

**CITY OF HIGHLAND HEIGHTS  
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION  
HELD: DECEMBER 13, 2004**

**PRESENT:** Commissioners Kerr, Knezevic, Mastrangelo, Murphy, Silbiger;  
Recording Clerk Olson; Building Commissioner Jamieson

**ABSENT:** None

**MOTION ON THE MINUTES:** The reading of the Minutes of the Regular Meeting held November 22, 2004 was dispensed with. Mr. Kerr moved to accept the Minutes as written; seconded by Mr. Silbiger. Ayes all; motion carried.

**APPOINTMENT OF RECORDING CLERK FOR THE YEAR 2005:** **MOTION:** A motion was made by Mrs. Murphy to appoint Susan Olson as Recording Clerk of the Planning and Zoning Commission for the year 2005; seconded by Mr. Silbiger. Ayes all; motion carried.

**SUBJECT: ADAM WAHL, 860 FORD ROAD  
PZ04033 VARIANCES FOR PROPOSED ACCESSORY BUILDING**

Adam Wahl, homeowner, 860 Ford Road, appeared before the Commission to obtain three variances for a proposed accessory building. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo stated that the applicant must first complete the proposed addition to the home prior to constructing the proposed accessory building and that the accessory building must be located behind the lines of the house. Mr. Wahl said that he will complete the home addition first, and then begin construction of the accessory building in spring/summer, 2005.

In response to Mr. Knezevic's inquiry if the sideyard setback will be 10 feet, Building Commissioner Jamieson replied "yes".

**MOTION:** A motion was made by Mr. Silbiger to grant Adam Wahl, on property located at 860 Ford Road, a variance of 364 square feet from Section 1123.05(e)(2): "ACCESSORY USES; Recreational Facilities", which provides that an accessory building shall not exceed 500 square feet or one percent (1%) of the lot area on a single family residentially zoned lot with more than 20,000 square feet, whichever is less, to permit an accessory building with an area of 864 square feet, contingent that the accessory building be located behind the main use structure; seconded by Mrs. Murphy. Roll call on the motion. Ayes Murphy, Silbiger, Kerr, Knezevic, Mastrangelo. Ayes all; motion carried.

**MOTION:** A motion was made by Mrs. Murphy to grant Adam Wahl, on property located at 860 Ford Road, a variance of 6 feet from Section 1123.05(e)(2): "ACCESSORY USES; Recreational Facilities", which establishes that the larger linear dimension of an accessory building may not exceed 1.25 times the smaller linear dimension, to allow an accessory building with a larger linear dimension to be 1.5 times the smaller linear dimension for an accessory

building with dimensions 24' x 36'; seconded by Mr. Silbiger. Roll call on the motion. Ayes Murphy, Silbiger, Kerr, Knezevic, Mastrangelo. Ayes all; motion carried.

**MOTION:** A motion was made by Mr. Silbiger to grant Adam Wahl, on property located at 860 Ford Road, a variance of 4'6" from Section 1123.08(c-1): "AREA, YARD, AND HEIGHT REGULATIONS", which establishes a maximum accessory building height of 12'6", to allow an accessory building with a height of 17 feet; seconded by Mr. Knezevic. Roll call on the motion. Ayes Murphy, Silbiger, Kerr, Knezevic, Mastrangelo. Ayes all; motion carried.

Chairman Mastrangelo requested that the Clerk poll the Commissioners in the majority as to their reasoning for the manner in which they voted. The consensus of the Commission for approving the variances was that a sideyard variance is not required; that the Commission has granted area variances in the past up to 1% the total lot size for over-sized lots; and that the applicant has agreed to downsize and properly locate the accessory building.

**SUBJECT: PROGRESSIVE, ALPHA DRIVE (NORTH OF 625 ALPHA DRIVE)**  
**PZ04032 DETERMINATION OF LIKE AND SIMILAR USE**

Kevin P. McGrath, Manager of Development, representing Progressive, 5920 Landerbrook Drive, Building III, Mayfield Heights, Ohio 44124, appeared before the Commission for a determination of like and similar use for the proposed development of a claims service center on the 10-acre undeveloped parcel adjacent and to the north of 625 Alpha Drive that is zoned as a P-C-M district. The Public Hearing was held prior to the regular meeting.

In response to Chairman Mastrangelo's inquiry as to the similarities or differences between the proposed claims service center and the existing claims service center on the Bedford Auto Mile, Mr. McGrath replied that the center on the Bedford Auto Mile is co-located with a used car dealership and was created three years ago before the service center process was perfected. He admitted that the center is unsightly but assured the Commission that they consider this proposed claims service center to be their flagship property and are dedicated to creating a prototype facility that is visually appealing and that will be used as their national training site.

**MOTION:** A motion was made by Mr. Silbiger to grant the determination of a like and similar use, pursuant to Section 1113.09: "DETERMINATION OF OTHER SIMILAR USES", to allow the operation of a Claims Service Center on a parcel located directly north and adjacent to 625 Alpha Drive which is zoned as a P-C-M District area; seconded by Mrs. Murphy. Roll call on the motion. Nays Murphy, Silbiger, Kerr, Knezevic; aye Mastrangelo. Motion denied.

