



VILLAGE OF OAKWOOD  
ZONING BOARD MINUTES  
2023-7-12

ATTENDANCED

**PRESENT**

Marchelle Head Chair  
Joseph Swaton

Dan Stanton  
Ross Cirincione Law

**ABSENT**

Daniel Marinucci, CBO

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Meeting opened 6:59pm by Marschelle Head  
Roll call taken

**ZBA#23-05      OWNER: JOHN & FRANCES PICKETT**  
**REPRESENTATIVE: FIRST CHOICE DEVELOPMENT, MR. CHARLIE ROSCOE**  
**7456 OAKHILL RD**  
**PP# 795-25-010**

PRIOR TO PLAN SUBMISSION TO BUILD A NEW HOME, MR. ROSCOE IS COMING BEFORE THE BOARD TO REQUEST APPROVAL FOR THE FOLLOWING VARIANCES.

1. 30' LOT WIDTH VARIANCE (ORD 1165.09)
2. 14' SIDE YARD VARIANCE (ORD 1165.09)

**Head:** We have before the board ZBA#23-05. **Ross:** Swore in Charlie Roscoe 2227 Wrenford Rd. University Hts. 44118. **Roscoe:** I am asking for a variance to build a house. They told me to show up today, to tell me what variances I need. **Ross:** The report from the Village Engineer, Ed Hren of Chagrin Valley Engineering stated, there is a problem, apparently the information submitted regarding the survey was not prepared by a registered Ohio professional surveyor. It was downloaded from the Cuyahoga County Auditors website. Unfortunately, you need a Certified Surveyor to submit a report. The data submitted to the County, specifically says, the data layers that appear on this map may or may not be accurate or current or otherwise reliable. Before we can act on the substance of the variances which you are requesting, we are going to need additional information sent to the Building Department and Chagrin Valley Engineering. I think as the information is stated, you need to get a registered Ohio professional surveyor to certify the accuracy of the information provided. **Ross:** I don't see how we can grant a variance. There are portions of the Codified Ordinances that maybe problematic, those are listed later in the letter. In the opinion of Mr. Hren consider the engineering letter and the legal aspect in the Codified Ordinances. There are limitations on the granting of variances in yard regulations, that is one of the things you are requesting, a yard width variance. There are several problems, we can't even address in the Zoning Board meeting. Chagrin Valley Engineering and the Building Department should receive a copy of a survey prepared and stamped by a registered certified professional surveyor. We are going to have to call for a motion to table until the Village gets this information. **Roscoe:** This is the whole point of coming tonight, we want to stop before we waste money on something that you may or may not approve. **Ross:** I understand. We don't want to give you our legal opinion and then the survey comes back inaccurate or will not work for that property. We can look at it preliminarily at the Law Dept and tell you whether this is something the board has the authority to grant or not. There are some real problems with it, because of the way our code is written and what it requires. Have you owned this property for a long time? **Roscoe:** I don't own it; we are trying to buy it. **Ross:** There are some problems, I don't want to mislead you. The problems with this property are based on the Codified Ordinances and restrictions. Apparently, the same owner has owned these two parcels since 1973-75. We will look at these issues, in the meantime we will try to get back to you, so you have time to get a survey done before the next meeting. If you can't do it, I am going to tell you

