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2
3 OLMSTED TOWNSHIP BOARD OF ZONING APPEALS
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9 ON WEDNESDAY, JUNE 18, 2025,
10 COMMENCING AT 6:00 P.M.
11 - - - -
12
13 BOARD MEMBERS: DAVID GAREAU
14 MARY VEDDA
15 CINDY KELLY
16 BRUCE OSELAND - ALTERNATE
17
18 ALSO PRESENT: JUSTIN REED -
19 BUILDING COMMISSIONER
20
21
22 COURT REPORTER: MARK WILLIAMS
23 JK REPORTING
24 (216) 664-0541
25 WWW.JARKUB.COM

1 MR. REED: That is correct. The
2 minutes are not available --
3 MR. GAREAU: Okay.
4 MR. REED: -- we will vote at the
5 next regularly scheduled meeting.
6 MR. GAREAU: So we'll table the
7 review of the minutes of the meeting of
8 June 4th.
9 Okay. For anybody having business
10 before the Board, the way that it works for
11 those of you who are not familiar, the
12 Board has reviewed -- members of the Board
13 have reviewed the applications and the
14 matters before it. We are familiar with
15 the specifics of each matter before
16 application, before Board. We will go in
17 the order that is listed on the Agenda as
18 far as the order of old business and then
19 new business.
20 For all business before the Board,
21 we'd ask anybody who will be speaking with
22 the exception of counsel, when they come
23 forward, I'll swear them in, and then state
24 your full name and your address, spell it
25 for the court reporter, and then you can go

2

1 MR. GAREAU: I will call to order
2 the June 18th, 2025 meeting of the Olmsted
3 Township Building and Zoning Board of
4 Appeals. It is 6:01. Can we all stand for
5 the Pledge of Allegiance.
6 - - - -

7 (Thereupon, the Pledge of Allegiance was recited
8 by everyone in attendance.)
9 - - - -

10 MR. GAREAU: Thank you. Okay,
11 I'll call the roll.
12 Mary Vedda?
13 MS. VEDDA: Here.
14 MR. GAREAU: Cindy Kelly?
15 MS. KELLY: Here.
16 MR. GAREAU: Dave Gareau? Myself
17 here.
18 And Bruce Oseland?

19 MR. OSELAND: Here.
20 MR. GAREAU: And Mr. Reed on
21 behalf of the Building Department is here
22 as well.
23 We have no minutes to review to --
24 although it says we have June 4th, but
25 those are not available, correct?

4

1 ahead and present your matter to the Board.
2 You'll notice tonight there is not
3 a full Board, there are four members of the
4 Board instead of five. Given that it is
5 not a full board, we still require three to
6 pass. So whatever matters before the Board
7 requires three votes to approve if either
8 one of the two matters before the Board
9 this evening wishes instead to have a full
10 board, a full five members, we will grant
11 you the right to request to that it be
12 continued to the next hearing of the BZA,
13 and then we can take it up at that meeting.

14 Would either one of the applicants
15 tonight wish to exercise that right?

16 Okay. All right. We'll proceed
17 on both of them this evening then. Thank
18 you.

19 All right. I should say, as I
20 always do, that each application before the
21 Board is decided on its own merits. The
22 request for a variance is unique to each
23 particular property and each particular
24 applicant, and we'd ask you to keep in mind
25 that a decision of the BZA on one matter is

1 not necessarily binding on other properties
 2 within the Township. Likewise, decisions
 3 on other properties are not necessarily
 4 binding on the properties that we're
 5 talking about in this particular instance.

6 All right. And decisions from the
 7 BZA can be appealed directly to the Court
 8 of Common Pleas for Cuyahoga County if
 9 anybody here wishes to exercise that right.

10 All right. The old business,
 11 Application No. 25OLMT-ZBA002 submitted by
 12 Sean Henzey. And this is for property
 13 located at 8750 Stearns Road, Permanent
 14 Parcel No. 965-09-018. The Applicant is
 15 requesting variances from sections
 16 210.09(a), 210.09(b), and 210.09(d) to
 17 allow a recording studio as a home
 18 occupation in a detached building.

19 And is there anybody here to speak
 20 on behalf of that matter?

21 MR. MILLER: Yes.

22 MR. GAREAU: Very well. You are
 23 counsel for the Applicant?

24 MR. MILLER: I am.

25 MR. GAREAU: Okay. You can just

1 go ahead and introduce yourself to the
 2 court reporter.

3 MR. MILLER: Sure. My name is
 4 Matt Miller from the firm Weston Hurd on
 5 behalf of Mr. Henzey. And I've got Mr.
 6 Lapps here who's the owner of the property
 7 at 8750.

8 First of all, I appreciate the
 9 Board being here today. I know this is
 10 kind of off schedule a little bit.

11 So Mr. Henzey is requesting a
 12 variance of 210.09(a),(b) and (d). The
 13 property's a unique property. It is --
 14 there's a detached commercial building at
 15 the front of the property on Stearns Road
 16 built in the 1960s. Behind it is a
 17 residential property. I think it was built
 18 in 1957 at the request of the church when
 19 it was there as a parsonage.

20 So we've got the front larger
 21 commercial property, which has been a
 22 commercial property since the 1960s. It
 23 was operated by Zwick and Associates, a
 24 civil engineer who did not reside at the
 25 property.

1 Mr. Henzey wants to continue the
 2 use of the property in this historic and
 3 continuous use using the commercial
 4 property, the detached accessory building
 5 in the front as a recording studio.

