

**CITY OF HIGHLAND HEIGHTS
REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
HELD: NOVEMBER 27, 2006**

PRESENT: Commissioners Kerr, Knezevic, Mastrangelo, Pilla, Urban;
Recording Clerk Olson

ABSENT: Interim Building Commissioner Jamieson

MOTION ON THE MINUTES: The reading of the Minutes of the regular meeting held November 13, 2006 was dispensed with. Mr. Kerr moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; motion carried.

MOTION ON THE MINUTES: The reading of the Minutes of the Public Hearing for Highland Wellness Center held November 13, 2006 was dispensed with. Mr. Kerr moved to accept the Minutes as written; seconded by Mr. Pilla. Ayes all; motion carried.

MOTION ON THE MINUTES: The reading of the Minutes of the Public Hearing for Mark Damankos held November 13, 2006 was dispensed with. Mr. Pilla moved to accept the Minutes as written; seconded by Mr. Kerr. Ayes all; motion carried.

**SUBJECT: RIAZ AHMAD, 363 LEVERETT LANE
PZ06025 VARIANCE TO DRIVEWAY WIDTH REQUIREMENTS**

Riaz Ahmad, homeowner, 363 Leverett Lane, appeared before the Commission to obtain a variance of 6'3" to the maximum driveway width requirement of 20' to widen the existing driveway at 363 Leverett Lane. The Public Hearing was held prior to the regular meeting.

Chairman Mastrangelo stated that the proposed driveway extension length of 40' is the same as allowed by code for the third bay driveway of a three-car garage.

MOTION: A motion was made by Mr. Pilla to grant Riaz Ahmad, on property located at 363 Leverett Lane, a variance of 6'3" from Section 1323.02(d): "Permanent Driveways; Two Car Garages", which establishes a maximum driveway width of 20', to allow a driveway width of 26'3" for a length of 40'; seconded by Mr. Kerr. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. 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 variance was that a practical difficulty was shown given that the applicant has five vehicles and only a two-car garage and that the final size of the driveway will not exceed the code requirements for a driveway of a three-car garage configuration.

Chairman Mastrangelo advised the applicant to obtain a permit from the Building Department prior to construction.

**SUBJECT: DISTEFANO DELI/BAKERY, 5600 HIGHLAND ROAD
PZ06024 VARIANCE TO REAR YARD SETBACK REQUIREMENTS**

John DiStefano, DiStefano Deli/Bakery, 5600 Highland Road, and Sheldon Gross, Applebrook Design, 30275 Bainbridge Road, Building A Suite 1, Solon, Ohio 44139, appeared before the Commission to obtain a variance to rear yard setback requirements for a proposed addition to the rear of the existing delicatessen at 5600 Highland Road. The Public Hearing was held prior to the regular meeting.

MOTION: A motion was made by Mr. Knezevic to grant DiStefano Deli/Bakery, on property located at 5600 Highland Road, a variance of nine feet (9') from Section 1143.03: "Nonresidential Yard Schedule (Local Business)", which requires a minimum rear yard setback of thirty feet (30') with a 5 – 7 foot high solid wall, to allow a rear yard setback of twenty-one feet (21') for a length of forty-four feet eight inches (44'8"); seconded by Mr. Kerr. Roll call on the motion. Ayes Knezevic, Mastrangelo, Pilla, Urban, Kerr. 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 variance was that the applicant proved a need for additional building space and that the only logical site for the addition is to the rear of the existing building; the same variance had been granted in September, 2005; the garage at the southeast end of the property will be demolished; and the proposed customer order pick-up window may result in additional employment opportunities.

**SUBJECT: DISTEFANO DELI/BAKERY, 5600 HIGHLAND ROAD
PZ06024 FINAL APPROVAL OF BUILDING EXPANSION**

John DiStefano, DiStefano Deli/Bakery, 5600 Highland Road, and Sheldon Gross, Applebrook Design, 30275 Bainbridge Road, Building A Suite 1, Solon, Ohio 44139, appeared before the Commission to obtain final plan approval for the building expansion of the deli/bakery located at 5600 Highland Road.

Chairman Mastrangelo stated that the Fire Department and city ARB have approved the proposed building expansion. He said that the Commission is in receipt of a note dated November 27, 2006 that the Police Department is still reviewing the plans.

Mr. Gross stated that he will contact the Plans Examiner and City Engineer tomorrow for their comments.

The Commission addressed the illegal parking situation at the bar/restaurant located adjacent to the deli/bakery. The Commission advised the applicants that there are numerous occasions when vehicles are parked in front of the masonry garage on the southwest corner of the property which is unpaved and which is not a designated parking area.

Mr. Pilla advised Mr. DiStefano that he is ultimately responsible for correcting this situation because he is the landowner.

Mr. Gross suggested that Mr. DiStefano consult his attorney to draft a letter to the lessee of the property advising that further parking violations will result in vehicles being towed. He also suggested that Mr. DiStefano post “No Parking/Violators will be Towed” signs on the garage.

With regard to the existing masonry garage on the southwest corner of the property, Chairman Mastrangelo stated that the garage is slated to be removed by April 1, 2007 to resolve the inadequate greenspace requirement and to resolve parking safety issues.

Mr. Gross reiterated that Mr. DiStefano wants to keep the garage for storage purposes and that they will appear before the Commission in January, 2007 with drawings and plans for the Commission to consider.

Mr. Pilla shared several ideas for remodeling the garage that were suggested by City Council.

**SUBJECT: HIGHLAND WELLNESS CENTER, 840 BRAINARD ROAD
PZ06022 VARIANCES TO SIGN REQUIREMENTS**

No one was present to discuss this matter.

**SUBJECT: S.R.S. CONSTRUCTION, INC., ABERDEEN AREA “H”
PZ06026 HOME BUILDER APPROVAL**

Steven Small, S.R.S. Construction, Inc., 3219 Sulgrave Road, Cleveland, Ohio 44122, appeared before the Commission to obtain home builder approval in Aberdeen Area “H”.

Mr. Small stated that he purchased three lots in Aberdeen Area “H” from Forest City. He presented a photo album of houses he has built and a list of customer references.

Mr. Knezevic replied that Forest City violated the city’s policy by selling the lots to a builder who is not pre-approved by the city.

Chairman Mastrangelo stated that Ron Kluchin granted builder approval on October 27, 2006 and the Highland Heights ARB granted builder approval on November 27, 2006. He stated that he will contact several cities in which Mr. Small has built for their comments, including Solon and Pepper Pike. In response to Mr. Knezevic’s inquiry if the applicant had ever been cited for failure to follow code in other cities, Mr. Small replied no.

The Commission advised the applicant they are aware of a house that the applicant had built in Highland Heights approximately 10 years ago that had multiple defective construction issues. Mr. Small replied that 99% of the issues could not be confirmed and that he did not want to pursue this matter without the presence of the homeowner.

ADJOURNMENT: A motion to adjourn the meeting was made by Mr. Pilla and seconded by Mr. Kerr. Said meeting adjourned at 9:04 p.m.

Susan M. Olson, Recording Clerk

Robert J. Mastrangelo, Chairman