

**CITY OF MACEDONIA
BOARD OF ZONING AND BUILDING CODE APPEALS
MEETING AGENDA
August 19, 2020**

Location:

Tele Conference Call; Dial 701-802-5355
Access Code: 226132

Time: 6:30 p.m.

1. Call to Order
2. Roll Call: Mr. Shellko, Ms. Metzler, Mr. Pilato, Mr. Ioffreda
3. Approval of Minutes
 - a. Case 624-629

4. NEW BUSINESS:
Case #630-

Nicholas DiCello
393 E. Highland Road
Macedonia, OH 44056

The Board of Zoning and Building Code Appeals will hear a request for a variance at 397 E. Highland Road for Ohio State Waterproofing. The variance is to section 1117.03(b)(7): every lot shall abut on a public street. The applicant is requesting a variance to allow a lot that does not abut on a public street.

Case #631-

Nicholas DiCello
393 E. Highland Road
Macedonia, OH 44056

The Board of Zoning and Building Code Appeals will hear a request for a variance at 397 E. Highland Road for Ohio State Waterproofing. The variance is to section 1171.11(e)(4)(A): all parking areas and driveways shall be hard surfaced bituminous concrete or concrete. The applicant is requesting a variance to allow a gravel driveway in an L-I Limited Industrial District.

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

Building/Engineering/Zoning/Planning Department

MEMO

To: Rachael Gambatese, Nino Monaco
From: Chris Hall
Subject: BZA: 393 and 397 East Highland Road
Nicholas DiCello, Applicant; Michael DeJohn, Attorney
Date: July 27, 2020

1. Ordinance 1117.03(b)(7) **Blocks and Lots.**

Access to streets. Every lot shall abut on a public street.

Variance Requested: The Applicant is requesting a variance to 1117.03(b)(7) allowing a lot that does not abut on a public street.

2. Ordinance 1171.11(e)(4)(A) – Regulations for Accessory Parking in Business and Industrial Districts

All parking areas and driveways shall be hard surfaced bituminous concrete or concrete

Variance Requested: The Applicant is requesting a variance to 1171.11(e)(4)(A) allowing a gravel driveway in an L-I Limited Industrial District

RECEIVED

JUL 31 2020

CITY OF MACEDONIA
BUILDING DEPARTMENT

CITY OF MACEDONIA
REQUEST TO APPEAR BEFORE THE
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- \$100.00; COMMERCIAL- \$200.00.

Address of property involved: 397 E. Highland Road

Nature of Request: Variations related to street abutment and driveway

Applicant or Agent Therefore: Nicholas DiCello, Applicant and representative; Michael DeJohn, Attorney

Address: 393 E. Highland Road, Macedonia, Ohio 44056

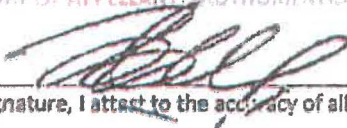
Phone: _____ Email: _____

Property Owner (If different from applicant): Frank and Evelyn Raymond

Address: 397 E. Highland Road

Phone: _____ Email: _____

SIGNATURE OF APPELLANT (AUTHORIZATION OF PROPERTY OWNER REQUIRED IF DIFFERENT FROM APPLICANT)



7-30-2020

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

Date

OFFICIAL USE ONLY

Received Date: _____ Case Number: _____

Variance being requested: _____

THE ZONING BOARD OF APPEALS MEETS AT 6:30PM ON THE THIRD WEDNESDAY OF EACH MONTH IN THE COUNCIL CHAMBERS AT MACEDONIA CITY HALL LOCATED AT 9691 VALLEY VIEW ROAD. MEETING DATES ARE SUBJECT TO CHANGE. CONTACT THE BUILDING DEPARTMENT AT 330-468-8364.

Letter of Intent (Revised)

In Support of Request for Variance

397 E. Highland Road, Macedonia, 44056
(PPN 3301652)

This Letter of Intent is in support of Nicholas DiCello's ("DiCello") request for variances, described more fully below, to allow development of the property in accordance with the objectives of the Macedonia Zoning Code. The requested variances pertain to use street abutment and driveway material requirements.

The plan is to develop the property known as 397 E. Highland Road, PPN 3301652 (Lot A) in conjunction with the adjacent parcel known as 393 E. Highland Road, PPN 3300145 (Lot B). Lots A and B are located in an area zoned L-I

Lot A is owned by Frank and Evelyn Raymond and it contains a home in which they currently reside. The Raymonds, each 92 years old, have entered into a purchase agreement to sell the property to DiCello (see attached purchase agreement) while retaining a life estate which will allow them to remain in the home for the rest of their natural lives. Upon their deaths, their life estate will cease and their interest reverts to DiCello, who will then own the parcel in fee simple. Importantly, when the Raymonds' life estate ends, the subject matter residence will no longer be occupied or used for such purposes.

