

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
REGULAR MEETING
JUNE 12, 2023 - MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy (City Council Representative); Recording Clerk Susan Olson; Building Inspector Charlie Drazetic; Assistant Law Director Timothy Paluf

ABSENT: Commissioner Urban; Building Commissioner Dale Grabfelder

Chairman Adamus called the regular meeting to order at 7:09 p.m.

MOTION ON THE MINUTES: The Commission dispensed with a reading of the minutes of the regular meeting held May 22, 2023. Mr. Milroy moved to accept the minutes as written; seconded by Mr. Mercurio.

FURTHER DISCUSSION: Mr. Adamus asked that the Commissioners refer to Page 3, under Mike Rossi, 2nd paragraph, 5th sentence: “Assistant Law Director Paluf and the Commission agreed it is not necessary to establish the distance the shed will be outside the lines of the house”. To clarify, the Commissioners and Assistant Law Director Paluf had agreed to omit the amount of the variance because the configuration of the pie-shaped lot made it too difficult to establish the distance.

VOTE: Ayes Adamus, Mercurio, Milroy; abstain Hull. Motion carried.

**SUBJECT: LESTER MILLER, 621 HANFORD DRIVE
PZ23011 VARIANCE TO ALLOW PROPOSED SHED TO BE LOCATED
OUTSIDE THE LINES OF THE HOUSE**

Lester and Rae Miller, homeowners, 621 Hanford Drive, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to allow a proposed 10-foot by 12-foot shed to replace the existing 8-foot by 8-foot shed, to be located outside the lines of the house in the northeast corner of the rear yard, on property located at 621 Hanford Drive. The public hearing was held immediately prior to this regular meeting.

Mr. Adamus informed the applicants that only four of the five Commissioners were present and extended the option to defer the public hearing until such time when all Commissioners would be present because three affirmative votes are required to grant a variance. The applicants chose to proceed. The applicants chose to waive their right to be represented by an attorney as indicated in their P&Z Commission hearing application dated May 12, 2023.

MOTION: A motion was made by Mr. Milroy to grant Lester and Rae Miller, on property located at 621 Hanford Drive, Highland Heights, Ohio 44143, a variance from HHCO 1123.17(a): “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a 10-foot-wide by 12-foot-long shed to be located outside the lines of the house in the northeast corner of the rear yard, in the same location as the existing shed that was built in 2003, per the site plan submitted with their P&Z Commission

hearing application dated May 12, 2023, contingent that the existing concrete pad be used for the new shed; seconded by Mr. Mercurio.

FURTHER DISCUSSION: Mr. Mercurio asked if the proposed shed could be located within the shadow of the house to eliminate the need for a variance. The applicants replied they want to use the same location as the existing shed that has been there for twenty years. They said they will not remove the existing concrete pad, and will expand the pad to accommodate the larger shed size. Mr. Adamus said the existing shed is legal, non-conforming as it now sits because it was built in compliance with Code in 2003, which was one year prior to the enactment of HHCO Section 1123.17(a) in 2004, which now requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure.

VOTE: Ayes all; motion carried.

Mr. Adamus requested the Clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for granting the variance is that the location of the proposed shed is the same as the existing legal, non-conforming shed that was built in compliance with Code in 2003; the existing concrete pad will not be removed and will be expanded to accommodate the larger shed size; the new shed will be hidden by existing shrubbery; and there are no objections from neighbors.

**SUBJECT: MIKE ROSSI, 5619 ASHLEY CIRCLE
PZ23012 VARIANCE TO ALLOW PROPOSED SHED TO BE LOCATED
OUTSIDE THE LINES OF THE HOUSE**

Jason Lex, Exscape Designs, 10121 Kinsman Road, Novelty, Ohio 44072, representing Mike and Barb Rossi, homeowners, 5619 Ashley Circle, Highland Heights, Ohio 44143, appeared before the Commission to obtain a variance to allow a 10-foot by 20-foot shed to be located outside the lines of the house in the rear yard toward the northerly lot line, on property located at 5619 Ashley Circle. The public hearing was held immediately prior to this regular meeting.