Chairman Mastrangelo requested that the Clerk poll the Commissioners in the majority as to their reasoning for the manner in which they voted. The consensus of the Commission for denying the determination of like and similar use was: 1) the proposed claims service center does not meet the requirements of a P-C-M district, which specifically prohibit outside storage of vehicles and require that all uses be within a wholly enclosed building; 2) the proposed claims service center is offering a service to its insureds, and retail sale and service is specifically prohibited in a P-C-M district; 3) the Motor Service District designation is more appropriate for the uses of the claims service center which include evaluating wrecked or disabled vehicles, the

storage of wrecked or disabled vehicles, and a rental car vehicle service; 4) there may be objectionable influences such as unsightly storage and a possible invitation to crime; 5) the applicant's request did not meet the standards in the determination of such similar use as stated in Code Section 1113.09(a) and (b).

Chairman Mastrangelo advised the applicant of his right to appeal the decision of the denied request with the Board of Building and Zoning Appeals within the next two weeks by contacting the Building Department.

**SUBJECT: BVQ, S/L 26, 371 SHETLAND COURT, ABERDEEN AREA "G"**  
**PZ99011-3 FINAL HOME APPROVAL**

Samuel Papa, president, BVQ, appeared before the Commission to obtain final home approval for the proposed home to be located at S/L 26, 371 Shetland Court, Aberdeen Area "G".

Mr. Papa stated that the homeowner has purchased S/L 26 directly from Casablanca Homes. Chairman Mastrangelo replied that Forest City has been apprised that pre-approved builders that own lots are supposed to sell lots back to Forest City if they choose not to build on them, and that Forest City must resell the lots to pre-approved builders within this subdivision. Chairman Mastrangelo noted that BVQ is a pre-approved builder within Aberdeen.

Chairman Mastrangelo stated he was in receipt of the required signature sheet for S/L 26.

Mr. Papa stated the home will be 3,000 square feet.

**MOTION:** A motion was made by Mr. Silbiger to grant final home approval to BVQ on property located at S/L 26, 371 Shetland Court, Aberdeen Residential Area "G"; seconded by Mr. Kerr. Roll call on the motion. Ayes Murphy, Silbiger, Kerr, Knezevic, Mastrangelo. Ayes all; motion carried.

Chairman Mastrangelo signed and presented the approval signature sheet to Mr. Papa.

**SUBJECT: SPRINTCOM, INC., ON PROPERTY LOCATED AT 6151 WILSON MILLS ROAD (HIGHLAND PLACE OFFICE BUILDING)**  
**PZ04029 FINAL APPROVAL FOR CO-LOCATION OF WIRELESS TELECOMMUNICATION ANTENNAS**

No one was present from SprintCom, Inc. to discuss this matter.

Building Commissioner Jamieson stated that all approvals have been obtained from the Police and Fire Departments, the Architectural Review Board, and the Plans Examiner. He said that the configuration is the same as originally presented and that the two antennas will not exceed 20 feet in height from the roofline at 6151 Wilson Mills Road.

**MOTION:** A motion was made by Mr. Silbiger to grant final approval for the co-location of two wireless telecommunication antennas to SprintCom, Inc., on property located at 6151

Wilson Mills Road; seconded by Mrs. Murphy. Roll call on the motion. Ayes Murphy, Silbiger, Kerr, Knezevic, Mastrangelo. Ayes all; motion carried.

**SUBJECT: ANTHONY J. DECARLO, 6356 HIGHLAND ROAD  
PZ04027 VARIANCE TO FENCE REQUIREMENTS**

Anthony J. DeCarlo, homeowner, 6356 Highland Road, appeared before the Commission to review a revised request for a variance to erect a fence on his property located at 6356 Highland Road.

**Note:** Mr. DeCarlo had already been granted a variance at a Public Hearing held on October 25, 2004 as follows: **MOTION:** A motion was made by Mr. Silbiger to grant Anthony J. DeCarlo, on property owned by Robert Salango and located at 6364 Highland Road, a variance of twenty-two feet (22') from Section 1123.21(b)(4): "FENCES; Permitted Fences; Privacy Fences", which establishes that privacy fences are permitted only in the rear yard, to allow a six foot (6') high board-on-board privacy fence to extend twenty-two feet (22') forward of the rear building line on the westerly property line then extending westward for 8' to the existing walkway, contingent upon a recorded easement with the County being presented prior to the building permit being issued; seconded by Mr. Knezevic. Roll call on the motion. Ayes Kerr, Knezevic, Mastrangelo, Murphy, Silbiger. Ayes all; motion carried.

Mr. DeCarlo is now reappearing before the Commission to amend the variance request for three reasons: 1) Mr. DeCarlo mistakenly reported the address of the proposed fence as 6364 Highland Road (the Salango property), and a recent survey shows that the proposed fence will actually be located on the applicant's property at 6356 Highland Road; 2) Mr. DeCarlo mistakenly requested a variance of 22 feet and is now requesting a variance of 30 feet to allow the fence to extend further forward to the second structural fence post from the front yard that is located 16 feet back from the front of his house; and 3) Mr. DeCarlo is now requesting to remove his request to extend the gate across the front of the property.

Chairman Mastrangelo advised that a Public Hearing will be held on January 10, 2005. Mr. DeCarlo stated that he will not be present for the Public Hearing but will have representation there.

**ADJOURNMENT:** A motion to adjourn the meeting was made by Mrs. Murphy and seconded by Mr. Silbiger. Said meeting adjourned at 10:10 p.m.

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Susan M. Olson, Recording Clerk

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Robert J. Mastrangelo, Chairman