6 He currently leases the entire
 7 property. He would run the business from
 8 the detached accessory building while also
 9 living in the residential unit behind,
 10 again, leasing from Mr. Lapps.

11 We would ask that the variance be
 12 granted so we can use it in this historic
 13 sense and kind of buttressing that
 14 commercial use is the Cuyahoga County tax.
 15 The property has been taxed commercial
 16 since the 1980s. I think we've submitted
 17 the evidence that shows that the property
 18 has continuously been taxed commercially
 19 based on its historic use since the 1960s.

20 Denying a variance and forcing a
 21 homeowner to live in a residence and pay
 22 commercial tax is an undue hardship that I
 23 think we can resolve through what I believe
 24 is a pretty insignificant variance
 25 considering its historic use.

1 And if you wouldn't mind, at this
 2 time, I'd like to have Mr. Henzey come up
 3 and kind of explain Studio Mind and what
 4 his business does and how he came to reside
 5 and work at this residence, this property.

6 MR. GAREAU: Would you be kind
 7 enough to raise your hand?

8 MR. HENZEY: Yes.

9 MR. GAREAU: Do you swear to tell
 10 the truth, the whole truth, and nothing but
 11 the truth?

12 MR. HENZEY: Yes.

13 MR. GAREAU: All right. Would You
 14 be kind enough to introduce yourself to the
 15 court reporter and spell your name, provide
 16 your address.

17 MR. HENZEY: Sean Henzey, S-E-A-N,
 18 H-E-N-Z-E-Y. Address, 8750 Stearns Road.

19 Essentially I just run an
 20 audio/video production company out of the
 21 facility. I've been operating since 2018.
 22 Recently we got the property and I was
 23 under the understanding that it would be --
 24 like we could use it as a commercial
 25 building. We don't do anything crazy.

1 It's just more like office space. We just
 2 do basic production, video work, audio
 3 work, that type of stuff.

4 MR. MILLER: Thanks, Sean.

5 MR. HENZEY: Yep.

6 MR. MILLER: So in continuing with
 7 210.09, I think the main gist of that
 8 section is they don't want to disrupt the
 9 residential character of the neighborhood.
 10 Right here where the property is located,
 11 Stearns is a -- it's a main road. The
 12 residences on this section of Stearns
 13 between Bagley and Schady are pretty spread
 14 out. They're not right on top of each
 15 other. There exists two kind of large
 16 predominant commercial properties, less
 17 than 1800 feet from the property. You get
 18 Swings & Things and Friendship Gas down the
 19 road on the corner of Bagley and Stearns.

20 Again, Mr. Henzey's business is
 21 appointment only. There's not going to be
 22 traffic going in and out. There's no
 23 signage. We're just going to have clients
 24 come, you know, he'll make the
 25 appointments, it'll be one or two vehicles

1 at a time. I don't think we're aware of
 2 any neighbors complaining or having any
 3 concerns with this particular variance. We
 4 haven't heard any, we're not aware that you
 5 all have heard any as well.
 6 So, like I said, the property is taxed at a
 7 commercial rate. We've submitted the
 8 evidence. The commercial rate is -- the
 9 effective rate is 93.34 for commercial, for
 10 residential it's 75.98, which is not an
 11 insignificant difference when you're
 12 talking about your real estate property
 13 taxes. So without the ability to operate a
 14 business on the property and to continue to
 15 pay commercial property taxes is an undue
 16 burden on the resident.

17 In addition to it being taxed as
 18 commercial, the utilities are set up as
 19 commercial. The sewer hookup for the
 20 accessory building is at a 20-foot depth,
 21 which is commercial grade. Residential
 22 would be about 12 to 15 feet. The
 23 electrical is hooked up as commercial.

24 We've talked about Zwick and
 25 Associates. They applied back in -- I'm

1 going to grab it -- here back in 1995 for a
 2 Commercial Use Permit. And Mr. Henzey was
 3 told that he could no longer apply for a
 4 Commercial Use Permit, it could only be a
 5 variance. So we went back and requested
 6 some of the records for this property and
 7 the Conditional Use Permit that was
 8 requested by the Zwick's in 1995. And the
 9 Township approved their permit -- or their
 10 Conditional Use Permit with a few
 11 stipulations, which we recently became
 12 aware of. They were provided a letter
 13 which we don't have access to, but they
 14 adhere to the specifics of the letter. But
 15 the other ones were no storage or usage of
 16 large equipment on the property, no
 17 excessive parking in the front of the
 18 property, for office use only, and the
 19 house will continue as residential usage.
 20 Those are all stipulations that Mr. Henzey
 21 would agree with.

22 We will not have excessive
 23 parking. The detached accessory building
 24 will be the only building that will be used
 25 for commercial purposes. The residence

1 will not be used for commercial, will only
 2 be used as a residence. So right now Mr.
 3 Henzey lives in the residence. He leases
 4 it, but that doesn't mean he's going to
 5 necessarily live there the entire time. If
 6 he was able to purchase his own home
 7 somewhere else, he wants the ability to
 8 continue to operate his business out of the
 9 Stearns Road property where he is operating
 10 it right now.

11 So I think there was a prior
 12 discussion about a requirement or a
 13 stipulation that Mr. Henzey live in the
 14 property for as long as the business
 15 operated out of the accessory building and
 16 that that was the main concern, he wanted
 17 the ability to move somewhere else if he
 18 had the opportunity, which is not to say he
 19 has any plans to move, but he wants that
 20 freedom.