Mr. Adamus informed the applicant that only four of the five Commissioners were present and extended the option to defer the public hearing until such time when all Commissioners would be present because three affirmative votes are required to grant a variance. The applicant chose to proceed. The applicant chose to waive his right to be represented by an attorney as indicated in his P&Z Commission hearing application dated May 17, 2023.

MOTION: A motion was made by Mr. Mercurio to grant Mike Rossi, on property located at 5619 Ashley Circle, Highland Heights, Ohio 44143, a variance from HHCO 1123.17(a): “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a 10-foot by 20-foot shed to be located outside the lines of the house in the rear yard toward the northerly lot line, per the site plan dated May 16, 2023; seconded by Mr. Hull.

FURTHER DISCUSSION: Mr. Milroy said he is in favor of the variance due to the comments of support made during the public hearing from the northerly adjacent property owner who will be most impacted by the location of the shed, and because the configuration of the pie-shaped lot makes it difficult to stay inside the lines of the house. Mr. Hull said the proposed location is appropriate. Mr. Adamus said he supports the proposed shed location because it is difficult to gauge the area that is actually behind the house on a pie-shaped lot, the yard is large, and the

applicant's intention to retain the trees in the side yard. Mr. Mercurio said he supports the proposed shed location because it is totally screened from the street.

VOTE: Ayes all; motion carried.

Mr. Adamus requested the Clerk poll the Commissioners in the majority for their reasoning in the manner in which they voted. The consensus of the Commission for granting the variance is that the configuration of the pie-shaped lot makes it difficult to gauge the area that is actually behind the house; the yard is large; the applicant intends to retain the trees in the side yard; support for the variance from the northerly adjacent property owner who is most impacted by the location of the shed; the shed will be totally screened from the street; the remote location of the Ashley Circle cul-de-sac is lightly trafficked; and the Commission has typically granted this type of variance on pie-shaped lots in the past.

SUBJECT: MICHAEL DIASIO, 605 DEWITT DRIVE
PZ23014 VARIANCE TO ALLOW PROPOSED SHED TO BE LOCATED
OUTSIDE THE LINES OF THE HOUSE

Mike Diasio, homeowner, 605 DeWitt Drive, Highland Heights, Ohio 44143, appeared before the Commission to request a variance to locate a proposed shed outside the lines of the house, on property located at 605 DeWitt Drive.

Mr. Diasio submitted a site plan of his lot dated December 1992 on which he marked the location of a proposed 16-foot-wide by 10-foot-deep (160 square-foot) shed. He said that if the City allows, he will build a 14-foot by 12-foot (168 square-foot) shed, rather than the 160 square-foot shed. Code allows a maximum shed size of 227 square feet on this lot. At issue is whether the location of the proposed shed is outside the lines of the house, which is not permitted by Code. The distance from the part of the house closest to the side lot line is 12.54 feet. Mr. Adamus advised the applicant a variance is not necessary if the distance from the edge of the shed closest to the side lot line is a minimum of 12.54 feet. Mr. Diasio said he believes he can comply with that requirement. Building Inspector Drazetic said he will visit the applicant's property tomorrow to determine if a variance is necessary. The shed will not encroach into the 20-foot rear yard drainage easement according to the site plan.

Mr. Adamus advised a public hearing will be held June 26, 2023 if determined necessary by Building Inspector Drazetic.

SUBJECT: ALEXANDER KERR, 5891 HIGHLAND ROAD
PZ23015 VARIANCE TO EXCEED MAXIMUM AREA ALLOWED FOR
PROPOSED DRIVEWAY TURNAROUND EXTENSION

Alexander Kerr, homeowner, 5891 Highland Road, Highland Heights, Ohio 44143, appeared before the Commission to request a variance to exceed the maximum area allowed by Code for an extension to the existing driveway turnaround, on property located at 5891 Highland Road.

