

The Board of Zoning & Appeals met in a Work Session at Bedford City Hall on Tuesday, March 28, 2020 at 6:31 P.M. Present: Present: Kristi Glasier, Laura Hulett, Lynette Speights and John Trzeciak. Absent: Also in attendance: Building Commissioner Calvin Beverly, Law Director John Montello and Secretary Tracy Simons.

Aleksandr M. Rybak, 21821 Libby Rd. Bedford Heights, OH 44146. Mr. Rybak is requesting a variance of ordinance 1949.19 Signs Permitted in B-2A District (d) (16) Billboards – Prohibited.

Ms. Glasier stated that where they want to have the billboard is an empty lot and the information that we received stated that it was going to be a parking lot. She continued to state that on the plans it says existing lawn to remain and when she went to visit the site it's for sale. Mr. Beverly stated that as it stands right now it is a vacant parcel. He stated that it is his understanding that the existing lot that remains would be around the public way. He also stated that the parcel stands now would be regraded and another curb cut would be made to allow for traffic to come in and out on the Glendale Ave. side instead of on Flora Dr. on the Broadway Ave. side. He continued to state that Mr. Rybak's intention is that if this is approved and he purchases the property then the billboard will be put up and the parking lot would be put in place. Ms. Glasier stated that he wants to buy this and Mr. Beverly stated that as it stands now he bought the business across the street and he is leasing additional parking spaces from the Coffee Cup. Ms. Glasier inquired if the business across the street was the car wash and Mr. Beverly replied that it is the business next to the car wash. Mr. Beverly stated that it is right where the All State Insurance Company, beauty salon and where the detail shop are located, then on the second floor there is an extension of the beauty shop. Mr. Beverly stated that with the limited parking spaces that Mr. Rybak has there he had to lease parking spaces from The Coffee Cup. He continued to state that Mr. Rybak is looking to purchase this property so that he will have the required number of parking spaces for the existing businesses across the street and to also allow for off street parking for Carol James Florist. Mr. Rybak stated that he provided all of the documents to the city with the permission for the flower shop to allow him to have a parking lot in there. Mr. Rybak stated that as of right now the vacant lot has not been used for years and that he would like to make it a parking lot with a billboard sign. Mr. Beverly stated that as the parcel stands now is very small and when the Milano's owned the property they were going to put a building there and their monument. He continued to state that they realized that they didn't have adequate parking either, so the lot has been sitting vacant for years. Mr. Rybak stated that the parking lot will be lit up and that there will be security camera's in the parking lot as well for the safety of the public and for everyone else in the area.

Mr. Trzeciak inquired if all of the neighbors notified and Mr. Beverly replied that they used the city map and sent letter out to all addresses within a 350-foot radius. He continued to state that they received a call today from Ms. Hoover stating that she didn't receive a letter and when we looked at the map her address is not on there. He also stated that she asked to have the whole city map reprinted and he continued to state that they would make a note on there that this address does exist and it does not show up on the city map. He stated that Mr. Hoover does have some comments and concerns that she asked to be read into the minutes tonight. Mr. Rybak stated that he has spoken with the owner of The Coffee Cup and the floral shop and everyone said that they would be glad if he could develop that land.

Ms. Glasier inquired about the house behind the vacant lot and Mr. Beverly replied that they were submitted a letter. Mr. Beverly stated that we send a notification out and it is there job to respond to it, we don't go around talking with everyone. Mr. Trzeciak inquire if those residents were allowed to Zoom in on the meeting tonight and Mr. Beverly replied that it is posted and that Mr. Wagner is streaming the meeting live and anyone can watch it live. Ms. Speights inquired if it was last year that there were problems that the neighbor hood didn't want it to be built up and Ms. Glasier replied that it was the monument place.

Mr. Trzeciak inquired as to what it is zoned at now and Mr. Beverly replied that it is zoned B-2A. Mr. Trzeciak inquired that signs are not allowed in a B-2A and Mr. Beverly replied that for a B-2A the Codified Ordinances states that a Billboard Sign is prohibited and that is the reason why we are here tonight for the appeal. Ms. Hulett inquired as to why the billboard sign is prohibited and Mr. Beverly replied that they would have to ask Council, they are the ones who developed the ordinances. Ms. Glasier stated that the illuminated sign by residents would be problematic. Mr. Rybak stated that it will sit on Broadway Ave. just like all of the other signs on Broadway Ave. He also stated that it will be a one-sided sign facing north. Mr. Beverly stated that the codified ordinance that we have now limits the amount of light that a commercially zoned property can deflect onto a residential. Mr. Rybak stated that the sign will be light and it will add additional security and safety to neighborhood. He also stated that it will also have a camera as well.

