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IN RE: OLMSTED TOWNSHIP BOARD OF ZONING APPEALS

- - - -

ON WEDNESDAY, MAY 17, 2023,
COMMENCING AT 7:00 P.M.

- - - -

BOARD MEMBERS: ROBERTO PEREZ
CINDY KELLY
THOMAS COLE
JOHN PHILLIPS

SECRETARY: ASHLEY AZBELL

- - - -

REPORTED BY: BRIAN KUEBLER

- - - -

JK REPORTING
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1 MR. COLE: All right. I'm going
2 to call the meeting to order of the Olmsted
3 Township Board of Zoning Appeals at 7:03.
4 Today is Wednesday May 17, 2023.

5 Decisions made by the Board of
6 Appeals shall be final within the Township.
7 Appeals shall be subject to judicial review
8 by the Court of Common Pleas of Cuyahoga
9 County, Ohio in accordance with the laws of
10 the State of Ohio.

11 Anyone wishing to make statements
12 may do so after being sworn in.

13 And can we please stand for the
14 pledge.

15 MR. COLE: All right. Can we have
16 roll call, Madam Chair?

17 MADAM CHAIR: Yes. Tom Cole?

18 MR. COLE: Here.

19 MADAM CHAIR: John Phillips?

20 MR. PHILLIPS: Here.

21 MADAM CHAIR: Cindy Kelly?

22 MS. KELLY: Here.

23 MADAM CHAIR: Bob Perez?

24 MR. PEREZ: Here.

25 MR. COLE: All right. First up is

1 approval of meeting minutes from April
2 19th, 2023. I make a motion to approve
3 that as written.

4 MR. PHILLIPS: Second.

5 MR. COLE: Can we have a vote,
6 please.

7 MADAM CHAIR: Tom Cole?

8 MR. COLE: Yes.

9 MADAM CHAIR: John Phillips?

10 MR. PHILLIPS: Yes.

11 MADAM CHAIR: Cindy Kelly?

12 MS. KELLY: Yes.

13 MADAM CHAIR: Bob Perez?

14 MR. PEREZ: Yes.

15 MR. COLE: All right. No old
16 business.

17 First item on the agenda for new
18 business is Application 23OLMT-ZBA005
19 submitted by Mark Hinkle. And who's here
20 to represent?

21 MR. HINKLE: I am.

22 MR. COLE: Okay. Please stand and
23 raise your right hand.

24 - - - -

25 (Thereupon, the person was sworn.)

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MR. COLE: Okay. Great. Can you just move up to the microphone here just so the court reporter can get everything.

MR. HINKLE: Sure.

MR. COLE: Okay. Please state your case.

MR. HINKLE: My wife and I are building our home on Schady Road and the plot of land that we own, it's more long ways, but if you back in, it cuts off like a pie, so we have a rear lot variance.

With me I brought my sister-in-law, who actually I would be living next to, and their plot of land goes behind ours. And so there's a rear lot variance of 27 feet from the corner of our house to that pie shape, and that's what I'm here for tonight.

MR. COLE: So this is your plot right here (indicating), right?

MR. HINKLE: Correct.

MR. COLE: This is your sister-in-law?

MR. HINKLE: Yes, my brother and

1 my sister-in-law, correct.

2 MR. COLE: Okay. Gotcha. And how
3 about this lot here (indicating)?

4 MR. HINKLE: There's a neighbor
5 who built the home there.

6 MR. COLE: Okay. And it looks by
7 the looks of this it's kind of a pie shape,
8 so it kind of the back end cuts off, so
9 you're looking for the variance. It looks
10 like the setback requirement is 50 feet and
11 the shortest distance from the corner of
12 the house looks like it's 27 feet; is that
13 correct?

14 MR. HINKLE: Correct.

15 MR. COLE: And all the other
16 setbacks you're able to meet, correct?

17 MR. HINKLE: Yes.

18 MR. COLE: And you really can't
19 move the house forward, otherwise you would
20 move into the 60-foot setback, correct?

