.

18 MADAM SECRETARY: And Bob

19 Reinhart?

20 MR. REINHART: Here.

21 MR. COLE: Decisions made by the
22 Board of Appeals shall be final within the
23 Township. Appeals shall be subject to
24 judicial review by the Court of Common
25 Pleas of Cuyahoga County, Ohio in

1 accordance with the laws of the State of
2 Ohio. Anyone wishing to make statements
3 may do so after being sworn in.

4 And let's stand for the Pledge of
5 Allegiance.

6 - - - -

7 (Thereupon, the Pledge of Allegiance was
8 recited.)

9 - - - -

10 MR. COLE: First up is approval of
11 meeting minutes from March 15th, 2023. Do
12 you want to make a motion to approve as
13 written?

14 MADAM SECRETARY: Tome Cole?

15 MR. COLE: We need a second.

16 MR. GAREAU: Second motion.

17 MR. COLE: All right. Now we can
18 have a vote.

19 MADAM SECRETARY: Tom Cole?

20 MR. COLE: Yes.

21 MADAM SECRETARY: John Phillips?

22 MR. PHILLIPS: Abstain, I wasn't
23 present for the meeting.

24 MADAM SECRETARY: Cindy Kelly?

25 MS. KELLY: Yes.

1 MADAM SECRETARY: Dave Gareau?

2 MR. GAREAU: Abstain.

3 MADAM SECRETARY: Roberto Perez?

4 MR. PEREZ: Yes.

5 MADAM SECRETARY: And Bob

6 Reinhart?

7 MR. REINHART: Abstain.

8 MR. COLE: All right. No old

9 business.

10 First up on new business is
11 Application 23OLMT-ZBA-002 submitted by
12 Enolla Abu-Mathkour.

13 MR. ABU-MATHKOUR: Yeah, that's
14 correct.

15 MR. COLE: All right. Please
16 stand, whoever's going to speak, and come
17 up to the podium.

18 - - - -

19 (Thereupon, the party was sworn.)

20 - - - -

21 MR. COLE: And please state your
22 name for the record.

23 MS. ABU-MATHKOUR: (Unintelligible)
24 Abu-Mathkour. Enolla Abu-Mathkour's
25 daughter.

1 MR. COLE: Okay. And please state
2 your case.

3 MS. ABU-MATHKOUR: We have to,
4 like, with the sidewalk, we're not sure if
5 it's necessary because it's a long street
6 and there's no sidewalk, and it doesn't
7 make any sense to have just sidewalk for
8 like, three houses, and for the driveway,
9 we have, like a lot of cars and we just
10 need the space to pull out -- in and out,
11 and unfortunately the land is long, not
12 wide, so we need that space. That's for
13 the two variances that we have.

14 MR. COLE: So it looks like the
15 pavement coming off of the garage door is
16 about 27 foot is what you're proposing, I
17 believe?

18 MS. ABU-MATHKOUR: Uh-huh.

19 MR. COLE: You're saying that's
20 not enough room to turn around or get in
21 and out of the driveway?

22 MS. ABU-MATHKOUR: No, ours is the
23 -- our engineer, he had it like, five feet.
24 I believe it was five feet away from our --
25 like, the --

1 MR. COLE: Property line?

2 MS. ABU-MATHKOUR: Yeah. And when
3 I talked to Joe he told me it has to be two
4 feet -- no, it's two feet away, but he said
5 it has to be five feet.

6 MR. COLE: It needs to be five,
7 correct?

8 MS. ABU-MATHKOUR: Yes. And he
9 stated for him that we need enough space
10 for the cars, because the lane is -- it's
11 long, it's not wide, we don't have enough
12 space to let the cars go in and out. And
13 we have lot of cars, honestly.

14 MR. COLE: But I mean, I would
15 think 24 feet would still be enough room to
16 come in and out of the garage. Is the --
17 the variance you're requesting is just for
18 the pavement area adjacent to the garage,
19 correct?

20 MS. ABU-MATHKOUR: Yes.

21 MR. COLE: The driveway itself
22 will be at least five feet off, correct?

23 MS. ABU-MATHKOUR: Yes.

24 MR. COLE: Okay.

25 MS. ABU-MATHKOUR: It's just that

1 part (unintelligible).

2 MS. KELLY: So it's more for the
3 turn radius?

4 MS. ABU-MATHKOUR: Yes, it's the
5 one in front of the garage.

6 MS. KELLY: So the side of the
7 garage?

8 MS. ABU-MATHKOUR: Yes, we need
9 the space to go in and out. We don't have
10 the amount of space we need.

11 MR. GAREAU: You mentioned that
12 you had a lot of cars.

13 MS. ABU-MATHKOUR: Yes.

14 MR. GAREAU: Can you explain what
15 that has to do with --

16 MS. ABU-MATHKOUR: Our garage can
17 fit two cars, and there's another two cars,
18 and my sister -- like, in the future wise,
19 my sister going to have like, a car in
20 three or four years, and we don't want it
21 to be an issue for the future.