Mr. Kerr said his house sits on a main road and that it is difficult backing out during busy times, and difficult to see walkers and bikers on the public sidewalk when backing out, due to limited sight lines. He said his driveway is narrow and cannot be made larger due to the bridge that crosses a drainage creek culvert with a one to two foot drop-off at the lower end of the driveway

near Highland Road. Mr. Kerr said the existing 84 square-foot turnaround is too small to be able to turn around in when another vehicle is in the driveway. According to the site plan submitted, Mr. Kerr is proposing to add a 6-foot by 14-foot (84 square feet) section to the east side of the existing turnaround and a 16-foot by 16-foot (256 square feet) section to the north end of the existing turnaround, for a total proposed addition of 330 square feet. The 330-square foot addition plus the 84-square foot existing turnaround is a combined total of 424 square feet. HHCO Section 1323.03 Turnaround Driveways, allows a maximum turnaround area of 16 feet by 16 feet for a total of 256 square feet, with a four inch curb along its rear. A variance of 168 square feet is required.

Mr. Adamus advised a public hearing will be held June 26, 2023.

SUBJECT: SHAWN CARTER, 219 LEGACY DRIVE
PZ23016 VARIANCE TO ALLOW A PROPOSED FOUR CAR FRONT ENTRY
DETACHED GARAGE AND VARIANCE TO EXCEED MAXIMUM
WIDTH ALLOWED FOR A FOUR CAR GARAGE

Shawn Carter, property owner, 219 Legacy Drive, Highland Heights, Ohio 44143, and Mark Maltry, Jemm Construction, 200 Blackbrook Road, Painesville Township, Ohio 44077, appeared before the Commission to discuss their proposal to build a four car front entry detached at the rear of the house, on property located at 219 Legacy Drive.

The applicant said he proposes to convert the existing four car attached side entry garage into an in-law suite and build a four car front entry detached garage at the rear of the house, behind and in-line with the existing garage. The doors of the detached garage will face west and will not be seen from the street. Mr. Maltry said the detached garage will mirror the exterior details and finishes of the existing garage. There are no accessory structures on the property.

The applicant submitted a site plan and preliminary plans for the detached garage. No plans were submitted or discussed for the conversion of the attached garage to living space. Mr. Milroy said a variance of 5 feet 4 inches is required from HHCO Section 1123.091 Size of Garages, that allows a four car garage with a maximum width of 44 feet, to allow a four car garage with a width of 49 feet 4 inches. A variance is also required from HHCO Section 1123.091 Size of Garages, that requires all four car garages must be side entry, to allow a four car front entry detached garage.

Assistant Law Director Paluf stated approval is required from the Maypine HOA to allow a front entry detached garage. Mr. Adamus advised the applicant to contact the Maypine HOA prior to the next Commission meeting. Mr. Maltry agreed. Mr. Adamus advised Ms. Olson to mail notices for a public hearing to be held at the next meeting on June 26, 2023. The hearing will be rescheduled if the Commission does not receive an opinion from the Maypine HOA by June 26.

SUBJECT: PLANNED RESIDENTIAL DEVELOPMENT (PRD) ZONING
PZ23013 DISCUSSION OF PROPOSED REGULATIONS FOR PRD ZONING

The Commission began discussions to consider Code regulations for Planned Residential Development (PRD) zoning in Highland Heights at the last Commission meeting held May 22, 2023. Mr. Milroy submitted a summary of those ideas to the Commissioners at

tonight's meeting and the Commission continued their discussion. Mr. Milroy said he will submit a list of the Commission's recommendations to City Council near the end of June.

ADJOURNMENT: There being no further business before the Commission, Mr. Adamus asked if anyone wished to make a motion to adjourn the meeting. A motion was made by Mr. Mercurio to adjourn the meeting; seconded by Mr. Hull. Ayes all; motion carried. Mr. Adamus declared the meeting adjourned at 8:08 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
PUBLIC HEARING PZ23011 - LESTER MILLER
JUNE 12, 2023 - MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy (City Council Representative); Recording Clerk Susan Olson; Building Inspector Charlie Drazetic; Assistant Law Director Timothy Paluf

ABSENT: Commissioner Bill Urban; Building Commissioner Dale Grabfelder

**SUBJECT: LESTER MILLER, 621 HANFORD DRIVE
PZ23011 VARIANCE TO ALLOW PROPOSED SHED TO BE LOCATED
OUTSIDE THE LINES OF THE HOUSE**

Chairman Adamus called the public hearing to order at 7:01 p.m. Notices of this hearing were mailed in accordance with HHCO 1113.04. Variance appeared as follows:

1. Variance from HHCO 1123.17(a): “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a shed to be located outside the lines of the house in the northeast corner of the rear yard.