Mr. Beverly asked Mr. Jacobs if he spoke with Mr. Rybak in reference to Ms. Glasier's concern on the application and Mr. Jacobs stated that he did talk to him about the hardship portion being blank. Mr. Jacobs stated that if we could go over that for Mr. Rybak to understand why it's an issue. Mr. Rybak stated that he will make all of the necessary changes to the application and that he will work with the city in order to comply with all of the rules and regulations. Ms. Glasier stated that they needed the information for this meeting and asked to speak on how this would be a hardship if you were not permitted to have the billboard. Mr. Jacobs stated that already went over the hardship in terms of the parking situation, there isn't adequate parking. Ms. Hulett stated that there seems to be quit a few parking spaces for the size of the businesses. Mr. Jacobs stated not in direct proximity with the business that they own. Mr. Beverly stated that as it stands now we have a number of required parking spaces based on the square footages of the buildings. He continued to state that the building that was across the street is short fifteen (15) parking spaces. Mr. Rybak stated that he is trying to create additional jobs for the city in today's difficult economy, by bringing more business, parking spaces and making the neighborhood better.

Ms. Glasier inquired if the vote for tonight is for the billboard and not the parking spaces and Mr. Rybak replied that he already has the parking spaces approved. Ms. Glasier stated that it's the billboard and Mr. Rybak replied exactly. Mr. Rybak stated that in order to put a parking lot there it will cost about \$200,000.00 and that is why he is asking the city to take into consideration and to allow him to add a billboard. He stated that this way it will help him financially to reduce the cost and it will allow the city to have a safe environment that is has a surveillance camera at any given time.

Mr. Beverly stated that this would Carol James building off street parking as well, which she doesn't currently have. Ms. Glasier stated that she understands that but that they are off point, you have the parking lot and we are here to discuss the billboard. She stated that you have

already shared that one person came forward and has concerns, because they were not informed. She also stated that they have concerns of other people accessing this meeting and that we need to stay on point that it is the billboard. Mr. Rybak stated that they are staying on point that it is the billboard and the Mr. Beverly and his office contacted everybody by sending out mail and if somebody could not get it or is respond in time it has nothing to do with that. Mr. Montello stated the factors that you have to consider and they are: is there exceptional or extraordinary circumstances or conditions that apply, is the variance necessary for the preservation of the enjoyment of a substantial property right, will the granting of the variance not be a detriment to the adjacent property owners and is it intended as a device for adjustment where the ordinance creates unnecessary hardship, and the hardship must relate to the physical character of the property and it must be severe and unnecessary. He also stated if there are special conditions that might apply. And what that constitutes is up to you and if you think it applies you should state your reasons on the record or if you deny it you should state your reasons on the record to be clear.

Mr. Rybak stated that this lot has not been usable and unbuildable because of its square footage. He continued to state that it is almost impossible to put any building on that lot due to the square footage. He stated that he would like to make this lot a parking lot and make it usable and safe for the neighborhood with additional lighting from the billboard and security cameras. He stated for the board to take into consideration and allow him to do this project. Mr. Montello stated that after discussing it with the Administration they aren't in favor of it, but if you feel that its appropriate it's up to you guys. Ms. Hulett stated that her biggest concern is that it should have been hashed out in the due diligence prior to buying the property. Mr. Montello stated that his intentions are good and he means well, it's basically what is best for the city. Mr. Montello also stated that we are just trying to avoid that part of Broadway Ave. looking to commercial is a good way to describe it and that is the Administrations stand point.

Mr. Trzeciak inquired if Mr. Rybak has already purchased the property and Mr. Rybak replied that he has not purchased the property yet only the property at 450 Broadway Ave. Mr. Rybak stated that he does want to purchase the property if the board allows him to put in a parking lot and put up the billboard. Mr. Trzeciak inquired that the business that he bought doesn't have enough parking space and that Mr. Rybak needs parking and Mr. Rybak replied that the building that he purchased he is renting fifteen (15) parking spaces from The Coffee Cup, but that he would like to add more people working that is why he wants to buy additional parking in order to create more jobs.