Lot B is owned by DiCello and currently contains a pole building which will be removed in order to construct the intended conforming building and parking lot across Lots A and B.

The Raymonds have authorized DiCello to act as their representative before the City of Macedonia's Building Department (see attached authorization) to discuss proposed modifications; alterations; uses; and improvements to the property, and submitting plans and applications, for purposes that are tailored to allowing them to remain in their home, with access to the property, until the end of their days while also allowing development of the majority of the parcel in accordance with the Planning and Zoning Code.

DiCello's intention is to construct a building across the two adjacent lots while the Raymonds continue their life estate in the residence located on Lot A. He will combine Lot A with Lot B to allow development of a vehicle and material storage facility/warehouse, as permitted under Section 1169.03(b)(3) of the Codified Ordinances of Macedonia. A concurrent parcel split will create a smaller but slightly wider temporary lot, bearing PPN 3300604, to the rear of the warehouse.


In order to allow development consistent with the intent of the Macedonia Zoning Code, the following temporary variances are requested:

1. **Street abutment - A variance to Zoning Ordinance 1117.03(b)(7), which requires that lots abut on a public street. The existing home has stood in place on the lot for more than 70 years; the requested variance would allow redrawing the lot boundaries so that the remaining majority of the land may be developed in accordance with the intentions of the zoning code until the Raymonds' life estate ends; at that point, the residence will no longer be used. Without the requested variance, there is no economic incentive to develop the majority of the land in conformance with the Planning and Zoning Code and use of the home could continue indefinitely. The requested variance is the minimum needed and granting it will allow development of the remainder of the land comprising the original parcel. It would not be detrimental to the character of the neighborhood as the majority of the original parcel will then be developed in a manner keeping with the character of the neighborhood. Delivery of services will be unaffected. When the Raymonds purchased Lot A, the lot abutted the street. As their primary objective is to exercise their right to remain in the home, the only method to fulfill the spirit and intent of the zoning regulation is to permit the variances that would allow DiCello and the Raymonds to temporarily split the lot so that DiCello may move forward with development of the majority of the property. The Raymonds' home is the only residence remaining in the LI district so granting the variance will not confer special rights that are denied other residents.**
2. **Gravel driveway from commercial lot to residential lot - A variance permitting the portion of the driveway located solely on the residential lot to remain gravel. Section 1171.11(e)(4) requires that all parking lots and driveways be hard surfaced bituminous concrete or concrete. While the majority of the driveway will be in conformance, a variance is requested to permit the temporary drive that allows access from the main driveway to the residence to be gravel. The cost of a hard surface driveway would be cost-prohibitive and the expense would encourage continued use of the non-conforming lot when all parties intend the use to be temporary. Additionally, once the Raymonds' life estate is over, DiCello will be covering the gravel driveway with landscaping as access to residence will no longer be required.**

Each of the requested variances is specifically targeted toward minimizing the non-conformity of the lot with the intention that the non-conformity - and therefore the variances - will be temporary. This will allow use of the land in accordance with the intention of the Planning and Zoning Code. Literal application of the code would prevent the property owner from developing the property in a manner consistent with the Code and would serve to improve, rather than injure, neighboring properties.


Thank you for your consideration.

Respectfully submitted,



Nicholas DiCello
Applicant and Authorized Representative of Frank and Evelyn Raymond

7-30-2020
Date



Michael C. DeJohn
Law Office of Michael C. DeJohn
Attorney for Applicant

7-30-2020
Date

SITE INFORMATION

COUNTY: SUMMIT COUNTY
 SECTION: L-1 (ZONING CODE)
 PARCEL # 3300145
 PARCEL # 3301652

SECTION: R-1 (ZONING CODE) - 26,647 SQ. FT.
 FRONT YARD SET BACK: 30'-0"
 SIDE YARD SET BACK: 15'-0"
 REAR YARD SET BACK: 50'-0"

SECTION: R-4 (ZONING CODE) - 26,647 SQ. FT.
 FRONT YARD SET BACK: 100'-0"
 SIDE YARD SET BACK: 10'-0"
 REAR YARD SET BACK: 5'-0"

PARKING REQUIREMENTS:

NEW BUILDING AREA: 10,675 SQ. FT.
 ADMINISTRATIVE OFFICE AREA: 1,074 SQ. FT.
 1 SPACE FOR EACH 300 SQ. FT. OF
 1074 SQ. FT. / 300 = 4 SPACES

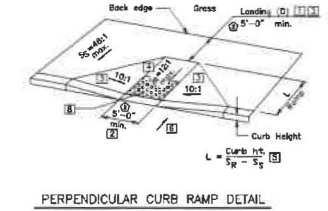
WAREHOUSE AREA: 9,601 SQ. FT.
 1 SPACE FOR EACH 800 SQ. FT. OF
 9,601 SQ. FT. / 800 = 12 SPACES

