

**CITY OF MACEDONIA
BOARD OF ZONING AND BUILDING CODE APPEALS
MEETING AGENDA
October 18, 2023**

Time: 6:30 p.m.

1. Call to Order
2. Roll Call: Mr. Shellko, Mr. Pilato, Mr. Ferraro, Mr. Ioffreda, Mr. Scott

Miscellaneous:

Approval of Minutes from July 19, 2023 meeting

NEW BUSINESS:

Case #695

Kelly Pask
1544 Roseland Drive
Macedonia, Oh 44056

The Board of Zoning and Building Code Appeals will hear a request for a variance at 1544 Roseland Drive. The variance request is to section 1171.16(d)(1)(5) regarding fence regulations. The applicant is requesting a variance to have a fence in a front yard on a corner lot.

If you approve of the above-mentioned use of said property, or, if such use is thought by you to be injurious to your premises or contrary to the public interest, please file a statement by letter or email stating your viewpoint to the Building Department no later than **two** business days before the meeting. You may also contact the Building Department at 330-468-8364. All public comments received to the City will be discussed during the conference call.

If you know of any affected property owners who may be interested, but who may not have read this notice, please inform them of this meeting.

If you are not interested in this matter, please disregard this notice.

-Macedonia Board of Zoning and Building Code Appeals



City of Macedonia

The Crossroads of Northeast Ohio

9691 Valley View Road • Macedonia, Ohio 44056
(330) 468-8360 • FAX (330) 468-8396

INTEROFFICE MEMO

To: Zoning Board of Appeals
From: Chris Hall
Subject: Variance Request for a Fence in a Front Yard on a Corner Lot
For Consideration by the Board on October 18, 2023
Cc: Mayor Molnar, Bob Rodic, Rachael Gambatese
Date: September 25, 2023

Applicant: Kelly Pask
Location: 1544 Roseland Drive
Zoning: R-1 Residence District
Request: Applicant is seeking an “*area variance*” to allow a fence in a front yard on a corner lot.
Standards: **1171.16(d)(1)(5) Standards for Residential Districts.**
Privacy fences, open fences and chain link fences are not permitted in front yards.
1133.02(27)(B) Definitions.
For the purpose of 1171.16, Fence Regulations, a corner lot shall be considered to have two front yards; one such front yard for each of the yards abutting an adjacent street.
Findings: The fence will extend out 9 feet from the side of the house toward Chamberlin Road. The fence will be located, at a minimum, approximately 40 feet from the right-of-way (see attached Parcel Viewer Web Map and survey map).
Board’s Action: The Board is to consider the application for a variance as to Section 1171.16(d)(1)(5), allowing a fence in a front yard on a corner lot.



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RECEIVED

SEP 22 2023

CITY OF MACEDONIA
BUILDING DEPARTMENT

**APPLICATION FOR HEARING BEFORE THE
MACEDONIA ZONING BOARD OF APPEALS**

See instruction page for more information. Appellant is to provide NINE (9) copies of site plans, pictures, etc., and a written statement. (Residential fee: \$100.00; Commercial fee: \$200.00)

Address of Property Involved: 1544 ROSELAND DR

Nature of Request: INSTALL NEW 6' BOB WOOD FENCE ON THE SAME PROPERTY LINES AS THE EXISTING FENCE IS NOW

Applicant Name or Agent Therefor: BOB LEWIS

Applicant Address: [REDACTED]

Applicant Phone: [REDACTED] Applicant Email: [REDACTED]

Property Owner Name: KELLY PASK
(if different from applicant)

Property Owner Address: 1544 ROSELAND DR, MACEDONIA

Property Owner Phone: [REDACTED] Property Owner Email: [REDACTED]

SIGNATURE OF APPELLANT.

(AUTHORIZATION OF PROPERTY OWNER REQUIRED IF DIFFERENT FROM APPLICANT)

x Kelly Pask Date: 9/20/23

By my signature, I attest to the accuracy of all statement on this form.

OFFICIAL USE ONLY

Received Date: _____ Case Number: _____

Variance Requested: _____

The Zoning Board of Appeals meets at 6:30 p.m. on the third Wednesday of each month in Council Chambers at Macedonia City Hall located at 9091 Valley View Road. Meeting dates are subject to change.

