

**REGULAR MEETING**

**BOARD OF ZONING APPEALS  
STATE OF OHIO  
COUNTY OF CUYAHOGA**

**DATE: September 24, 2013**

**AGENDA**

**TIME: 7:00 P.M.**

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**WORKSESSION – 6:30 P.M.**

Elect 2013 Chairman  
Discuss Reappointment of Dennis Kotmel  
(term expires October 2013)

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES**
  - a. Approval of Minutes of Regular Session of July 24, 2012
  - b. Approval of Minutes of Regular Meeting of July 24, 2012
4. **NEW BUSINESS**
  - a. Motion to Elect 2013 Chairman
  - b. Motion to Reappoint Dennis Kotmel
  - c. Mark & Sarah Patsolic, 100 Harriman Ave., Bedford, Ohio 44146 is seeking a height variance.  
(Planning Commission August 6, 2013/Council August 19, 2013)
5. **MISCELLANEOUS**
6. **ADJOURNMENT**

Bedford, Ohio

September 24, 2013

The Board of Zoning Appeals met in a Work Session at Bedford City Hall on Tuesday, September 24, 2013 at 6:30 P.M. Present: Kristy Glasier, Dennis Kotmel, John Trzeciak. Absent: Sharyna Cloud, Jim Wagner. Also in attendance were City Manager Hank Angelo, Building Commissioner Calvin Beverly and Secretary Michelle Hollo.

Discussion held regarding appointing a 2013 Chairman. It was agreed that John Trzeciak would be the 2013 Chairman.

Discussion held regarding the reappointment of Dennis Kotmel to another term on the Board of Zoning Appeals. It was agreed that Mr. Kotmel would be reappointed.

Mr. Beverly explained that Mark and Sarah Patsolic, 100 Harriman, are seeking a height variance. In December 2012, their barn caught on fire. Since the structure was destroyed by more than 50 percent, they have to rebuild according to the current requirements. Mr. Beverly stated they want to rebuild the barn to the same size as it was before the fire. The barn was two floors, 1064 square feet each floor. An outside measurement showed the barn was 25'-4" in height.

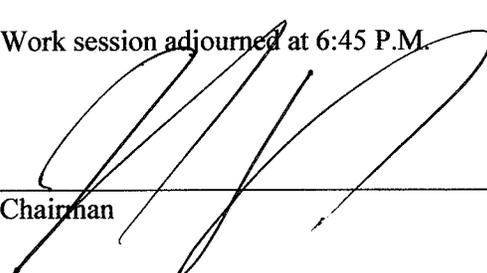
Mr. Angelo stated they are requesting to go above that height of 25'-4". There is a drop of two feet when going into the barn from the driveway. They want to pour a new foundation to eliminate that two foot drop. That would make the outside measurement 27 feet high. A variance is needed to allow them to rebuild the barn to 27 feet high. Fifteen (15) feet is the maximum height per the Codified Ordinances.

Mr. Trzeciak inquired as to the setbacks. Mr. Beverly replied he had discussion with the Patsolics and they will be required to be in compliance with the current setback requirements.

Mr. Beverly polled the residents in the neighborhood. The neighbors are not concerned about the Patsolics rebuilding their barn.

The Planning Commission approved the non-conforming commercial use of the barn on August 6, 2013. City Council approved the Planning Commission's recommendation on August 19, 2013. It is now before the Board of Zoning Appeals because Planning Commission is not able to approve the height variance.

Work session adjourned at 6:45 P.M.

  
Chairman

  
Secretary

Bedford, Ohio

September 24, 2013

The Board of Zoning Appeals met in regular session at Bedford City Hall on Tuesday, September 24, 2013 at 7:00 P.M. The roll was called: Present: Kristy Glasier, Dennis Kotmel, John Trzeciak. Absent: Sharyna Cloud, Jim Wagner. Also in attendance were City Manager Hank Angelo, Building Commissioner Calvin Beverly and Secretary Michelle Hollo.

Motion made by Glasier seconded by Kotmel to excuse the absence of Cloud and Wagner. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Kotmel to approve the minutes of the Work Session of July 24, 2012. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Kotmel to approve the minutes of the Regular Meeting of July 24, 2012. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Kotmel to elect John Trzeciak 2013 Chairman. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Motion made by Trzeciak seconded by Glasier to reappoint Dennis Kotmel. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Chairman Trzeciak informed those present that according to a ruling made by the Law Department anyone wishing to speak at a public meeting is to rise, raise their right hand and the following oath administered. “Do you solemnly swear and affirm that the statements you are about to make are the truth.” Then give your name and address for the record.