Mr. Beverly stated that there is the entire portion of the second floor that is unfinished that has been unoccupied since the building was built. He continued to stated they could never finish it and lease the space out to bring businesses in because there was no parking. Ms. Hulett inquired as to why they built the building like that and Mr. Beverly stated that he could not speak to that because it was approved before he ever came on board. Ms. Glasier that we are here to discuss the billboard. Mr. Rybak stated that it would be financially difficult to put in the parking lot without the billboard and that is why he is asking the city to take it into consideration and allow him to build a parking lot. He continued to stated that it will not only serve his needs but the needs of the other businesses and allow him to build a billboard as well.

Sam Vitrizzino of 933 Archer Rd. Bedford, OH 44146. Mr. Vitrizzino is requesting a variance of ordinances 1925.05 Lot Area, Frontage and Yard Requirements and 1925.06 Principal Use Orientation.

Ms. Glasier stated that she went to visit the place and confused the work is already done. Mr. Beverly stated the work that you see was completed with permits and without approvals. He stated that a Stop Work Order was posted and the owner was issued a citation and was taken into court. He continued to state that tonight is why we are hear for the appeal, because he can't proceed with the review on any drawings or make approvals to anything on an enclosure or taking the front porch and creating it into habitable space when it is in conflict with the rules. He stated that the Codified Ordinances say that an uncovered porch can encroach on the required set back, which is thirty-five (35) feet. He continued to state that the front porch right now is approximately thirty (30) feet from the back side of the setback, which it encroaches on the setback that it is permitted to do as an uncovered unfinished porch. He continued to stated that one it is enclosed it is habitable encroaching on the required setback. Mr. Beverly also stated that the Codified Ordinances state that the main entrance or the front entrance to the dwelling has to face the street. He stated that once the front porch is enclosed and created into habitable space the primary entrance is turned ninety (90) degrees and facing the driveway. Mr. Vitrizzino stated that when he bought the house that is how it was and it was screened in with plastic over it and all he did was fix it. Mr. Beverly stated that there is a difference between being screened in and enclosed and creating a habitable space Mr. Vitrizzino. Mr. Vitrizzino stated that he has pictures of houses that are enclosed and have a side entrance and they are less than thirty (30) feet and his is thirty-three (33) feet. He also stated that there is a slab of cement there that is why he can't do a front entrance, because it covers up all of the drains. Ms. Glasier inquired as to how long Mr. Vitrizzino has lived there and Mr. Vitrizzino replied that it is three and a half years. Ms. Glasier inquired as to when he started the project and Mr. Vitrizzino replied that that it was less than two years ago. Mr. Glasier inquired if he got any permits what so ever and Mr. Vitrizzino state that his friend was supposed to do it and she had a contractor start it and they never pulled a permit. Mr. Vitrizzino stated that he is trying to pull a permit and figure it out about the variance. Mr. Montello inquired it was just a two-foot variance and Mr. Vitrizzino stated that it is thirty-two and a half (32 ½) feet and it is supposed to be thirty-five (35) feet and he didn't know until he measured it. Mr. Vitrizzino stated that he didn't need a screened in porch because it was too big so he made it into a little coat room for his two kids. He stated that he didn't know about the two-foot variance and that his architect told him about after he had to get all of the prints. He also stated that his neighbor has a side entrance as well.

Mr. Trzeciak inquired if the old porch was smaller and when he rebuilt the front porch did it increase in size and Mr. Beverly stated that he couldn't speak to that because he has not been on the property to measure it. Mr. Beverly stated that he didn't see an increase in size, but he can speak on the footers and there have been no approvals, no inspections and he does not know if it is installed correctly or not. Mr. Vitrizzino said that the guy who did the work is no where to be found and the girl that he was dating was supposed to take care of everything and on some of those jobs he doesn't know if they pulled permits, but that it really wasn't his job. Mr. Beverly stated that the Residential Code of Ohio says that it is the owner's responsibility to make sure that the approvals are obtained prior to the starting of the work

Work Session adjourned at 7:05 P.M.

Tracy M. Simmons
Secretary

Jane M. Hult
Chairman

8-24-21
Date

The Board of Zoning Appeals met in Regular Session virtually thru Zoom on Tuesday, March 23, 2021 at 7:05 P.M.