Contact the Building Department at (330) 468-8360.

★ Service ★ Commitment ★ Pride ★



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Building/Engineering/Zoning/Planning Department

FENCE AGREEMENT

I, HARDAVE RAMJIT, owner of the property located at
(adjacent property owner name)

1534 Roseland Dr Macedonia OH 44056 hereby agree to the proposed
(adjacent property owner address)

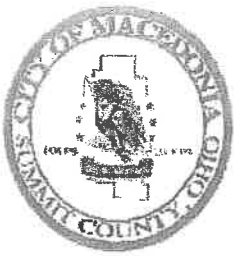
fence and property boundary line location, as determined and drawn on the attached site plan,

for 1544 Roseland Dr Macedonia, OH 44056. I understand that by signing this
(fence owner address)

Fence Agreement, my neighbor may place the fence as proposed without obtaining a boundary survey.

Kelly Pask
Signature: (Fence Owner) 9/20/23
Date

Hardave Ramjit
Signature: (Adjacent Property Owner) 9-20-23
Date



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Building/Engineering/Zoning/Planning Department

FENCE AGREEMENT

I, BOB KIRSCH, owner of the property located at
(adjacent property owner name)

9407 BROOKDALE LN, MACEDONIA OH, 44056 hereby agree to the proposed
(adjacent property owner address)

fence and property boundary line location, as determined and drawn on the attached site plan,

for 1544 Roseland Dr Macedonia OH 44056. I understand that by signing this
(fence owner address)

Fence Agreement, my neighbor may place the fence as proposed without obtaining a boundary survey.

Kelly Park _____ 9/20/23
Signature: (Fence Owner) Date

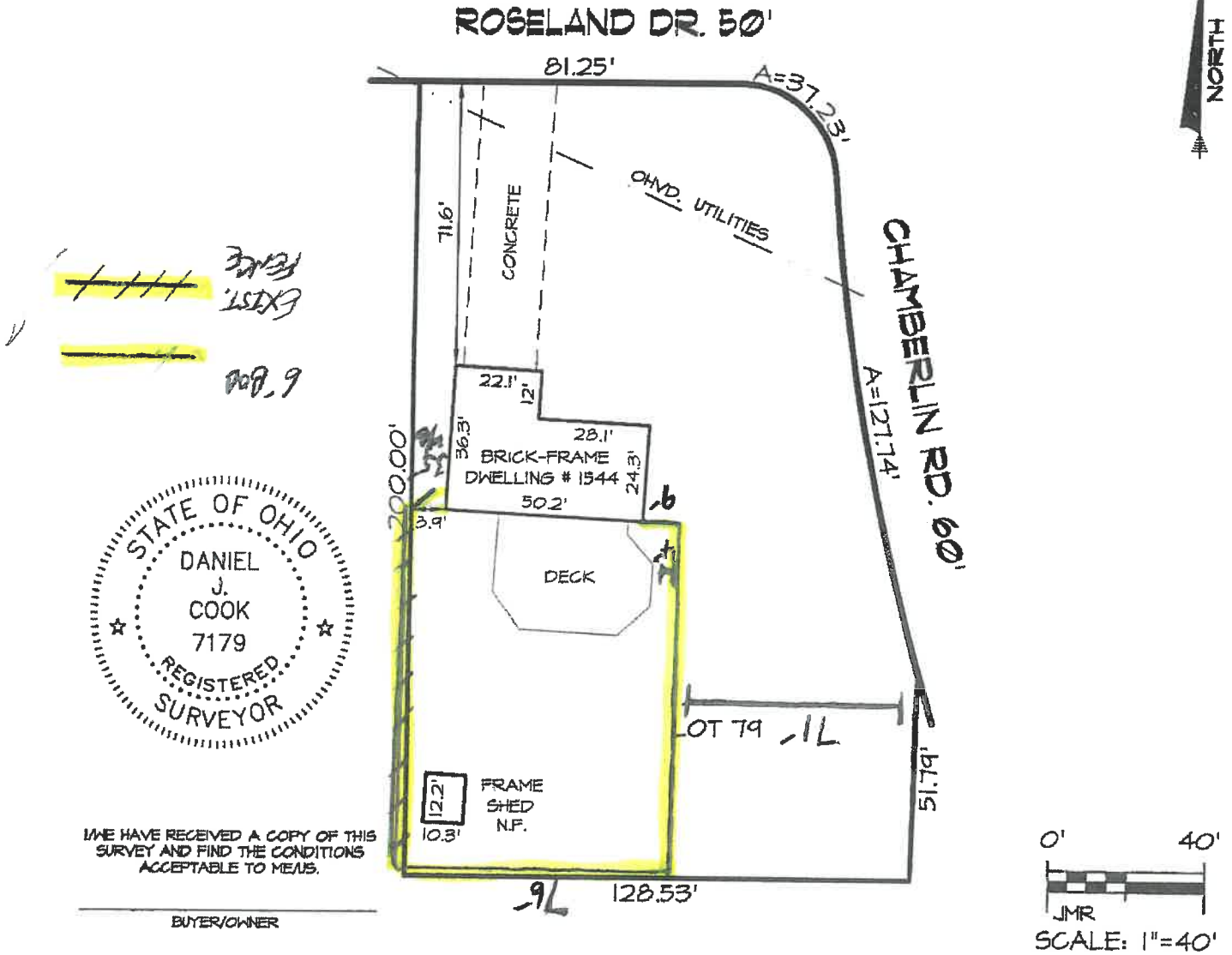
Bob Kirsch _____ 9/20/23
Signature: (Adjacent Property Owner) Date