what my opinion to the board is going to be. Even if the survey comes back and it is a professional survey and meets the technical survey requirements, I don't think the board can grant it. I do know there are problems to be discussed with the assistant Law Director and the Law Director. We will try to make those determinations and tell you what our opinion is. But they make the decision. **Stanton:** Looking at the pictures, it looks like the houses on both sides of the property are really close to the line. **Ross:** That is one of the problems; it looks like the house is 5' off the line. **Stanton:** On both sides. **Head:** Are there any abutting property owners? **Ross** swore in **Christine Morgan**, 24150 Hazelmere Rd, Shaker Hts. Ohio. **Morgan:** You mentioned there was some issues, is there a way, you can advise what some of those issues are. **Ross:** I think you have a copy of this letter where Ed Hren refers to the code section which are problematic. I can expand on that. **Morgan:** If you will. **Ross:** I will submit to the law department, to the board, and furnish a copy to you. **Morgan:** We don't want to pay for a survey. **Ross:** I will try and get that to you within the next week and half. That should leave you with enough time. I would start on the process to see if you can get someone at cost. **Roscoe:** We already have someone lined up, that was the whole point of coming to the meeting, to see what we could find beforehand. Basically, I cannot get my money back. **Ross:** The Code sections are sighted by the Engineer. Those are the code sections for every house. Ed is very good at making it more assessable to a lay person. I am not an engineer but we will see if we can make it understandable. **Morgan:** Are some of these codes common in Oakwood. Has the board approved it before? **Ross:** I don't know if we have had a lot of applications at least since I have been involved with Council over the last 2-3 years regarding these particular kinds of problems. This property has been vacant for many years, because of the restrictions that are in the Codified Ordinances. The minimum width and unfortunately everything is jammed in there. The one house is almost built on the border. **Stanton:** The new variances are setup for 100' lots. How can you have 15' sidelines on a 60' lot. You are talking about a 30 ft house. **Head:** Everything being said is true, but we can't make determinations on numbers that may or may not be accurate. We have to have the actual measurements. **Morgan:** The biggest thing is understanding what the codes are. If we are looking at the codes and it is something we cannot address then why pay for a survey. They need to be defined to our understanding. **Ross:** We can attach a copy of the code sections for your reference so you can look at those to see the problems that are presented. **Morgan:** The email will come from you? **Ross:** I am going to give it to Ed and Marinucci, I will try and get one to you. **Morgan** gave her email address as [camorgan01@me.com](mailto:camorgan01@me.com). **Stanton:** Both houses on either side are very close to the line. **Roscoe:** What are the sideline requirements? **Head:** sideline 15'. **Stanton:** you can't have a sideline of 15' on a 60' lot. They approved all those in the 1940-1950's. They changed all the approved lot sizes and now you cannot use them. **Roscoe:** Would that be grandfathered in? **Swaton:** Only if there was an existing house. **Ross:** We will look, to see if it is something you can or cannot do. We will get that to you as soon as we can. We will officially table it to the meeting in August.

**Motion to table ZBA#23-05 until the August meeting, pending a prepared stamped survey, boundary survey sight plan, prepared and stamped by a registered Ohio professional surveyor, certifying the accuracy of the property information that was provided made by Head. Seconded by Swaton. Voted YES: Head, Stanton, Swaton.**

**Motion to Postpone passed**

Motion to accept the minutes of April 12, 2023 made by Head seconded by Stanton. Voted YES: Head, Stanton, Swaton. Motion passed.

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**ZBA#23-06      OWNER: OAKWOOD HOSPITALITY, LLC  
REPRESENTATIVE: JAMES SABATINE  
23181 BROADWAY AVE. PP#795-06-071**

PRIOR TO PLAN SUBMISSION TO BUILD A NEW STARBUCKS, MR. SABATINE IS COMING BEFORE THE BOARD TO REQUEST APPROVAL FOR A DIMENSIONAL AND USE VARIANCE.

**Motion to postpone ZBA#23-06, until we receive a more detailed traffic plan that has been submitted to the Village Engineer made by Head Seconded by Swanton. Voted YES: Head, Stanton, Swaton.**

**Motion to postpone passed**

Motion to adjourn made by Stanton Seconded by Swanton Voted YES: Head, Stanton, Swaton  
Adjourned 7:20pm

Signed \_\_\_\_\_  
Marschelle Head, Chair

Signed \_\_\_\_\_  
Joel Hladky, Board Recording Clerk

Date approved: \_\_\_\_\_