21 MR. HINKLE: Correct.

22 MR. PHILLIPS: You said your
23 sister-in-law lives in this property right
24 here (indicating)?

25 MR. HINKLE: Yep, my brother and

1 my sister-in-law, correct. And that's my
2 brother with me and my sister-in-law Marie.

3 MR. COLE: Any questions from the
4 Board?

5 MR. PEREZ: No.

6 MR. COLE: Anyone in the audience
7 wish to speak in this matter?

8 MS. HINKLE: As the neighbor on
9 the property line, I'm supportive of it.

10 MR. COLE: Okay. Please raise --
11 stand and raise your right hand.

12 - - - -

13 (Thereupon, the person was sworn.)

14 - - - -

15 MR. COLE: And please state your
16 name for the record.

17 MS. HINKLE: My name's Marie
18 Hinkle.

19 MR. COLE: Okay.

20 MS. HINKLE: I live at 2658 Schady
21 Road, and that is our property line that
22 they would be -- the variance would be for.

23 MR. COLE: Okay. And you stated
24 you're in favor of it?

25 MS. HINKLE: I'm in favor, yes.

1 MR. COLE: Okay. Got it. All
2 right. If there's no more questions from
3 the Board or the audience, I'm going to
4 make a motion to approve Application
5 23OLMT-ZBA005.

6 MS. KELLY: I'll second.

7 MR. COLE: Okay. Can we have a
8 vote, please.

9 MADAM CHAIR: Tom Cole?

10 MR. COLE: Yes.

11 MADAM CHAIR: John Phillips?

12 MR. PHILLIPS: Yes.

13 MADAM CHAIR: Cindy Kelly?

14 MS. KELLY: Yes.

15 MADAM CHAIR: Bob Perez?

16 MR. PEREZ: Yes.

17 MR. COLE: Okay. The variance is
18 approved.

19 MR. HINKLE: Thank you.

20 MR. COLE: The paperwork will be
21 ready in the Building Department in about a
22 week or so.

23 MR. HINKLE: Excellent. Thank you
24 very much.

25 MR. COLE: Next up is Application

1 23OLMT-ZBA006 submitted by Cynthia Wallace.
2 Okay. Please step up to the table and
3 raise your right hand.

4 - - - -
5 (Thereupon, the person was sworn.)

6 - - - -
7 MR. COLE: Okay. Please state
8 your case.

9 MS. WALLACE: I'm looking for a
10 variance for a sidewalk. Nobody else on
11 the street has a sidewalk, and at this
12 point would be in favor if everybody had to
13 do it.

14 MR. COLE: Okay. And I believe
15 the utility lines run along your side of
16 the road, correct?

17 MS. WALLACE: Yes.

18 MR. COLE: And you also have a
19 drainage ditch that would be impacted as
20 well?

21 MS. WALLACE: Yes, at this point.

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

24 MR. PHILLIPS: No.

25 MR. COLE: Any questions/comments

1 from the audience?

2 All right. I'm going to make a
3 motion to approve Application 23OLMT-ZBA006
4 with a stipulation if sidewalks do go in on
5 that road in the future that it will be the
6 homeowner's responsibility to put a
7 sidewalk in at that time. And can we have
8 a vote, please.

9 MS. KELLY: I'll second.

10 MR. COLE: Yeah, sorry.

11 MADAM CHAIR: All right. Tom
12 Cole?

13 MR. COLE: Yes.

14 MADAM CHAIR: John Phillips?

15 MR. PHILLIPS: Yes.

16 MADAM CHAIR: Cindy Kelly?

17 MS. KELLY: Yes.

18 MADAM CHAIR: Bob Perez?

19 MR. PEREZ: Yes.

20 MR. COLE: Okay. So the variance
21 passed, the paperwork will be ready in
22 about a week.

23 MS. WALLACE: Okay. Thank you.

24 MR. COLE: Next up is Application
25 23OLMT-ZBA007 submitted by Mitch and Patty

1 Abraham. I'm going to recuse myself from
2 this case, but whoever's representing
3 please step up, and please state your name
4 for the record.