CAMPBELL &
ASSOCIATES, INC.
Land Surveying

(330) 945-4117
Fax: (330) 945-4140
3485 Fortuna Drive
Suite 100
Akron, OH 44312
<http://www.campbellsurvey.com>

MORTGAGE LOCATION SURVEY



WE HAVE RECEIVED A COPY OF THIS SURVEY AND FIND THE CONDITIONS ACCEPTABLE TO ME/US.

BUYER/OWNER

Address 1544 Roseland Drive

State of Ohio, County of Summit

City of Fairlawn, Ohio

New Owner Kelly Lynn Mravetz

Allotment: Roseland Estates Allotment Part 2

Plat Book: 49, Pages 9 and 10

Client Order No. 103722

Date May 2, 2018

Present Owner Curtis W. McKee, Sandra L. McKee

C & A Order No.
CF180043

This is to certify to Bank of England and/or Ohio Real Title Agency, LLC

that a visual inspection of the property and buildings shown (if any) has been made and there are no apparent encroachments or visible easements unless otherwise shown. This service was not performed for the purpose of establishing boundary lines, and is not to be used for that purpose.

This Mortgage Location Survey has been prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code.

Daniel J. Cook

Daniel J. Cook - Reg. Surveyor No. 7179



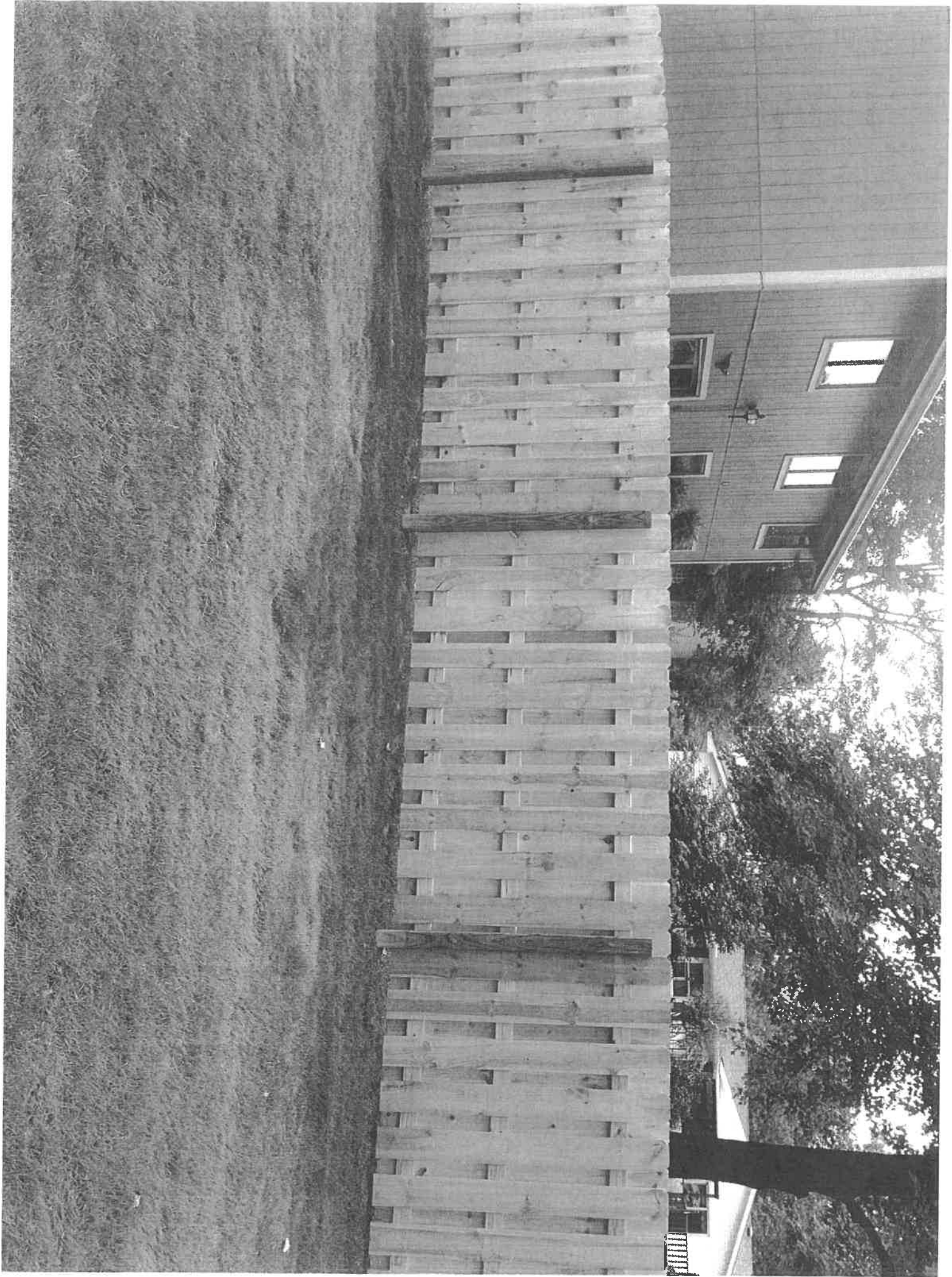