Present: Kristi Glasier, Lynette Speights, John Trzeciak, Laura Hulett. Absent: None.

Also Present: Building Commissioner Calvin Beverly, Law Director John Montello and Secretary Tracy Simons.

Motion made by Glasier seconded by Trzeciak to approve the Work Session minutes of April 28, 2020. The roll was called. Vote – Yeas: Glasier, Hulett, Speights and Trzeciak. Abstain: None. Nays: None. Motion carried.

Motion made by Glasier seconded by Trzeciak to approve the changes of the Regular Meeting minutes of April 28, 2020. The roll was called. Vote – Yeas: Glasier, Hulett, Speights and Trzeciak. Abstain: None. Nays: None. Motion carried.

Motion made Glasier seconded by Trzeciak to elect Ms. Hulett as the 2021 Chairwoman. The roll was called. Vote – Yeas: Glasier, Hulett, Speights, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Hulett to elect Mr. Trzeciak as the 2021 Vice-Chairman. The roll was called. Vote – Yeas: Glasier, Hulett, Speights, Trzeciak. Nays: None. Motion carried unanimously.

Chairwoman Hulett informed those present that according to a ruling made by the Law Department anyone wishing to speak at a public meeting is to rise, raise their right hand and the following oath administered. “Do you solemnly swear and affirm that the statements you are about to make are the truth.” Then give your name and address for the record.

Aleksandr M. Rybak, 21821 Libby Rd. Bedford Heights, OH 44146. Mr. Rybak is requesting a variance of ordinance 1949.19 Signs Permitted in B-2A District (d) (16) Billboards – Prohibited.

Present: Aleksandr M. Rybak and Attorney Daniel Jacobs, Jr.

Daniel Jacobs, 21821 Libby Rd., Bedford Heights, OH 44146: he stated that he is here with his client Mr. Rybak along with the architect Mr. Sandpot. He stated that they are trying to get a variance for the billboard lot and as it has been stated Mr. Rybak would like to buy that property. He stated that Mr. Rybak would like to put a parking lot there and along with that he would like to put up a billboard. Mr. Jacobs stated that Mr. Rybak will not charge for parking and the sign will supplement and help pay for the cost of the parking lot. He continued to state that as for it being a detriment to the community or any issues that you may have with the billboard Mr. Sandpot can explain it a little bit more detail.

Leon Sandpot, 22082 Lorain Rd., Fairview Park, OH: stated that the sign will be a 14’ X 48’ sign at the south end of the property. He continued to stated that it is a one-sided sign and it does not go higher or wider than the existing building. Ms. Glasier inquired if the sign will be illuminated

and Mr. Sandpot replied that there is up lighting on the billboard. Mr. Montello stated that it was sent by email to the board members today. Ms. Hulett stated that the lighting is down lite not up lite. Ms. Glasier stated that it would cover the whole side of the building and Mr. Sandpot stated that it would.

Mr. Beverly stated that he received an email from Ms. Hoover today because is not able to attend the meeting and wanted him to read into the record her concerns. Ms. Glasier inquired if she was invited and Mr. Beverly replied that they didn't send he a letter and that we did speak to her today and emailed me a letter with her concerns. He started with Ms. Hoover's first question:

- What assurance do we have that there will be a separation between the properties? Since this property in question butts up against our property (455 Broadway Avenue) will there be a barrier (or guard rail) installed by Mr. Rybak to prevent people from driving through our property to enter or exit as bar customers did in the past? Mr. Beverly stated that the property that we are speaking in reference to that Mr. Rybak is looking to buy is 451 Broadway Ave. He continued to stated there is property 453 and 45, so there is property separating and it is not abutting her property.

Ms. Glasier stated if they could hear Ms. Hoover's concerns and not justify or defend them. She stated if he could share them and if you wanted to add in. Mr. Beverly stated that he does have the right to speak as well. Ms. Glasier stated that she understands it and that Mr. Beverly has been sassy a lot and that she is asking to just share the concerns and then we can share the other things. She stated that she didn't ask to be on this board to just be a yes or no that I wanted to be informed, so she is asking to be informed. Mr. Beverly asked Mrs. Simons to read Ms. Hoover's comments at this time.

Mr. Trzeciak stated that looking at the property map Carol James is one property lot and the property next to it goes around back of Ms. James. Mr. Beverly stated that he would have to look at the map.