Appeal of Mark and Sarah Patsolic – 100 Harriman Avenue, Bedford, Ohio 44146 – seeking a height variance.

Present: Sarah Patsolic, 100 Harriman Avenue, Bedford, Ohio 44146

Mrs. Patsolic stated she and her husband are looking to rebuild a barn. Their barn caught fire on December 23, 2012. They want to rebuild the barn as it was. The barn was a 2 ½ story, 3 bay barn. The first floor was used for storage of vehicles and tools. The second floor was used for recreation for her five children. They also use it for home school instruction. They had not planned on building so they do not have a fund set aside. The insurance will only cover what was already there. Mrs. Patsolic stated the height of the first drawing submitted was wrong.

Mr. Trzeciak inquired what the height would be. City Manager Angelo stated the original drawing showed the height at 24-25 feet. The original height was approximately 25 feet 4 inches. Mr. Angelo asked Mrs. Patsolic to explain for the record the difference and why they need to go to 27 feet.

Mrs. Patsolic explained the house and barn are very old. The house is 150 years old. When you went into the barn, you actually went downward and stated it was like a bat cave. That going downward meant there was more footage in the first floor than if you measured the barn on the outside. If you include that

dip, it would make the first floor approximately 11 feet and the second floor approximately 11 feet. If they keep the floors the same, the total height of the barn would be 27 feet. The first drawing Mrs. Patsolic submitted was wrong and she admitted she did not check the architect's drawing. The architect only put eight feet in the second floor and the ceiling would be too low. They do not want an eight foot ceiling, it is not what they had before.

Mr. Trzeciak inquired if the pictures before the Board were of the old barn. Mrs. Patsolic replied yes. Inside the barn were two layers of hardwood floor, one underneath the other, and they did not know about the second layer. It was hardwood floors upstairs and they refinished it. When they put the windows in, they sketched out the barn. They got the windows for the barn from a friend who was demolishing the house where Light of Hearts Villa is.

Mrs. Patsolic said they want to be able to put the footer back in where it was at the back line. The side could come off ten feet, it is far enough away from the neighbor's garage. But in the back, if they build forward, they have to redo all the cement and would not be able to have a privacy area. They want to be able to keep that island. They are concerned the barn would be too close to the island if built forward.

Mr. Beverly clarified he said the setback requirement is 6 feet off the rear and 10 feet from another structure. Mrs. Patsolic said right now it is 4 ½ feet off the back property line and 11 ½ feet away from the side property to the neighbor's garage.

Mrs. Glasier stated this request is different than the variance seeking here. Mr. Trzeciak explained what is on the application is a height variance, not rear line variance. Mr. Angelo said this cannot be brought up at this point. When Mr. Angelo previously met with Mr. & Mrs. Patsolic, the concern was the height variance and there is a very good case to present it to the Board of Zoning Appeals for the height variance. There was no discussion about moving those setbacks on the back and the side. It will cause another delay to seek a variance for the side and back lot. Mrs. Patsolic stated they cannot go any further into the driveway. It would just cause more cement work and it would bring the barn into that middle island and it would be too close to get the vehicles into the barn. Mr. Beverly stated he never mentioned 10 feet from the back. It is 10 feet from the structure on the adjacent property, but it is only six feet from the rear property line. The current footer is 4 ½ feet off the property line. The building would have to be moved only 1 ½ feet from the current foundation. Mr. Angelo told Mrs. Patsolic she has the right to come back to the Board of Zoning Appeals for the rear line setback if she wants.

Mr. Trzeciak asked if anyone in the audience was against the appeal.

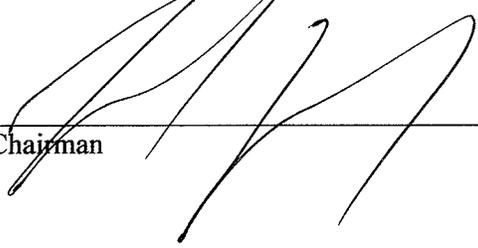
Motion made by Glasier seconded by Kotmel to approve the height variance (27 feet). The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Mr. Trzeciak stated the Board of Zoning Appeals recommendation would be before City Council on October 7, 2013 for final approval.

#### ADJOURNMENT

There being no further business to come before the Board, motion made by Glasier seconded by Kotmel to adjourn. The roll was called. Vote – Yeas: Glasier, Kotmel, Trzeciak. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:17 P.M.

  
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Chairman

  
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Secretary