PARKING REQUIRED: = 16 SPACES REQUIRED
TOTAL PARKING PROVIDED: 22 SPACES

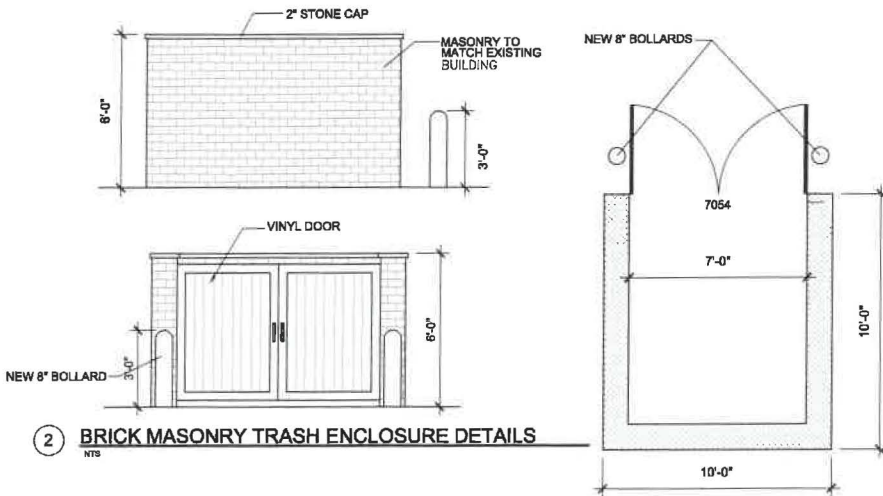
- LEGEND**
- 1) May be reduced to 3'-0" in existing sidewalks if the existing is unobstructed along the back edge.
 - 2) May be reduced to 3'-0" in existing sidewalks to better fit the width of a vehicle when the conditions are restricted by utility poles, foundations, drainage ditches, etc. The width may be increased.
 - 3) Where landing width (L) has been reduced to 3'-0" the front edge shall have a minimum slope of 1:1. Flared sides are not required where the edges of a curb ramp are protected by landscaping or other barriers to prevent wheel chairs or other devices from slipping off the curb ramp. If no such barriers are used in these areas, they may be of any slope.
 - 4) The slope of the ramp beyond the curb is preferred to be 1:1 or better, relative to the horizontal, but the maximum slope shall be 1:1 relative to the existing or proposed curb edge.
 - 5) In existing sidewalks, where the maximum ramp slope (SR) is not feasible, it may be reduced as follows:
 A) 1:1 for a max. rise of 3"
 B) 1:1 for a max. rise of 4"
 C) 1:1 over a max. run of 3'-0" for vehicle cross slope a better slope is not feasible.
 - 6) The minimum length of a perpendicular ramp is 8' from the back of a curb and may be decreased when the slope is 1:1 or better, relative to the existing or proposed curb edge. Extensions for location of the ramps are 24" from the back of the curb by the width of the ramp.
 - 7) Dimensions derived by equation are rounded. Construct ramps to meet specified slopes and existing conditions.
 - 8) Detectable Warnings (ramped domes) are to be installed in the location shown. Extensions for location of the domes are 24" from the back of the curb by the width of the ramp.

Street Slope	Ramp Length @ 1:1	Low Rise	High Rise
0.01	12'-0"	3'-0"	3'-0"
0.02	12'-0"	3'-0"	3'-0"
0.03	12'-0"	3'-0"	3'-0"
0.04	12'-0"	3'-0"	3'-0"
0.05	12'-0"	3'-0"	3'-0"

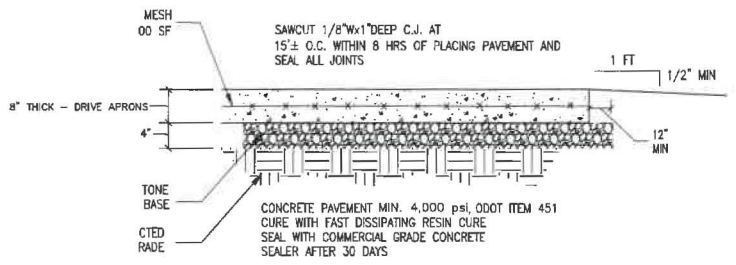
Curb Ht.
 HIGH = 0.043 + Street Slope
 Curb Ht.
 LOW = 0.043 + Street Slope