21 And we've got Mr. Lapps here, who
 22 owns the property, who would be able to
 23 continue to rent the residential building
 24 out to a tenant to continue to use as
 25 residential while Mr. Henzey operates the

1 accessory building closer to the street as
2 commercial.

3 I know there's a number of Duncan
4 Factors that have to be taken into
5 consideration. Whether the property will
6 yield a reasonable return without the
7 variance. Given that it's taxed as
8 commercial, it's been used historically as
9 commercial, it's got a very large
10 commercial building at the front of the
11 property, I don't think it could yield the
12 return that it would without the variance
13 that we are requesting.

14 Whether the variance is
15 substantial, I do not believe it's
16 substantial, it's fairly insignificant
17 considering the historical use. It was a
18 church for 30 plus years, then it was a
19 civil engineering firm who operated it
20 without living at the residential, so I
21 don't think we're going to change much, and
22 we're not going to alter the character of
23 the neighborhood.

24 Again, historical use and we have
25 not had any concerns, all the neighbors

1 know what is going on, they've all received
2 their letters about the variance. A number
3 have contacted and said that, you know,
4 they support the variance, there are no
5 issues with it.

6 Whether Mr. Lapps purchased this
7 with the knowledge of this particular
8 zoning restriction? No, because we had to
9 search to find it when he purchased it, and
10 as it is now, it's still taxed as
11 commercial on the county website, and it
12 had the wrong zoning classification. It
13 wasn't until we submitted the first
14 application for the variance did we learn
15 that it was actually -- we had the wrong
16 zoning map and it was zoned a little bit
17 different than we had initially thought
18 where I think it's zoned as multi-family
19 now.

20 And I think lastly, whether the
21 property owners predicament feasibly can be
22 obviated through a method other than a
23 variance? No. Because of the zoning
24 restriction that's in place, we have a
25 commercial building that can't be operated

1 as a commercial building in this small
2 zoning -- piece of the zoning map without a
3 variance to allow a commercial operation to
4 be run out of a historically used
5 commercial building. Again, no signage, no
6 excessive traffic, no large equipment
7 storage, residential will be continued to
8 be used as residential and the commercial
9 will be continued to use as commercial.
10 And without the variance, he can't operate
11 his business. So he's now got to -- he's
12 got to up and go find a new property. And
13 he leased with the understanding that this
14 would be his residence and his business.
15 For him then to have to up and leave would
16 be a hardship. And without the variance,
17 he'll be forced to pay property tax again
18 at a commercial rate while not being able
19 to operate a business from the property's
20 commercial structure, which we believe
21 presents a hardship to both Mr. Lapps and
22 Mr. Henzey.

23 And so with that, we request that
24 the Board grant the variance to Mr. Henzey.
25 Thank you.

1 MR. GAREAU: Just a couple
2 questions. Couple questions.

3 MR. MILLER: Yeah, absolutely.

4 MR. GAREAU: So the Applicant is
5 Mr. Henzey who is the tenant on the
6 property, correct?

7 MR. MILLER: That's correct.

8 MR. GAREAU: All right. Mr. Lapps
9 is not before the Board?

10 MR. MILLER: Correct.

11 MR. GAREAU: Okay. So I believe
12 last time there was also Mr. Henzey's LLC
13 was an Applicant?

14 MR. MILLER: Correct.

15 MR. GAREAU: Okay.

16 MR. MILLER: He is --

17 MR. GAREAU: That's no longer the
18 case?

19 MR. MILLER: He was asked by the
20 Board -- and Sean come up here if you
21 can -- he was asked by the Board to change
22 his application and resubmit under his own
23 name rather than his LLC. Is that correct?

24 MR. HENZEY: Yes, that's correct.

25 MR. OSELAND: Is there going to be

1 signage identifying your business?

2 MR. HENZEY: Right now we have a
3 small sign on the window of the door, but
4 that's it.

5 MR. OSELAND: And that's all you
6 intend to put there?

7 MR. HENZEY: As of right now, yes.

8 MR. GAREAU: Obviously, I'm not
9 privy to what zoning decisions were made
10 decades ago. I don't know what the zoning
11 code looked like back then, so I can't
12 speak to specifically the arguments of the
13 Applicant at the time, we certainly can't
14 compare it to what we have today. The --
15 even though a copy of the decision is
16 attached -- the -- it's currently zoned, as
17 you point out, multi-family townhome,
18 right? And the only way you run a business
19 generally in a residential -- and I'm open
20 to arguments to the contrary -- in a
21 residential, which is multi-family townhome
22 is if it's a home occupation, right? So
23 the whole point of the home occupation is
24 that there be occupancy at the location.

25 MR. MILLER: Uh-huh.

1 one, because of the nature of his business,
2 the equipment, could not move it into his
3 residential, okay? I think that's part of
4 it, you saying it's -- because I think --

5 MR. GAREAU: The whole lot is
6 zoned -- is multi-family.

7 MR. MILLER: Correct. Correct.
8 So he could either move into the detached
9 facility, of which we would still need a
10 variance on the 20% rule, or he can move
11 the business into the residential which is
12 unfeasible because of the equipment would
13 not fit in there. And the other one would
14 be to somehow attach them and make it one
15 building, which I don't think is feasible.

16 So the only way I think, again, to
17 support -- or to kind of fit into what you
18 said would be to move into -- basically
19 abandon the residential and move into the
20 accessory building, so then it is a home
21 occupation.

