



VILLAGE OF OAKWOOD
SPECIAL ZONING BOARD OF APPEALS
MEETING MINUTES

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MEETING DATE: WEDNESDAY, AUGUST 31, 2022

TIME OF MEETING: 7:00 P.M. MEETING

PLACE OF MEETING: OAKWOOD VILLAGE - COUNCIL CHAMBERS

PRESENT: Marschelle Head - Chairperson
Thomas McWillaims (*New Temporary Member 11/29/2021*)
Dan Stanton
Joseph Swaton
Ross Cirincione: Assistant Legal Counsel

ABSENT: NONE

The Meeting was called to order at approximately 7:02 P.M. by Marschelle Head, Chairperson.

NEW BUSINESS: **STEELE FAMILY PROPERTIES, LLC**
CASE # ZBA22-03: **MICHAEL & ORA STEELE**
 25631 ALEXANDER ROAD, OAKWOOD VILAGE, OH 44146
 PP #795-30-065 Mr. & Mrs. Steele are coming before the
 Board to request Use Variance (Section 1143.06 (2) of the
 Codified Ordinance)

Swearing In of Michael Steele by Ross Cirincione: “Do you solemnly swear that the testimony and evidence you will present to the Zoning Board of Appeals you will give tonight will be the truth, the whole truth, and nothing but the truth so help you God?”

Mr. Steele: “I do”.

Swearing In of Ora Steele by Ross Cirincione: “Do you solemnly swear that the testimony and evidence you will present to the Zoning Board of Appeals you will give tonight will be the truth, the whole truth, and nothing but the truth so help you God?”

Mr. Steele: “I do”.

Mrs. Steele: An offer was made to the lender but he wasn't budging because he didn't like the dual-purpose offer.

Mr. Steele: It was a smaller lender.

Mrs. Steele: Mr. Climer thought this would be the best way to go, so that the lender would be happy.

Mr. Steele: We talked to other lenders but they didn't understand the “process”.

Mr. Steele: Our realtor spoke with Key Bank, whom she does a lot of business with as well as other lenders. None of them had an issue with the dual purpose.

Mr. Cirincione: I spoke with Jim Climer our Law Director and we thought because you ran into this problem before with this potential purchaser, we might as well clear the record so you don't have to face it again.

The criteria for this use variance is in the Building Code under Section 1143.5 (Standards & Criteria for Use Variance) this property fits very snugly into this use variance. It lists five different things that need to be shown, and it looks to me like each of the five conditions in that section of the Code have been met.

The Board has the jurisdiction to rule on specific cases and to vary the application of the provision of the Zoning Code, so if they believe that the public health safety and general welfare will be safeguarded, it is essential that justice is done. A strict application would make it a hardship for that property in this district. There are exceptional conditions in this particular neighborhood because it is pretty much a residential neighborhood.

Subsection E states: “The Board upon making various determinations shall endeavor to assure safety and convenience of traffic movements within the area in question in relation to its access streets.” I don't see any issue there. So, it looks as if this fits into that Use Exception Standard & Criteria. The Law Department would recommend the granting of the application.

Ms. Head: Do you know the people that are purchasing the property? Is there a house on the property, and what is their use?

Mrs. Steele: Yes, we do know who is purchasing the property and it is our house. It was a long-term rental when we purchased it. We are both retired, and wanted a little more income. We fixed up the property up and bought it for \$92,000.00. The offer was for \$150,000.00 for this lender. He is really digging his heels in and not budging on the zoning. We got 11 offers for this property.

Ms. Head: Are there any abutting property owners in the audience here tonight?

There were no abutting property owns in the audience.

Mr. McWilliams: With the use variance going through, does that mean that the original individual that wanted to purchase it will continue with this?

Mrs. Steele: The lender gave her until our closing date which was through the 5th of September. They said: we will hold your rate for \$500.00 and extend it to September 7th. She chose not to pay the \$500.00 to extend the loan, so we had to put it back on the market. Within two days we received 13 offers, and one of them was for \$165,000.00.

Mr. Stanton: Do the loan provisions still stand?

Mrs. Steele: It's a different lender.

Ms. Head: Would someone like to make a motion?

MOTION TO APPROVE CASE # ZBA22-03: VARIANCE FOR SECTION 1143.05 & 06 TO ACCOMMODATE THE CHANGE IN PROPERTY IDENTIFICATION FROM LIGHT INDUSTRIAL/RESIDENTIAL TO RESIDENTIAL was made by **Dan Stanton**, seconded by **Thomas McWilliams** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO APPROVE ZBA MEETING MINUTES FOR NOVEMBER 29, 2021 was made by **Thomas McWilliams**, seconded by **Dan Stanton** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO APPROVE ZBA MEETING MINUTES FOR DECEMBER 8, 2021 was made by **Marschelle Head**, seconded by **Dan Stanton** and upon roll call the **MOTION PASSED** unanimously.

MOTION TO ADJOURN MEETING was made by **Thomas McWilliams**, seconded by **Joseph Swaton** and upon roll call the **MOTION PASSED** unanimously.

Meeting Adjourned at approximately 7:23 P.M.

Marschelle Head
Chairperson

Cynthia Hines
Recording Secretary