5 MR. ABRAHAM: Mitch Abraham.

6 MR. COLE: And please raise your
7 right hand.

8 - - - -

9 (Thereupon, the person was sworn.)

10 - - - -

11 MR. COLE: Okay. Please state
12 your case, and like I said, I'm going to
13 recuse myself, so the rest of the Board
14 will take the case.

15 MR. ABRAHAM: Okay. We live on
16 26958 Bagley Road. We have the two
17 parcels, two acres, basically. We have an
18 existing structure that I run my own
19 business out of there, I have three
20 vehicles, equipment, material, and I cannot
21 fit one vehicle in the garage because it's
22 low, it's got low headroom. I want to --
23 we want to build this new building/garage
24 so we can put all the vehicles inside
25 safe -- so it can be safe, better in the

1 wintertime as well, but mostly get our
2 vehicles out of just sitting outside and
3 put them -- lock them up inside the
4 building, and have my equipment and
5 material and basically clean up our yard
6 from running my business. That's basically
7 about it.

8 MR. PHILLIPS: Okay. So you want
9 to put the garage on your other piece of
10 property?

11 MR. ABRAHAM: On the other piece
12 of property, yes.

13 MR. PHILLIPS: Do you want to have
14 this drive extended to get to this garage?

15 MR. ABRAHAM: It is right now, I
16 don't show in the picture, but our whole
17 backyard basically goes --

18 MR. PHILLIPS: All concrete?

19 MR. ABRAHAM: It's all concrete,
20 the whole yard is concrete.

21 MR. PHILLIPS: And the garage is
22 going to sit with the doors facing out
23 or --

24 MR. ABRAHAM: The doors face this
25 way (indicating), and this man door faces

1 to the left. This whole area (indicating)
2 is basically stone.

3 MR. PHILLIPS: Is this going to
4 be -- the garage going to be concrete, the
5 floor?

6 MR. ABRAHAM: The garage floor is
7 going to be stone, gravel. We park on
8 there now basically, in front of it. So,
9 the rest is all woods, this is all woods
10 back here (indicating), all kind of like
11 this and the --

12 MS. KELLY: So, we need two
13 variances here, because we have an
14 accessory structure on a lot without a
15 residence, and I don't think that's allowed
16 per our zoning, and the size of it would be
17 another variance.

18 MR. ABRAHAM: Do we have options
19 of combining the two?

20 MS. KELLY: Well, you would have
21 to go to the County to combine the lots,
22 and then, yeah, your 1% would be on the
23 total.

24 MR. ABRAHAM: Well, that 1%
25 probably won't work with this size, but...

1 MS. KELLY: Well, it's more likely
2 to work though than the way you have it
3 right now.

4 MR. ABRAHAM: Yeah.

5 MS. KELLY: I can't say that it
6 would for sure, but let's see. You know, a
7 two acre lot, what is that?

8 UNIDENTIFIED VOICE: 87,328
9 (unintelligible) 43,5600 --

10 MS. KELLY: So, yeah. I mean -- I
11 don't know what we would decide in that
12 situation, but the way it is now is even
13 harder --

14 MR. PHILLIPS: Yeah, it is.

15 MS. KELLY: -- to accommodate.

16 MR. PHILLIPS: This is two
17 parcels?

18 MS. KELLY: Yeah, if it was one
19 parcel, then it would at least meet the
20 demand that you have a primary residence
21 along with that accessory structure on the
22 same parcel. So the square footage would
23 be another issue.

24 Yeah, (unintelligible) parcels
25 would be the allowable, and so it's a lot

1 closer to what you're looking for square
2 footage wise than what one parcel would
3 accommodate.