22 MR. GAREAU: You'd still have to
23 occupy it. I mean, kind of the trigger
24 here is if it's a -- it's a home-based or
25 home occupation, you're supposed to live

1 MR. GAREAU: But you had indicated
2 in your argument that if this is denied
3 that Mr. Henzey, he would have to move his
4 business. He technically doesn't, as long
5 as he stays at -- as an occupant of the
6 property and runs his business, that was
7 one of the concerns we raised the last
8 time. It was because you then -- basically
9 you're rezoning it, you're making it
10 something other than residential because
11 now you have an opportunity, he moves away,
12 sells his business, the next guy comes in,
13 doesn't have any contact with the property
14 whatsoever accepting, basically a tenant of
15 running a business on the property, that
16 was the concern that we had last time.
17 When it was a LLC it was even worse,
18 because then you could just swap out one
19 LLC for the next, and those were the
20 arguments that we had raised. Am I wrong
21 in my conclusion there?

22 MR. MILLER: I think I'm having
23 trouble following some of it.

24 MR. GAREAU: All right.

25 MR. MILLER: So what I can say is,

20
1 there. I mean, that's the -- you want to
2 run a business, but you want the right -- I
3 mean, we can consider this as if you're
4 living there and you want to run a home
5 occupation, but that's not what you
6 necessarily want, you want the right to be
7 able to run this business and then move
8 away. Is that what I -- because if you
9 then move away, then whatever, somebody
10 else moves in and just basically you have a
11 store or an office -- not a store -- an
12 office there as if it was a commercial
13 district, you're no longer living there.

14 MR. MILLER: I mean, at the same
15 time, the residential will remain
16 residential. As long as Mr. Lapps owns the
17 property -- and I think I'm putting words
18 into his mouth now -- but as long as Mr.
19 Lapps owns the property, Mr. Henzey can
20 continue to operate out of the accessory
21 building and the residential will remain
22 residential.

23 Whether Mr. Henzey is living there
24 or another tenant, we will still have a
25 residence and a commercial property.

1 Part of what they did with Zwick's,
 2 and I know you can't -- we can't compare --
 3 it may be apples to oranges, it may be
 4 apples to apples and we don't -- we just
 5 don't know --

6 MR. GAREAU: Right.

7 MR. MILLER: -- the condition was
 8 as it reads, it's without term limits as
 9 long as the conditions are met or until the
 10 property changes ownership, which is what
 11 got us in this predicament. The property
 12 changed ownership and they said, all right,
 13 all this stuff no longer applies, anybody
 14 who now moves in there -- again, I think we
 15 would accept the same condition, which is
 16 as long as Mr. Lapps owns it, this is how
 17 it operates, it changes hands to anyone
 18 other than Mr. Henzey who's living there,
 19 then it reverts back, and whoever moves in
 20 there would have to reapply.

21 MR. HENZEY: May I say --

22 MR. MILLER: Oh, yes, absolutely.

23 MR. HENZEY: The reason I
 24 submitted the first application under
 25 Studio Mind was for that exact reasoning,

1 was I plan on leaving the business there
 2 forever. It's going to be there forever.
 3 If I move myself, I'm not going to move the
 4 business. That was what my intention was
 5 when I submitted the first application with
 6 just my business name. It being under my
 7 own name, that's fine. I'm not saying I'm
 8 going to like move the business too and
 9 then everything still applies.

10 MR. GAREAU: Is it possible that
 11 you -- I'm going to ask you to speculate
 12 about the future because it's -- we're
 13 talking about if you move away --

14 MR. HENZEY: Yeah.

15 MR. GAREAU: -- it's entirely
 16 possible that you could have the business
 17 there as you indicated, you want to keep
 18 the business there permanently --

19 MR. HENZEY: Yeah.

20 MR. GAREAU: -- you could move
 21 away and the owner might not be able to
 22 find another tenant, so now we have the
 23 business on the property with no tenant and
 24 no occupant of the property other than the
 25 business, that's possible, right?

1 MR. HENZEY: Yeah, that could be
 2 possible. And I will say I do plan on
 3 purchasing the property from Mr. Lapps,
 4 that is my goal, so.

5 MR. LAPPS: That is our lease
 6 agreement.

7 MR. HENZEY: Yeah.

8 MR. GAREAU: Is that an option?

9 MR. LAPPS: That is an option.

10 MR. GAREAU: I've got to swear you
 11 in if you want to talk.

12 Do you swear to tell the truth,
 13 the whole truth, and nothing but the truth?

14 MR. LAPPS: I do.

15 MR. GAREAU: Could you please
 16 provide your full name and state your
 17 residential address.

18 MR. LAPPS: Chris Lapps, 25560
 19 Nichols Road, Columbia Station.

20 MR. GAREAU: Okay. Proceed.

21 MR. LAPPS: All right. Now what
 22 were we saying?

23 MR. GAREAU: I asked about the --

24 MR. MILLER: What is the lease
 25 agreement with Sean.

1 MR. LAPPS: Oh, we have a 15-year
 2 lease agreement with after that he has the
 3 option to buy at a discounted price for
 4 what the property would be at. We take
 5 into consideration the way it's written up
 6 a percentage of the money that he paid over
 7 those years to be able to apply some of
 8 that towards the purchase of the property.