8/30/2023, 2:00 PM





8/30/2023, 2:00 PM



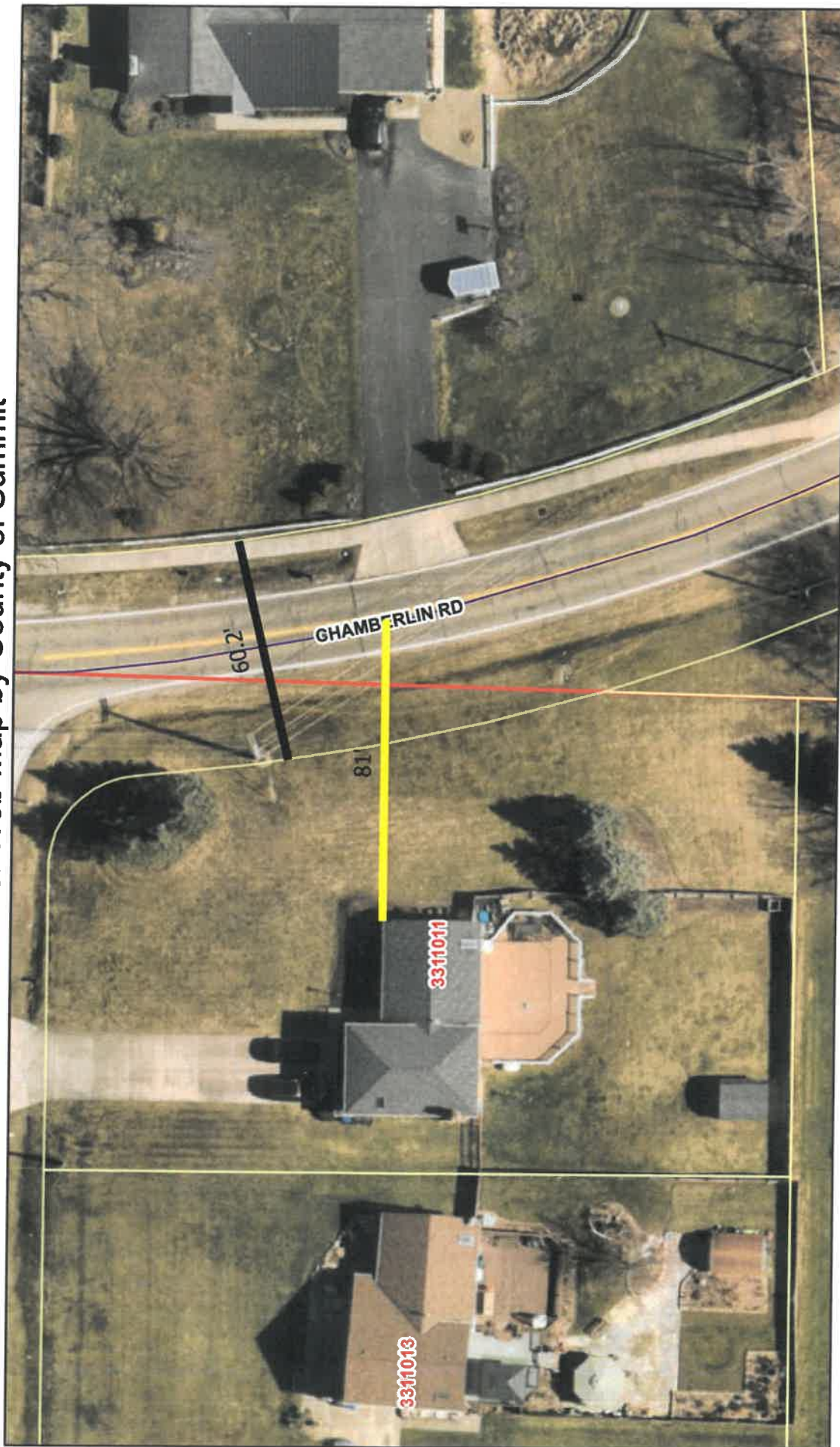




1135.13 VARIANCES - AREA AND USE.

- (1) **Area Variance.** The following factors shall be considered and weighed by the Board to determine practical difficulty:
- A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity; narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions. *NO*
 - B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance; *NO*
 - C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures; *YES*
 - D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance; *NO*
 - E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup; *NO*
 - F. Whether the property owner purchased the property with knowledge of the zoning restrictions; *NO*
 - G. Whether special conditions or circumstances exist as a result of actions of the owner; *NO*
 - H. Whether the property owner's predicament feasibly can be achieved through some method other than a variance; *NO*
 - I. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; *YES*
 - J. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and *NO*
 - K. Whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code. *YES*
- (2) **Use Variance.** In order to grant a use variance, the Board of Zoning Appeals shall determine that strict compliance with the terms of this Zoning Code will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:
- A. The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
 - B. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
 - C. The hardship condition is not created by actions of the applicant;
 - D. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - E. The granting of the variance will not adversely affect the public health, safety or general welfare;
 - F. The variance will be consistent with the general spirit and intent of the Planning and Zoning Code; and
 - G. The variance sought is the minimum that will afford relief to the applicant.

Parcel Viewer Web Map by County of Summit



9/25/2023, 8:36:40 AM

Parcels

Jurisdictions

Road Labels

1:564

0 0.01 0.01 0.01 mi

0 0.01 0.01 0.02 km

County of Summit, Cuyahoga County, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA

Parcel Viewer by County of Summit
Disclaimer: Users of this map accept all risk, not intended to serve as professional advice.