

**CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES OF THE MEETING
February 17, 2021**

MEMBERS PRESENT: Melissa Fliegel
Dennis Porcelli
Liza Wolf
Thomas Zych Chair
Ben Hoen Vice-Chair

STAFF PRESENT: Karen Knittel Assistant Planning Director
Pam Roessner Assistant Law Director
Christy Lee Administrative Assistant

CALL TO ORDER

Mr. Zych called the regular meeting to order at 7:00 p.m. at which time a quorum was present. Mr. Zych stated that there will be some variations, with this being the first meeting of the year we will need the oath of office administered. Mr. Hoen then asked that Karen Knittel introduce the newest Board of Zoning Appeals member as well as the new Planning Director.

Karen Knittel stated that it pleases her to introduce Melissa Fliegel, stating that she has been a good citizen of Cleveland Heights volunteering her time previously to the Architectural Board of Review therefore she will bring a lot of skill and talent from that board to this one as well as from her personal and professional life which is why we are glad she's on board with the Board of Zoning Appeals. Ms. Knittel went on to introduce Eric Zamft who is the new Planning Director for the Planning and Zoning Department.

Eric Zamft went on to say that he was glad to be a part of tonight's meeting as well as to now being part of the City of Cleveland Heights. Mr. Zamft went on to say that he looks forward to working with the City of Cleveland Heights and the community where he knows great things will happen in the coming future.

Mr. Zych stated that he is confident that Mr. Zamft will fall in love with the City of Cleveland Heights as they all have, he went on to say that many are not natives including himself but have lived here for many years and love it and have raised his children here, so welcome aboard and we're thrilled to have Mr. Zamft.

Mr. Porcelli interjected that as a former New Yorker he welcomed Mr. Zamft to Cleveland Heights and he knows that he will love it.

Mr. Zych stated to Pam Roessner that the next item of business is the oath of office and would she administer that.

Pam Roessner asked Melissa Fliegel to raise her hand and take the oath of office as follows. Do you solemnly swear/affirm that I will support the Constitution and laws of the United States of America, the constitution and laws of the State of Ohio, the Charter and ordinances of the City of Cleveland Heights; and that so long as I continue to hold a position as a member of the Board of Zoning Appeals you will honestly, faithfully and impartially discharge the duties of the office to the best of my ability.

Melissa Fliegel "I do".

Mr. Zych stated that we are fully on board and we are now a fully constituted board. Mr. Zych went on to state that he currently serving as President of proem because we have before us the next item of business which is the election of officers and there are two officers positions the chair and vice-chair, so as chair proem at this point he will request nominations the position of chair of the Board of Zoning Appeals.

Mr. Hoen nominated Mr. Zych to remain the chair of the Board of Zoning Appeals.

Mr. Zych "Thank You" and stated that no seconds are required than asking if there were any other nominations. Mr. Zych stated that if not he'll move to close the nominations and therefore will need a second.

Ms. Wolf 2nd the motion.

Motion carried 5-0

Mr. Zych stated that now there will be a vote on the election of the nominated chair and with there being only one nomination this will be done with "Yea or Nay"

Motioned carried 5-0

Mr. Zych stated the next position to be filled will be that of vice-chair of the Board of Zoning Appeals he then asked if there were any nominations.

Ms. Wolf stated that she would like to nominate the current Vice-Chair, Mr. Hoen.

Mr. Zych asked if there were any other nominations. There being none Mr. Zych moved that the nomination be closed, asking for a seconded to the motion.

Mr. Percielli 2nd the motion.

Mr. Zych asked for those in favor to close the nomination to say "aye"

Motion carried 5-0.

Mr. Zych stated nominations are closed and now they will vote on the nomination for Mr. Hoen to serve as Vice-Chair of the Board of Zoning Appeals, all in favor please say "aye".

Motion carried 5-0.

Mr. Zych stated that they now have their officers moving forward the motion for a recount is laid upon the table. Mr. Zych went on to say that the next item up for business is the approval of the minutes from the November 18, 2020 Board of Zoning Appeals meeting, he stated that he provided Me. Knittel with a few technical corrections to that he then asked if there were where any other corrections or changes to the minutes. If not, he asked for a motion to approve the minutes from the November 18, 2020 Board of Zoning Appeals meeting.

Mr. Hoen motioned to approve the minutes from the November 18, 2020 Board of Zoning Appeals meeting as corrected and as submitted.

Ms. Wolf 2nd the motion.

Mr. Zych asked if there was any further discussion, if not all in favor please say "aye" motion carried 5-0.