22 MR. GAREAU: Were you planning on
23 parking the cars --

24 MS. ABU-MATHKOUR: Inside the
25 garage and outside.

1 MS. KELLY: Will the width of the
2 driveway accommodate two cars side by side?

3 MS. ABU-MATHKOUR: I believe so,
4 yes.

5 MR. COLE: It looks like it's
6 12-foot.

7 MR. ABU-MATHKOUR: Yeah.

8 MR. COLE: Which really wouldn't
9 accommodate --

10 MS. KELLY: So technically you
11 could line them up on one side and still
12 have the ability to go in and out --

13 MS. ABU-MATHKOUR: Uh-huh.

14 MS. KELLY: -- of the driveway.

15 MR. GAREAU: Who's building the
16 house, do you have a builder?

17 MR. ABU-MATHKOUR: We have two
18 company now.

19 MS. ABU-MATHKOUR: We have two
20 companies.

21 MR. ABU-MATHKOUR: And the -- I am
22 the owner --

23 MR. COLE: Excuse me, if you're
24 going to speak, you have to come up and be
25 sworn in.

1 MR. ABU-MATHKOUR: But I speak
2 little English.

3 MR. COLE: If you're going to
4 speak you have to be sworn in and come up
5 to the microphone.

6 MR. ABU-MATHKOUR: Okay.
7 Understood.

8 MR. COLE: That's fine, you're
9 welcome to speak, but you have to come up
10 and be sworn in.

11 MR. ABU-MATHKOUR JR: He can't
12 speak much English that's why my sister is
13 speaking.

14 MR. GAREAU: Do you know if the
15 existing -- the basement's is already in,
16 right?

17 MS. ABU-MATHKOUR: Uh-huh.

18 MR. GAREAU: The foundation's
19 already in. Do you know if it was placed
20 the 27 feet from the property line?

21 MS. ABU-MATHKOUR: I haven't
22 physically went there and measured it, so I
23 don't know.

24 MR. COLE: Actually it would be 29
25 feet from the property line, from the

1 house.

2 MS. KELLY: To the street? That's
3 what I was trying to figure out.

4 MR. GAREAU: It's 29 feet from the
5 house or garage to the property line.

6 MS. KELLY: Then there's that U
7 shape in the front.

8 MR. COLE: All right. Any other
9 questions from the Board? Any questions
10 from the audience?

11 MR. ECK: I live on the west side
12 of the house --

13 MR. COLE: Okay. If you come up
14 to the podium, please. And raise your
15 right hand to be sworn.

16 - - - -

17 (Thereupon, the participant was sworn.)

18 - - - -

19 MR. COLE: And can you please
20 state your name and address.

21 MR. ECK: Thomas Eck, 27293 Bagley
22 Road.

23 MR. COLE: Okay. Go ahead.

24 MR. ECK: With them doing that,
25 they're going to raise the grade up at

1 least a foot higher than my driveway,
2 because my driveway's right there, too.
3 It's already dug out and it's right off the
4 property line, you know, except up by where
5 the garage is, I think the builder or
6 whoever dug the basement and all that
7 didn't dig it out all the way to the
8 property line. But my concern is all that
9 water's coming off of that concrete into my
10 yard. With being at least -- it's at least
11 a foot higher if not maybe a little less,
12 and where's all that water going to go but
13 on me.

14 MR. COLE: Right.

15 MR. ECK: And I have a problem,
16 there is a problem with water in that area,
17 and that's my only concern, you know?

18 MR. COLE: Right.

19 MR. ECK: So, I mean, they can't
20 raise it and then put all that water on me,
21 you know, I don't know what else they can
22 do, so...

23 MR. COLE: Okay. All right. I'm
24 going to make a motion, I'm going to split
25 the two variances. So I'm going to make

1 a --

2 MR. GAREAU: Can I make a motion
3 before, that we go into private
4 deliberation?

5 MR. COLE: Sure, I'll second. So
6 we're going to go into private deliberation
7 and we'll be right back.

8 And can you just call a vote to go
9 into private deliberation?

10 MADAM SECRETARY: Tom Cole?

11 MR. COLE: Yes.

12 MADAM SECRETARY: John Phillips?

13 MR. PHILLIPS: Yes.

14 MADAM SECRETARY: Cindy Kelly?

15 MS. KELLY: Yes.

16 MADAM SECRETARY: Dave Gareau?

17 MR. GAREAU: Yes.

18 MADAM SECRETARY: Roberto Perez?

19 MR. PEREZ: Yes.

20 MADAM SECRETARY: And Bob

21 Reinhart?

22 MR. REINHART: Yes.

23 - - - -

24 (Thereupon, Board went into private
25 deliberation.)

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MR. COLE: All right. We're going to return from Executive Session at 7:20 and resume from private deliberation, sorry.

All right. I'm going to make a motion to approve the sidewalk variance with a stipulation that if sidewalks do go in on Bagley Road that it's the property owner's responsibility to put them in at that time. And can we have a vote on that one?

MR. GAREAU: I'll second.

MADAM SECRETARY: Tom Cole?

MR. COLE: Yes.

MADAM SECRETARY: John Phillips?

MR. PHILLIPS: Yes.

MADAM SECRETARY: Cindy Kelly?