9 MR. GAREAU: Do you have a copy of
 10 that?

11 MR. LAPPS: Not on me, but I do
 12 have it at home. I could bring it to your
 13 office, David, if you remember who I am.

14 MR. GAREAU: I'd have to bring it
 15 to the Board.

16 MR. LAPPS: Yeah, no. Oh yeah.
 17 Okay. I could bring it to the Board then,
 18 that's no problem.

19 MS. VEDDA: Can I ask a question?

20 MR. LAPPS: Sure.

21 MS. VEDDA: How far into this
 22 lease are you? 15 years is he in --

23 MR. HENZEY: We purchased it back
 24 in August.

25 MR. LAPPS: Yeah. So we're on

1 year one still. Yeah. Yeah, we're still
2 in year one.
3 MS. VEDDA: Okay.
4 MR. GAREAU: Any questions from
5 any members of the Board?
6 Any questions or comments by
7 members of the audience?
8 MR. ENGELMANN: I --
9 MR. GAREAU: Let me swear you in
10 first real quick. Swear to tell the truth,
11 the whole truth and nothing but the truth.
12 MR. ENGELMANN: So help me God.
13 MR. GAREAU: All right. And if
14 you could please state, spell your name,
15 and provide your residential address.
16 MR. ENGELMANN: Sure. Bill
17 Engelmann, E-N-G-E-L-M-A-N-N. I live at
18 26855 Cook Road in Olmsted Falls. I'm just
19 here, I kind of fell into this. Tonight I
20 got a notice about this meeting, and it's
21 actually for the other party on the Agenda
22 because I have a property near apparently
23 where she is, but I saw the first item on
24 the Agenda and just wanted to speak for
25 this gentleman, Sean, maybe like a

1 character affirmation.
2 I own property where he had
3 operated the business at the northwest
4 corner of Cook and Barton Roads in the
5 Township, and he was there seven or eight
6 years operated. I let him remodel the
7 three-bay garage into a studio and they did
8 a nice job. Never had any complaints from
9 anyone concerning noise or anything else.
10 Not excessive traffic. They had no signage
11 over there because it doesn't allow it.

12 This is under -- that property
13 that we have is under home occupation
14 status. That was granted to me back in
15 2003. And at that time -- and maybe it's
16 changed -- it had to be either the owner of
17 the business living in the home, which I
18 have a residential home right there on the
19 same property, or an employee of that
20 business. Now, I don't know if that's
21 changed or not, or if I'm putting in, I'm
22 sticking a sticky wicket in here, but I
23 know on one of my tenants -- I've only had
24 three tenants now in the 20 years that I've
25 owned this property -- at one point it was

1 the manager of the one business that was
2 there and so it really wasn't the owner.
3 In Sean's case, he lived there in the
4 house. So again, I don't know if the home
5 occupation use zoning in the Township has
6 changed. Maybe it's not allowing an
7 employee or the manager to be there as the
8 representative of that property or of that
9 business. I don't know.
10 But I'm just speaking, Sean was a
11 -- he's a very standup guy, never had a
12 problem with him and just wanted to --
13 again, just happened to be -- see what's
14 going on, so...
15 MR. GAREAU: Fair enough. Thank
16 you. Thank you. Any other comments or
17 questions from the audience? Any questions
18 from members of the Board?
19 Anything further from the
20 Applicant?
21 MR. HENZEY: No.
22 MR. GAREAU: Okay. Okay. I will
23 make a motion that we enter a private
24 deliberation at 6:30. Is there a second?
25 MS. KELLY: Second.

1 MR. GAREAU: Ms. Kelly?
2 MS. KELLY: Yes.
3 MR. GAREAU: Mr. Gareau? Yes.
4 Mr. Oseland?
5 MR. OSELAND: Yes.
6 MR. GAREAU: Ms. Vedda?
7 MS. VEDDA: Yes.
8 MR. GAREAU: All right. We're
9 going to enter at 6:31 we'll enter private
10 deliberations. We'll be right back.
11 - - - -
12 (Off the record.)
13 - - - -
14 MR. GAREAU: May we have the
15 Applicant and counsel approach the
16 microphone, please.
17 All right. It has been suggested
18 that we request of the Applicant that there
19 be a condition upon the granting and
20 maintenance of the variance on the
21 property, given that it is a -- what you're
22 asking for is to be called a home
23 occupation -- to be excused from certain
24 requirements of the home occupation
25 regulations. We all understand that,

1 right? Is that an accurate assessment of
 2 what's going on here?
 3 MR. MILLER: Yes.
 4 MR. GAREAU: Okay. And so you've
 5 got a request for variances, some sections
 6 a, b and d of Section 210.09. And the
 7 conditions would be that in the event that
 8 Sean Henzey no longer owns the business, or
 9 in the event that the current owner of the
 10 property no longer owns the property, so
 11 any transfer of it from -- and I'm assuming
 12 it's currently in Mr. Lapp's name
 13 personally?

14 MR. LAPPS: Right.

15 MR. GAREAU: Those two conditions,
 16 that the home occupation -- the variance
 17 from the home occupation regulations would
 18 terminate upon either one of those two
 19 events. Does that make sense?

20 MR. HENZEY: It does. So --

21 MR. MILLER: Yeah. So -- go
 22 ahead.

23 MR. HENZEY: Sorry. So if I
 24 bought the property from Mr. Lapps, would
 25 it be all right -- like, can you explain

1 that to me?