Mr. Zych went to explain that normally this is where they would go into a public hearing and he would then give direction on how they would proceed, however, there are no new applications before them so there will be no public hearing. Leaving the board with only the Old Business. Mr. Zych then asked Ms. Knittel to confirm that there are two requests for extension of time or motions to request extension of time to complete the projects on **Cal. No. 3481(a), (b) & (c) Rich Management Company, LLC, 1728 Middlehurst RD & Cal. No. 3444 WXZ Residential Group/CC LCC, 2350 Overlook Rd.**

Ms. Knittel stated that was correct and made that Jonathan Rich who is with 3481 is present at this time.

Mr. Zych explained to Mr. Rich that the full board was before him at this time, and before is Cal No. 3481 (a) (b) & (c) which is apart of the variance that was granted to Rich Management Company, LLC, 1728 Middlehurst Rd. We have a request for an extension of time to complete the project. Mr. Zych then stated to Mr. Rich that he had a letter dated December 4, 2020, making a request for an extension of time and stating certain facts. Mr. Zych then asked Mr. Rich to confirm that this is a letter to request an extension and that the facts that he has stated were true and accurate.

Mr. Rich "Yes"

Mr. Zych without objection then we will enter the December 4, 2020, letter from Mr. Rich to the board into the record. Mr. Zych noted that Mr. Rich is looking for an extension of time for an additional 18 months, which would be through, August 28, 2022.

Mr. Rich Correct.

Mr. Zych asked Mr. Rich was there anything that he needs to add to the letter or was that grounds for the request.

Mr. Rich stated that he felt the letter set forth pretty much the ground of the request, he added that they have restated the project which probably wasn't stated in the letter. Mr. rich went on to say that they are moving forward with an engineer working on drawings.

Mr. Zych "Excellent". Mr. Zych then stated that they now will need a motion from a Board Member with the motion in regards to the extension of time to complete the project.

Mr. Hoen moved to grant the request for a time extension given the extortionary circumstances which we do find ourselves in due to the Covbid-19 emergency. Giving the reasoning set forth in the letter an extension would be warranted.

Mr. Zych asked if there was a second.

Ms. Wolf second.

Mr. Zych asked if there was any further discussion and if not all in favor please say "Aye"

Motion carried 5-0.

Mr. Zych welcomed Mr. Swindell to the meeting. Mr. Zych stated that a request for Cal. No. 3444 WXZ Residential Group/CC LCC, 2350 Overlook Rd. the request is for an extension of time to complete the project in regards to Code Section 1115.17(J). Me. Zych mentioned to Mr. Swindell that there was a letter submitted on December 23, 2020, with the request, Mr. Zych asked Mr. Swindell if that was correct.

Mr. Swindell "Yes"

Mr. Zych processed to ask Mr. Swindell to confirm that this is a letter to request an extension of time to be true and accurate.

Mr. Swindell "Yes"

Mr. Zych stated that without objection Mr. Swindell's letter dated December 23, 2020, will be entered into the record. And hearing no objection, it's so ordered. Mr. Zych went on to say to Mr. Swindell, that is correct that he's requesting an extension through to April 21, 2022, is that correct.

Mr. Swindell "Yes"

Mr. Zych asked Mr. Swindell if there was anything that he wanted to add to the letter at this time.

Mr. Swindell stated that he felt that the grounds had been detailed in the letter, he went on to say that they are currently very far along in the project and the historic building should be brought over within the next couple of months. Mr. Swindell also added that with the townhomes 12 out of the 13 have now been sold. He added that they will need additional time to clean up the landscaping, however, the project is moving along great.

Mr. Zych thanked Mr. Swindell for his perseverance, Mr. Zych asked if there was a motion for Cal. No. 3444 WXZ Residential Group/CC LCC, 2350 Overlook Rd. regarding the request is an extension of time to complete the project through April 21, 2022.

Ms. Wolf in regards to Cal. No. 3444 WXZ Residential Group/CC LCC, 2350 Overlook Rd. the request is for an extension of time to complete the project moved to grant the extension due to the circumstance stated in the applicant letter.

Mr. Hoen seconded.

Mr. Zych asked if there was any further discussion if not all in favor please say "Aye"

Motion carried 5-0.

New Business

There are 3 cases for the next Board of Zoning Appeals on March 17, 2021

ADJOURNMENT

There being no further business to come before the Board, the regular meeting was adjourned at 7:13 p.m.

Respectfully Submitted,



Thomas Zych, Chairman



Karen Knittel, Zoning Administrator