Mr. Rybak stated that the lot is too small to turn it into a used car lot and that is why it has never been turned into a used car lot in accordance to the city's rules and regulations.

Ms. Hulett stated that the concern is over the billboard not the lot and its usage. Mr. Jacobs stated that in terms of the concerns she addressed that a lot of them can be addressed by Mr. Sandpot.

- Will there be a barrier (or guard rail) installed by Mr. Rybak to prevent people from driving through our property to enter or exit as bar customers did in the past? Mr. Rybak stated that he would do everything and comply with every requirement from the City of Bedford by corresponding with Mr. Beverly if he gets approved. Mr. Sandpot stated that they can add a guard rail.
- Will they be required to asphalt this lot upon acceptance of this variance? Mr. Sandpot stated that the city's Codified Ordinance requires all parking lots to be a hard surface: asphalt or concrete.

- What assurance do we have that this lot will be maintained from litter and upkeep? Mr. Sandlot stated that is also in the city's Codified Ordinance that requires lots to be maintained. Mr. Rybak stated that he owns several commercially owned properties in the City of Bedford and all of them are in top notch state of the art conditions. He stated that it complies with every rule and regulation from the City of Bedford.
- What if it is turned into a "Used Car Lot" by the owner at a later date after he details cars and wants to sell them? Mr. Rybak stated that the square footage of the lot will never allow for that land to be turned into a used car lot.
- If Mr. Rybak is requesting a variance to install this illuminated billboard to offset the cost of purchasing the lot, what is the time frame for this billboard coming down or will it become a permanent fixture? Mr. Sandlot stated that it is a permanent fixture. Mr. Rybak stated that it will be a permanent fixture and the timeline is as fast as we can get approval from the City of Bedford.
- And who has control over what type of businesses advertise on this billboard. Is it only for his business or will other people be purchasing space to advertise? Mr. Rybak stated that it will be for both. He also stated that if they he can get other people to advertise on the board they would gladly do so in order to help us with the cost of building the parking lot. Mr. Jacobs inquire as to how many advertisements can go up on the billboard at a time and Mr. Rybak replied one at a time.
- Is it in the zoning that you have to have some sort of a building on a vacant lot in order to place a business on it so that the city does not turn into nothing but used car lots? Mr. Rybak stated that he has already answered that question. He stated that 1.) there is no intent to put a used car lot and 2.) the square footage of that vacant land will not allow to put a used car lot per the city's ordinance.

Mr. Trzeciak stated that the city's zoning on this property is correct and that it should stay a B-2 with no billboards. He also stated that the billboard is an appropriate use of that space, but the parking lot is a great use for that space. Mr. Beverly stated that it is B-2A. Mr. Trzeciak stated that it would detract from the charm of the city.

Mr. Rybak stated that the Mercedes sign is almost as big and twice as tall as the one that he wants to put in. Mr. Trzeciak stated that is not an advertising sign it's a business sign. Mr. Rybak stated that he wants to develop it and invest approximately quarter of a million dollars into it. He stated that it will be appealing and a secure look for the city. He also stated that it will generate additional jobs in today's economy.

Motion made by Hulett seconded Trzeciak by to approve the variance for Aleksandr M. Rybak a variance of ordinance 1949.19 Signs Permitted in B-2A District (d) (16) Billboards – Prohibited.

The roll was called. Vote – Yeas: None. Nays: Glasier, Hulett, Speights and Trzeciak. Motion carried unanimously.

Sam Vitrizzino of 933 Archer Rd. Bedford, OH 44146. Mr. Vitrizzino is requesting a variance of ordinances 1925.05 Lot Area, Frontage and Yard Requirements and 1925.06 Principal Use Orientation.

Present: Sam Vitrizzino.

Mr. Trzeciak inquired about the Principal Use Orientation and Mr. Beverly replied that if the front door of a dwelling must face the street. Mr. Vitrizzino inquired as to why there are so many houses that have it on the side if it is in the ordinance and Mr. Beverly replied that for those other dwellings he does not know the dates of when the structures were constructed and that it may have been prior to this ordinance being adopted, if so they may have been grandfathered in. Mr. Vitrizzino stated that he is doing what it already had, that it already had the slab of cement there and that he figured if he moved it and that he has to get a variance to move it because that is where it was originally. He also stated that it was three quarters of the way framed in and it was a porch with a wall. He also stated that he didn't know that he had to go through all of this and he doesn't know what the issues are with side or the front when it has been like that. Mr. Montello inquired if it has always been a side entrance every since he bought it and Mr. Vitrizzino replied that it has.