2 MR. MILLER: And I would say
 3 that's the only question I had too if Mr.
 4 Henzey bought the property from Mr. Lapps,
 5 would --

6 MR. GAREAU: Are you under
 7 contract to buy it personally or through an
 8 LLC?

9 MR. HENZEY: Yes. No, personally.

10 MR. GAREAU: If you personally,
 11 that's something -- well, let's discuss it.
 12 If you were to buy it personally, what
 13 would your --

14 MS. KELLY: Before you transfer
 15 title, maybe you could apply for the
 16 variance again. Because technically
 17 ownership is changing, so maybe you could
 18 apply for the variance again.

19 MR. HENZEY: That would --

20 MS. KELLY: Is this a land
 21 contract where you're paying over these
 22 years, or is it just a kind of an end --

23 MR. MILLER: No, it's not a land
 24 contract.

25 MR. GAREAU: Lease option.

1 MR. LAPPS: It's a lease option.
 2 MS. KELLY: Okay.
 3 MR. LAPPS: It's just a lease and
 4 then --
 5 MS. KELLY: Uh-huh.
 6 MR. LAPPS: -- he has first right
 7 to buy. And then I said to him, because
 8 I'm going to lease it to you for this long,
 9 whatever it's worth, at that time, I will
 10 discount a little bit to you to sell to you
 11 cheaper because of paying, you know, I'm
 12 not going to discount all of it --

13 MS. KELLY: Sure.

14 MR. LAPPS: -- you know what I
 15 mean, I need to make money, but I figured I
 16 could discount it a little bit of it too,
 17 you know, that way he helped me, I'm
 18 helping him.

19 MS. KELLY: Right.

20 MR. GAREAU: So for the record,
 21 just to establish, Mr. Lapps, you are
 22 currently the owner of the property in your
 23 name personally?

24 MR. LAPPS: Correct.

25 MR. GAREAU: All right. Under the

1 condition, if that were to change in any
 2 way, right, with the issue you raised up
 3 being the possible exception, then he would
 4 -- the variances would terminate --

5 MR. LAPPS: Correct.

6 MR. GAREAU: -- okay?

7 Mr. Henzey, you are -- even though
 8 you have an LLC, you're the owner of that
 9 business --

10 MR. HENZEY: Yes.

11 MR. GAREAU: -- you're the owner
 12 of the LLC?

13 MR. HENZEY: Yes.

14 MR. GAREAU: Okay. If you are no
 15 longer the owner of the business, right,
 16 then the variance would terminate. You
 17 understand that?

18 MR. HENZEY: Yes.

19 MR. GAREAU: Okay. If were you to
 20 acquire -- were you personally to acquire
 21 in your name the real estate from Mr.
 22 Lapps, and I think the question is, would
 23 he still have to go and would that trigger
 24 the need to come in and reapply?

25 MS. KELLY: Not if we made that

1 exception.
 2 MR. GAREAU: That's the issue.
 3 You all right with that?
 4 MS. KELLY: Okay. Justin.
 5 MR. GAREAU: We're all good?
 6 MS. VEDDA: No.
 7 MR. GAREAU: Mr. Reed, you're
 8 recognized.
 9 MR. REED: So I just have a quick
 10 question with regards to the variances.
 11 Does it run with property if the business
 12 were to change. If Mr. Henzey were still
 13 to own his business but move his business,
 14 would the -- that's a question I would
 15 have.
 16 MR. GAREAU: So as it's being
 17 constructed here, it would -- this -- once
 18 that business terminates, right, or once
 19 that business ceases doing business at that
 20 location, that's no longer your home
 21 occupation anymore.
 22 MR. MILLER: Yeah. That's my
 23 understanding of the condition.
 24 MR. GAREAU: Right. And likewise,
 25 if you decide you want to move this

35
 1 the business from the property.
 2 MR. MILLER: Correct.
 3 MR. GAREAU: Do you understand
 4 that?
 5 MR. HENZEY: Yes.
 6 MR. GAREAU: Okay. And you're
 7 okay with that?
 8 MR. HENZEY: Yes.
 9 MR. GAREAU: Okay. And even
 10 though it's not your application, you
 11 understand that you're okay with that Mr.
 12 Lapps?
 13 MR. LAPPS: Good.
 14 MR. GAREAU: Okay. All right.
 15 Subject to those two conditions I make a
 16 motion -- as soon as I find it -- a motion
 17 to approve 25OLMT-ZBA002 relating to 8750
 18 Stearns Road, and is there a second?
 19 MS. KELLY: Second.
 20 MR. GAREAU: Ms. Vedda?
 21 MS. VEDDA: Yes.
 22 MR. GAREAU: Ms. Kelly?
 23 MS. KELLY: Yes.
 24 MR. GAREAU: Mr. Oseland?
 25 MR. OSELAND Yes.