4 MR. ABRAHAM: Well, combining the
5 two lots I would do. We don't plan on
6 selling it off anyway. We lived on the two
7 acres, you know --

8 MS. KELLY: Right.

9 MR. ABRAHAM: -- for 35 years,
10 so --

11 MS. KELLY: So, Mr. Chairman, is
12 there a way to, like, table this variance
13 so he doesn't have to come back and reapply
14 if he wants to apply for a variance for
15 the --

16 MR. COLE: It could be tabled,
17 yes.

18 MR. PHILLIPS: Then I think that's
19 what you want is table this, see about
20 combining the two.

21 MR. ABRAHAM: Get that done.

22 MS. KELLY: Yes, and then you
23 won't to have pay for another variance
24 application.

25 MR. PHILLIPS: We can also go into

1 private deliberation if we want to talk
2 about it prior to tabling it as well too,
3 you have that option.

4 MR. MOISE: Could I just ask
5 something?

6 MR. COLE: Sure. Please stand and

7 --

8 - - - -

9 (Thereupon, the person was sworn.)

10 - - - -

11 MR. COLE: And please state your
12 name for the record.

13 MR. MOISE: My name is Jeffrey
14 Moise [phonetic], I live on Bagley just
15 down from the Abrahams. Just curious --
16 and I don't know your business, is there
17 any way you can do the variance subject to
18 him consolidating the lots, is that a
19 possibility?

20 (Unintelligible).

21 MR. MOISE: Okay. All right. I
22 just, you know, approve subject to --

23 MS. KELLY: That's a good
24 question.

25 MR. MOISE: -- and I'm just

1 hearing --

2 MR. ABRAHAM: So combining the
3 lots, I need to go through the County. Do
4 you have someone who --

5 MS. KELLY: Correct.

6 MR. ABRAHAM: -- would steer me in
7 the right direction for that?

8 MR. COLE: Yep, the Building
9 Department can steer you in the right
10 direction of who you need to talk to at the
11 County to get that done.

12 MADAM CHAIR: Yeah, if you want to
13 call us tomorrow, I'll have Joe Schauer
14 [phonetic] here and I'll have him give you
15 a call. Or if you want to leave your
16 number with me, I can have him call you
17 tomorrow.

18 MR. ABRAHAM: I can do that, yeah.

19 MADAM CHAIR: Perfect.

20 MR. ABRAHAM: And then we can --
21 after we do that we can still address it
22 as --

23 MS. KELLY: As a (unintelligible).

24 MR. ABRAHAM: -- even though the
25 building would be more than -- I'd still

1 like to --

2 MS. KELLY: Right, you can still
3 bring it here and potentially get the
4 variance.

5 MR. ABRAHAM: And kind of back to
6 if we got to that point in the building, we
7 tried to -- I know there's, you know,
8 (unintelligible) a color and everything,
9 trying to match the house and property so
10 it -- you know, the neighbors all have
11 presentable properties, we want to just
12 keep this the same, so I'm okay with that.

13 MS. KELLY: So --

14 MR. PEREZ: I'd like to make a
15 motion to table it.

16 MS. KELLY: I would second that.

17 MADAM CHAIR: Okay. Tom Cole?

18 MR. COLE: Abstain.

19 MADAM CHAIR: Oh, sorry. John
20 Phillips?

21 MR. PHILLIPS: Yes.

22 MADAM CHAIR: Cindy Kelly?

23 MS. KELLY: Yes.

24 MADAM CHAIR: Bob Perez?

25 MR. PEREZ: Yes.

1 MR. COLE: So the motion is tabled
2 till next month or depending on, you know,
3 when you talk with the County or get
4 approval for that, and then we can schedule
5 you to come back to come before the Board
6 again.

7 MR. ABRAHAM: Okay. That's the
8 fair thing to do.

9 MR. COLE: And that is it, no
10 floor discussion.

11 I make a motion to adjourn at
12 7:20.

13 MR. PHILLIPS: Second.

14 MADAM CHAIR: Tom Cole?

15 MR. COLE: Yes.

16 MADAM CHAIR: John Phillips?

17 MR. PHILLIPS: Yes.

18 MADAM CHAIR: Cindy Kelly.

19 MS. KELLY: Yes.

20 MADAM CHAIR: Bob Perez?

21 MR. PEREZ: Yes.

22 MR. COLE: All right. That's it.
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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
9 day of JUNE 2023.

BRIAN KUEBLER - ELECTRONIC SIGNATURE

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

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