MS. KELLY: Yes.

MADAM SECRETARY: Dave Gareau?

MR. GAREAU: No.

MADAM SECRETARY: Roberto Perez?

MR. PEREZ: Yes.

MR. COLE: So the sidewalk variance is approved.

1 Second, I'm going to make a motion
2 to approve the driveway setback as
3 requested, and can I get a second?

4 MR. GAREAU: Second?

5 MS. ECK: Why, why are you
6 approving --

7 MR. ECK: Can you at least put a
8 curb on the driveway to --

9 MR. GAREAU: Hang on, hang on.

10 MR. COLE: Wait till we're done,
11 please.

12 And can we have a vote?

13 MADAM SECRETARY: Tom Cole?

14 MR. COLE: No.

15 MADAM SECRETARY: John Phillips?

16 MR. PHILLIPS: No.

17 MADAM SECRETARY: Cindy Kelly?

18 MS. KELLY: No.

19 MADAM SECRETARY: Dave Gareau?

20 MR. GAREAU: No.

21 MADAM SECRETARY: Roberto Perez?

22 MR. PEREZ: No.

23 MR. COLE: All right. So the
24 driveway variance was not approved. So
25 you'll have to stick with a five-foot

1 setback.

2 Next case is Application
3 230LMT-ZBA-004. And that is with Amato
4 Homes. Who's here to represent?

5 And please state your name for the
6 record.

7 MR. CREA: My name is Anthony
8 Crea, 6363 York Road, Parma Heights, Ohio
9 44130. I'm representing Amato Homes, I am
10 the Realtor involved in the transaction.
11 And I will apologize to everybody upfront,
12 I got -- not got -- I was asked last night
13 at 9:00 if I could be here to represent
14 Amato Homes, he found out late yesterday
15 that he was on the agenda today, I don't
16 know why.

17 MR. COLE: Can you please raise
18 your right hand.

19 - - - -
20 (Thereupon, participant was sworn.)

21 - - - -

22 MR. COLE: Please proceed.

23 MR. CREA: At least to the best of
24 my knowledge, I -- to my understanding I'm
25 here asking for a similar issue with the

1 variance for a sidewalk or whether he would
2 prefer not to put a sidewalk in.

3 From what I was asked and frankly
4 I just had to make a call while you were in
5 Executive Session, because I was trying to
6 get out there today to take a look.
7 There's no sidewalks in the area currently.

8 MR. COLE: Correct.

9 MR. CREA: And it's a case, we did
10 this similar, you may remember from a
11 previous meeting that I was at, we did one
12 on MacKenzie, he likes to keep the feel of
13 a country setting. We are asking for a
14 variance for the time being, and obviously
15 if something goes in there where, you know,
16 the City or the Township asks for the
17 residents to put sidewalks in later on, we
18 will make whoever is the end purchaser of
19 the home aware that they are responsible
20 for that. So that's kind of the long and
21 short of it.

22 MR. COLE: Okay. Any questions
23 from the Board? Any questions from the
24 audience?

25 Okay. I'm going to make a motion

1 to approve this variance 23OLMT-ZBA-004
2 with a stipulation if sidewalks do go in on
3 Bagley, it is the homeowner's
4 responsibility to put them in at that time.

5 MS. KELLY: I'll second.

6 MADAM SECRETARY: Tom Cole?

7 MR. COLE: Yes.

8 MADAM SECRETARY: John Phillips?

9 MR. PHILLIPS: Yes.

10 MADAM SECRETARY: Cindy Kelly?

11 MS. KELLY: Yes.

12 MADAM SECRETARY: Dave Gareau?

13 MR. GAREAU: No.

14 MADAM SECRETARY: And Roberto

15 Perez?

16 MR. PEREZ: Yes.

17 MR. COLE: Okay. Variance did get
18 approved, so paperwork will be ready in
19 about a week from the Building Department.

20 MR. CREA: I appreciate it. Thank
21 you very much. Have a good night.

22 MR. COLE: Thank you. Any
23 additional floor discussion?

24 All right. I make a motion to
25 adjourn at 7:26.

1 MS. KELLY: I'll second that.
2 MADAM SECRETARY: Tom Cole?
3 MR. COLE: Yes.
4 MADAM SECRETARY: John Phillips?
5 MR. PHILLIPS: Yes.
6 MADAM SECRETARY: Cindy Kelly?
7 MS. KELLY: Yes.
8 MADAM SECRETARY: Dave Gareau?
9 MR. GAREAU: Yes.
10 MADAM SECRETARY: Roberto Perez?
11 MR. PEREZ: Yes.
12 MR. COLE: All right. Thank you.
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C E R T I F I C A T E

I, Brian Kuebler, a Notary Public within
and for the State of Ohio, do hereby certify that
I attended the foregoing hearing in its entirety,
that I wrote the same in stenotypy, and that this
is a true and correct transcript of my
computer-aided notes.

IN WITNESS WHEREOF, I have hereunto set my
hand and seal of office, at Cleveland, Ohio, this
11 day of MAY 2023.

=====
Brian Kuebler, Notary Public, State of Ohio
My commission expires June 12, 2027

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