1 business out and move in a pizza shop, you
 2 can't do that --
 3 MR. MILLER: Correct.
 4 MR. GAREAU: -- because you're
 5 changing the -- even if you own the pizza
 6 shop.
 7 MR. MILLER: Correct. The
 8 understanding is that Mr. Henzey's current
 9 business is the only business for that
 10 piece of property.
 11 MR. GAREAU: All right. So just
 12 so everybody's on the same page, the
 13 application for variance as it relates to a
 14 variance from Section 210.09 (a), (b) and
 15 (d) is being considered and it will be
 16 considered with a condition attached that
 17 upon the change of ownership of the real
 18 estate from its current owner there will be
 19 -- the variance will terminate with the
 20 exception that if you personally buy it,
 21 you being Mr. Henzey, okay?
 22 MR. HENZEY: Okay.
 23 MR. GAREAU: That's one condition.
 24 The other condition is that if you
 25 no longer own the business or if you move

36
 1 MR. GAREAU: Mr. Gareau? No.
 2 The matter has passed three to
 3 one. You got your variance subject to the
 4 conditions that were stipulated.
 5 MR. HENZEY: Awesome. Thank you.
 6 MR. MILLER: Thank you very much.
 7 MR. GAREAU: All right.
 8 All right folks, it's your turn.
 9 That's the nature of being an old
 10 business versus new business, you're the
 11 new business.
 12 MS. SZANTO: That's okay. We
 13 appreciate you listening to our appeal
 14 today.
 15 MR. GAREAU: All right. So I will
 16 call the matter of new business before the
 17 Board, Application No. 25OLMT-ZBA0007
 18 submitted by Julie Szanto.
 19 MS. SZANTO: Yes.
 20 MR. GAREAU: For property located
 21 at 27270 Cook Road, it's zoned R-40. The
 22 Applicant is requesting a variance from
 23 Section 210.08(b)(1) concerning maximum
 24 detached accessory garage area.
 25 And if you could be kind enough to

1 raise your right hand. Do you swear to
 2 tell the truth, the whole truth, and
 3 nothing but the truth.

4 MS. SZANTO: I do.

5 MR. GAREAU: And if you could
 6 state your full name -- even though I
 7 already said it -- state your full name and
 8 spell it and provide your address for the
 9 court reporter.

10 MS. SZANTO: Sure. My name is
 11 Julie Szanto, S-Z-A-N-T-O. I reside at
 12 27270 Cook Road in Olmsted Township.

13 MR. GAREAU: You may proceed.

14 MS. SZANTO: Okay. So for the
 15 Board's reference, we are here in response
 16 to a plan review that was 2025-03-1705. I
 17 believe some plans were submitted by our
 18 contractor, and we got a response letter to
 19 clarify some things. And were told at that
 20 time that we needed to apply for a variance
 21 because we were over the maximum approved
 22 square footage for the Township at 875
 23 square feet.

24 The building that we are proposing
 25 to build on the property in that same

1 footprint just expanded a bit, is actually
 2 1,050 square feet. So we're oversized of
 3 the maximum allowed by the zoning rules in
 4 the Township, but we are asking in front of
 5 the Board to be considered for the
 6 variance.

7 And I have, in addition to my
 8 application, submitted some plans for your
 9 review. As you can see, we have an
 10 existing garage on the property right now.
 11 It's a two-car garage that is in need of
 12 demolition regardless if we do get this
 13 variance approved this evening.

14 In addition to that two-car
 15 garage, we also have a temporary structure
 16 that houses our boat on the property as
 17 well. So with those two pieces combined,
 18 the new footprint that you see on the
 19 property actually takes up the space of
 20 what this total new building would take up.
 21 So we are happy to answer any questions
 22 that you have.

23 In response to the Duncan --

24 Duncan -- excuse my --

25 MR. GAREAU: Factors.

1 MS. SZANTO: Yes, the Duncan
 2 Factors. I have some notes on my computer,
 3 so I will be looking down at that, not to
 4 be rude, but that is where I've written up
 5 my responses. So bear with me just a
 6 second.

7 Okay. All right. So in question
 8 number one, will the property yield a
 9 reasonable return or can there be a
 10 beneficial use of the property without the
 11 variance?

12 The current garage on the property
 13 needs to be replaced, as I mentioned just
 14 before. We have chosen this building
 15 designed to meet the needs for vehicle and
 16 garden equipment storage, thereby improving
 17 the appearance of the property. It will be
 18 a substantial investment in the property
 19 and substantial improvement to what is
 20 there today. We assume this new building
 21 will provide a reasonable return to the
 22 property value over what is there today.

23 Is the variance substantial? And
 24 like I said, we are 170 feet, five feet
 25 over what maximal accept -- maximum

1 acceptable is at 1,050 square feet.
 2 Will the essential character of
 3 the neighborhood be substantially altered
 4 or will adjoining properties suffer a
 5 substantial detriment if the variance is
 6 granted?

7 The essential character of the
 8 neighborhood, Cook Road between Barton and
 9 Bronson Road, so we're on the far west-end
 10 side -- far west side of the Township will
 11 not be altered in any negative way. The
 12 addition of this new garage will be new
 13 construction and the finished details of
 14 the building will match the color scheme of
 15 the main living area, which is our main
 16 house. The variance will enable us to
 17 remove the temporary storage structure that
 18 I mentioned previously.

19 No substantial detriment to
 20 adjoining properties will be experienced.

21 Next question: Will variance
 22 adversely affect the delivery of
 23 governmental services?

24 No, there will be no effect on
 25 those services.

1 Did the property owner purchase
 2 the property with knowledge of the zoning
 3 restrictions?

4 We have -- I grew up on the
 5 property, so I'm -- I have a history of the
 6 property there and I take it very dear to
 7 my heart to make improvements to the
 8 property. Over the last few years, we've
 9 made improvements to the front of the house
 10 and put a new porch on. This will help us
 11 take down a garage that is in need of
 12 removal and put up a building that will add
 13 to the character of the -- not only that
 14 property, but I believe also the
 15 surrounding neighborhood, improve the
 16 appearance overall.