Lester and Rae Miller, homeowners, 621 Hanford Drive, Highland Heights, Ohio 44143, appeared before the Commission to request a variance to allow a proposed replacement shed to be located outside the lines of the house in the northeast corner of the rear yard, on property located at 621 Hanford Drive.

There is an existing 8-foot by 8-foot shed built on a concrete pad located in the northeast corner of the rear yard, that is outside the lines of the house. The applicants are proposing to demolish the existing shed and replace it with a 10-foot-wide by 12-foot-long shed. They will keep the existing concrete pad and add onto it enough to accommodate the larger shed size. Mr. Miller said they want to use the same location for the new shed because it will be hidden from the street with the existing shrubs, there have been no neighbor complaints and no setback variances are required. Building Inspector Drazetic said the proposed shed size complies with Code. The existing shed was built in compliance with Code in 2003; however, HHCO Section 1123.17(a), Yards for Accessory Buildings and Solid Walls, was enacted in 2004, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure.

Public hearing opened to the public. No one spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:03 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*

**THE CITY OF HIGHLAND HEIGHTS, OHIO
PLANNING AND ZONING COMMISSION
PUBLIC HEARING PZ23012 - MIKE ROSSI
JUNE 12, 2023 - MINUTES**

PRESENT: Commissioners Vince Adamus, Brad Hull, Joe Mercurio, Sean Milroy (City Council Representative); Recording Clerk Susan Olson; Building Inspector Charlie Drazetic; Assistant Law Director Timothy Paluf

ABSENT: Commissioner Bill Urban; Building Commissioner Dale Grabfelder

**SUBJECT: MIKE ROSSI, 5619 ASHLEY CIRCLE
PZ23012 VARIANCE TO ALLOW PROPOSED SHED TO BE LOCATED
OUTSIDE THE LINES OF THE HOUSE**

Chairman Adamus called the public hearing to order at 7:04 p.m. Notices of this hearing were mailed in accordance with HHCO 1113.04. Variance appeared as follows:

1. Variance from HHCO 1123.17(a): “YARDS FOR ACCESSORY BUILDINGS AND SOLID WALLS”, which requires that no solid wall, tool shed or other enclosed structure be located closer to the side yard line than the main use structure, to allow a shed to be located outside the lines of the house in the rear yard toward the northerly lot line.

Jason Lex, Exscape Designs, 10121 Kinsman Road, Novelty, Ohio 44072, representing Mike and Barb Rossi, homeowners, 5619 Ashley Circle, Highland Heights, Ohio 44143, appeared before the Commission to request a variance to allow a 10-foot by 20-foot shed to be located outside the lines of the house in the rear yard toward the northerly lot line, on property located at 5619 Ashley Circle.

Mr. Lex said the homeowner is creating an outdoor living space in the rear yard of this pie-shaped lot. They will remove the existing shed from the concrete basketball pad and construct a new shed outside the footprint of the house in a wooded area that will be landscaped with additional shrubs. No trees will be removed. The existing board-on-board fence will be replaced and rerouted with an aluminum fence. The fence will meet the shed on both sides.

Public hearing opened to the public.

Fred Ahlgren, homeowner, 5635 Ashley Circle, Highland Heights, Ohio 44143, the northerly adjacent lot to the applicant’s property that will be most impacted by the location of the shed, appeared before the Commission in-person and expressed his support and that of his wife for the variance.

No one else spoke nor was any correspondence received from the public on this matter. Public hearing closed at 7:08 p.m.

Susan M. Olson, *Recording Clerk*

Vince A. Adamus, *Chair*