Ms. Glasier stated that is why she asked the questions in the Work Session because when she looked at the property the front entrance looks like it's been the front entrance there for years. Ms. Glasier stated that when she looks at it the entrance should face the street but when you purchased the house it wasn't and when they looked at the plans it a difference of almost three feet. She wanted to know if that is what they are voting on tonight is three feet and Mr. Vitrizzino stated that it is three feet. He stated that if he had to come out the front he would have to put a wall over the railroad ties. Ms. Glasier inquired if they were voting on the three feet and that he has already had the consequences of not having permits and what not and that has nothing to do with us and Mr. Vitrizzino replied correct and once he gets this together he can pull the permits and get the house done. Mr. Montello stated that it has been a long process and they have been trying to get him to submit plans, but he has been cooperative and we have been trying to work with him. Mr. Montello stated that he has submitted the plans and he doesn't know if they are adequate or not Mr. Beverly would have to speak on that. He continued to state that Mr. Vitrizzino seems to be attempting to do what he needs to do and this is the first step in completing the project. Mr. Vitrizzino stated that he has been helping his family, been through a divorce, paying child support and college that he is just trying to make something for himself and make the house look nice. Mr. Glasier inquired if the plans were adequate and Mr. Beverly replied that these here are just submittal plans just for the board itself to review not for the actual submittal for construction, no these are not adequate for construction itself. Mr. Vitrizzino stated that an architect did it and that is why it took so long he went over it many times.

Ms. Hulett inquired that a yes vote on this would say even though it's a violation of the code to have the lesser amount of frontage of thirty-two and a half (32 ½) feet verses thirty- five (35) feet and the main entrance off set from the front of the building, that the yes vote would say "it's fine we will let that pass" and a no vote is means what are the consequences of that. Mr. Beverly stated that a no vote would meant that he would have to return it back to its original condition. Mr. Beverly stated that it would have to go back to a screened in porch and the front door would have to face the street. He continued to state that the steps have always been off to the side that is

not what's in question. Mr. Montello stated that if you grant the variances he can proceed with getting whatever permits or drawings that he needs to make sure Mr. Beverly is comfortable with what he has done.

Mr. Trzeciak stated that he has a good enough hardship here to grant this.

Motion made by Glasier seconded by Hulett to approve the variance for Sam Vitrizzino for Ordinance 1925.05 Lot Area, Frontage and Yard Requirements and 1925.06 Principal Use Orientation.

The roll was called. Vote – Yeas: Glasier, Hulett, Speights and Trzeciak. Nays: None. Motion carried unanimously.

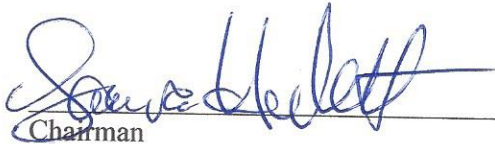
Ms. Hulett stated that Mr. Vitrizzino's motion will be considered by Council at the next Council Meeting on Monday, April 5, 2021.

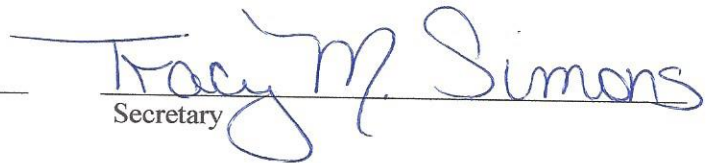
Mr. Vitrizzino inquired if he can come up and get a permit for the siding and Mr. Beverly replied that they cannot issue him any approvals until Council votes on it on April 5th to either accept or decline the motion made by BZA. Mr. Beverly also stated that Mr. Vitrizzino would have to submit to him drawing that he can approve. He stated that these drawing show no footings and no compliance with the energy code requirements, since he is incorporating this into a habitable space. He stated that those are things that we can talk about after Council votes on it April 5th.

ADJOURNMENT

There being no further business to come before the Board, motion made by Trzeciak seconded by Glasier to adjourn. The roll was called. Vote – Yeas: Glasier, Hulett, Speights and Trzeciak. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:52 P.M.


Chairman


Secretary

8-24-21
Date