PERPENDICULAR CURB RAMP DETAIL

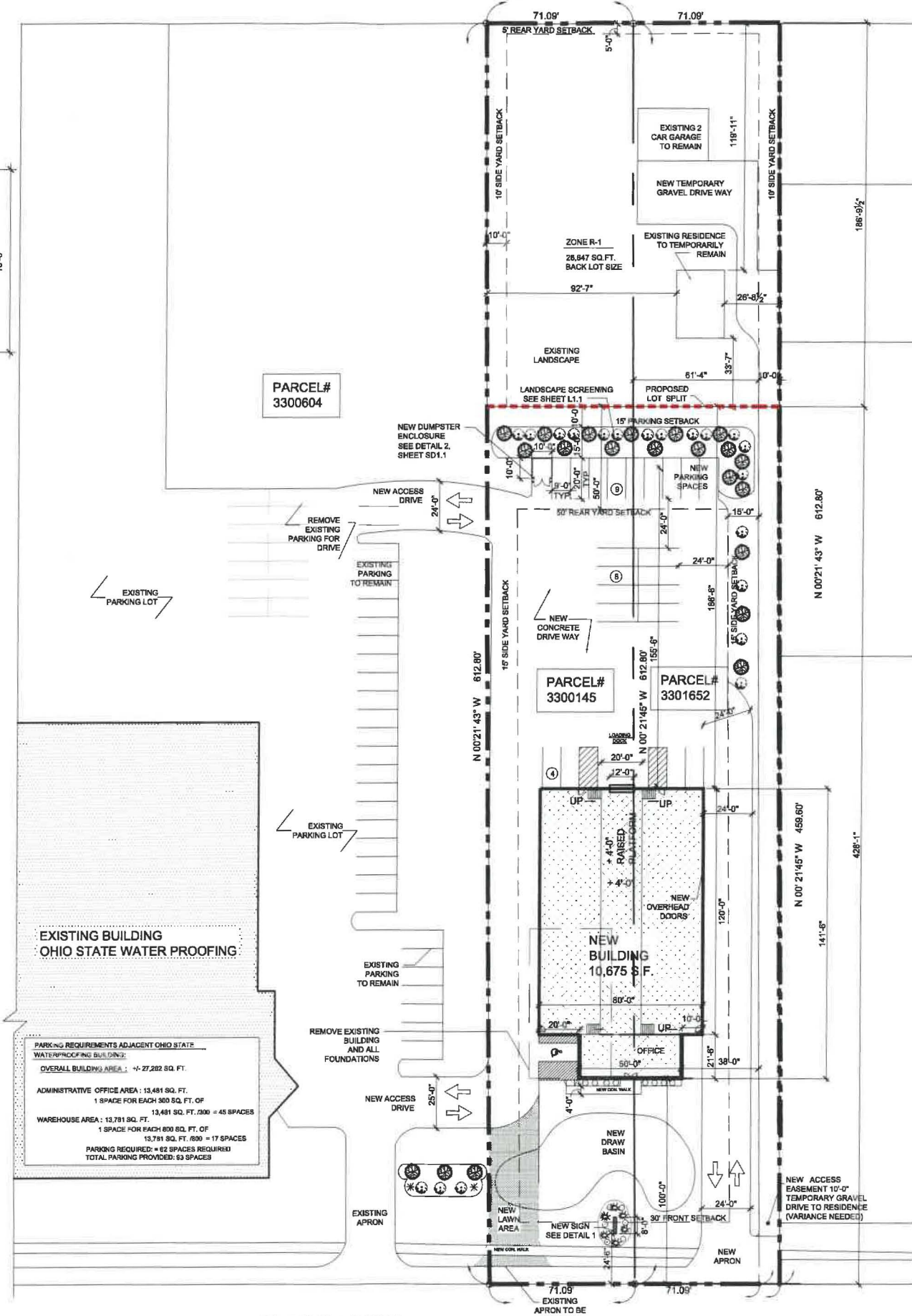


2 BRICK MASONRY TRASH ENCLOSURE DETAILS



CONCRETE APRON PAVEMENT DETAIL

NTS
 PIN TO EXISTING CONCRETE PAVING W/ 12" - #5 REBAR @ 16" O.C. EMBED AND EPOXY MIN 6" INTO EXISTING



SITE PLAN
 SCALE: 1"=20'-0"
 ZONE L-1

REV.	DATE
1	06.22.2020

ARCADIAN
 22082 LORAN ROAD
 FAIRVIEW PARK, OHIO 44126
 PHONE 281-408-8864 FAX 440-716-8867



LEON S. SAMPAT
 LICENSE # 13053
 EXPIRATION DATE 12/31/2021

NEW BUILDING FOR:
OHIO STATE WATERPROOFING
 393 EAST HIGHLAND ROAD
 MACEDONIA, OH

JOB NO: 20-109
 DATE: 05.22.2020
 ISSUE:
 SHEET:

SD1.1