17 Can the problem be resolved in
 18 some manner other than granting of the
 19 variance?

20 We are hopeful that we can add the
 21 third garage bay. This is going to
 22 increase our storage of the onsite vehicles
 23 and boat/lawn equipment that we have onsite
 24 today.

25 And the last question I didn't

1 understand, if I can be very honest. It
 2 asked me if the variance preserves the
 3 spirit and intent of the zoning resolution
 4 and will substantial justice be done by
 5 granting the variance.

6 In the spirit of improvement, home
 7 improvement, I believe it serves a purpose
 8 for the land. So if anybody has questions
 9 about my interpretation of that, I'm happy
 10 to discuss it.

11 And I was also told to prepare if
 12 anybody had questions about the percentage
 13 of the property that we will be occupying
 14 now that we're asking for this larger
 15 garage. This is going to be about 2.4% of
 16 our total lot coverage. We own
 17 approximately two acres there, 100 hundred
 18 square footage in the front, and then it
 19 goes back approximately two acres. So just
 20 expanding the footprint of the garage
 21 that's sitting there today and cleaning up
 22 the property by putting that third bay on
 23 the garage.

24 MR. GAREAU: When this -- what
 25 brings you to grant this variance when

1 you're done, you will have your home and
 2 then you will have this structure, will
 3 there be any other structures remaining on
 4 the property?

5 MS. SZANTO: No, nuh-uh. That
 6 temporary structure that -- that houses our
 7 boat goes away.

8 MR. GAREAU: Will there be any
 9 plumbing out to this building?

10 MS. SZANTO: That is not part of
 11 these initial plans. There's no plumbing
 12 or electric to our existing garage right
 13 now, so we have no plans to do that.

14 MR. GAREAU: Is this a single
 15 floor?

16 MS. SZANTO: Yes.

17 MR. GAREAU: Okay.

18 MS. SZANTO: So the footprint of
 19 the new structure will begin at the
 20 southeast corner of where the existing
 21 garage sits today, and it will cover, like
 22 I said, the amount of area that the
 23 existing two-car garage sits today. And
 24 then that temporary structure sits right
 25 next to the existing garage. Once this is

1 built, the new foundation will start at the
 2 existing southeast corner and it will go
 3 back and out as I've drawn up on the plan
 4 that's there in front of you.

5 MR. GAREAU: Do you know how far
 6 back from the street this is?

7 MS. SZANTO: The house is 75 feet,
 8 so another 40. I want to say it's about
 9 150 feet back maybe --

10 MR. GAREAU: Okay.

11 MS. SZANTO: -- possibly. About
 12 40 feet off of the back of the house.

13 MR. GAREAU: And what's behind
 14 your lot?

15 MS. SZANTO: Condos. We have a
 16 wooded buffer between where our property
 17 ends and where the condos begin behind us.
 18 So you get to the condos either off of Cook
 19 Road or off of Barton.

20 MR. GAREAU: Okay. And this is --
 21 looks like you're about five or 600 feet
 22 from the property line where this back end
 23 of this structure would be.

24 MS. SZANTO: Yes. There's
 25 substantial area back there.

1 MR. GAREAU: Any questions? Any
 2 questions from anybody on the board?
 3 Any questions from the audience?
 4 All right. Is there a motion to
 5 approve 25OLMT-ZBA0007?
 6 MS. VEDDA: So moved.
 7 MR. OSELAND: Second.
 8 MR. GAREAU: Okay. On the motion
 9 to approve, Ms. Vedda.
 10 MS. VEDDA: Yes.
 11 MR. GAREAU: Ms. Kelly?
 12 MS. KELLY: Yes.
 13 MR. GAREAU: Mr. Oseland?
 14 MR. OSELAND: Yes.
 15 MR. GAREAU: And Mr. Gareau? Yes.
 16 Okay.
 17 MS. SZANTO: Thank you for hearing
 18 us.
 19 MR. GAREAU: You variance has been
 20 approved.
 21 MS. SZANTO: I appreciate it.
 22 Thank you.
 23 MR. GAREAU: Appreciate your
 24 patience. Thank you.
 25 MS. SZANTO: Thank you.

1 MR. GAREAU: And there being no
 2 additional business before the Board, I'll
 3 make a motion to adjourn at 7:20.
 4 MS. VEDDA: Second.
 5 MR. GAREAU: Myself? Yes.
 6 Ms. Vedda -- we're adjourning --
 7 MS. VEDDA: Yes.
 8 MR. GAREAU: -- I made a motion to
 9 adjourn. Ms. Kelly?
 10 MS. KELLY: Yes.
 11 MR. GAREAU: Mr. Oseland?
 12 MR. OSELAND: Yes.
 13 MR. GAREAU: Okay. Meeting
 14 adjourned.
 15
 16
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 25

1 C E R T I F I C A T E
 2
 3 I, Mark Williams, a Notary Public within
 4 and for the State of Ohio, do hereby certify that
 5 I attended the foregoing hearing in its entirety,
 6 that I wrote the same in stenotypy, and that this
 7 is a true and correct transcript of my
 8 computer-aided notes.
 9 IN WITNESS WHEREOF, I have hereunto set my
 10 hand and seal of office, at Cleveland, Ohio, this
 11 4 day of JULY A.D. 2025.
 12
 13
 14
 15 Mark Williams - e-signature
 16 _____
 17 Mark Williams, Notary Public, State of Ohio
 18 My commission expires May 21, 2027
 19
 20
 21
 22
 23
 24
 25

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