

**BOARD OF ZONING and BUILDING APPEALS
CITY OF FAIRVIEW PARK**

APPLICATION FOR:

VARIANCE
 APPEAL
(Check One)

Variance/Appeal requested by: Owner Authorized Agent Representative/Tenant*

Owner of Property: THE FAIRVIEW PUBLIC CITY SCHOOL DISTRICT BOARD OF EDUCATION Phone: 440-331-5500

Address: 21620 MASTICK ROAD CLEVELAND, OH, 44126

Representative/Tenant: GARLAND NEW HOMES, INC. Phone: 440-892-4663

Address: 905-C CANTERBURY ROAD WESTLAKE, OH 44145

Parcel Number of Subject Property: 323-10-024

Section of Code for which variance is required: N/A

Which criteria should Board use to consider variance? N/A

(See 1153.06 of code, page 93)

- a. Lot Configuration: _____ c. Use: _____
b. Topography: _____ d. Substitution on non-conforming use: _____

RATIONALE:

To grant a VARIANCE, the Board must find (Section 1153.06) "... That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties or classes of use in the same zoning district."

To grant an APPEAL (Section 1153.02): The application for an appeal by any person directly affected by a decision of the Code Official or other Administrative Official relating to enforcement, interpretation, or administration of the Building or Zoning Codes.

(SEE ATTACHED)

(Use back for additional comments)

The Board must hold a public hearing on the variance/appeal and the Board must notify all property owners within 200 feet of the boundaries of the tract or lot under appeal at least 7 days before the meeting.

Sign: [Signature]

Date: 6/3/2015

*Attach signed authorization

Rationale for Appeal of Fairview Park

Planning and Design Commission

Decision of May 20, 2015

This appeal is filed pursuant to Fairview Park Codified Ordinance (the "Ordinance") Section 1153.02(c) as it relates to the Fairview Park Planning and Design Commission's (the "Commission") decision to not approve Docket 05-15-10P-19020 Coffinberry Blvd., Thomas Lane Subdivision; Preliminary Review of New Subdivision Site Plan (the "site plan").

The Commission had no legal basis for its decision. Applicant's proposed subdivision satisfies the lot area requirements of the underlying R1F-75 zoning set for in the Ordinance's section 1117.09. Further applicant's site plan meets all of the major subdivision requirements for Commission approval as set forth in Section 1191.03(a) through (g) of the Ordinance.

During the course of the public hearing conducted on May 20, no direct evidence was offered to the contrary. The four Commission members who voted to deny approval of applicant's site plan offered no legal rationale for their decision. Commission Chair's letter of May 27, 2015 informs applicant of the Commission's decision without providing a legal basis to support said decision.

It is clear that the Commission's decision is in error and should be reversed.

CONSENT TO AN APPROVAL OF PLANS FOR IMPROVEMENTS UPON PREMISES TO BE MADE BY OTHER THAN THE PROPERTY OWNER TO ANY and ALL NECESSARY BOARDS

THE FAIRVIEW PARK CITY SCHOOL DISTRICT BOARD OF EDUCATION

(Name of Entity or Person), OWNER* of the real property located at 21620 MASTICK RD. (Street Address) in the 19020 Coffinberry Blvd. *revised 05.28.15

City of Fairview Park does acknowledge review of the building plans submitted to the City of Fairview Park by GARLAND NEW HOMES, INC. (Name of Entity or Person), who proposes the following (describe the nature of the proposed improvement, construction, alteration, addition and/or installation):

18 LOT SUBDIVISION; DETACHED SINGLE FAMILY DWELLINGS AS PERMITTED UNDER THE CURRENT ZONING.

and hereby consents to and approves of same:

THE FAIRVIEW PARK CITY SCHOOL DISTRICT BOARD OF EDUCATION

MATT GARLAND, PRESIDENT
GARLAND NEW HOMES, INC
905-C CANTERBURY RD

21620 MASTICK RD.

CLEVELAND, OH 44126
NAME and ADDRESS OF PROPERTY OWNER

WESTLAKE, OH 44145
SIGNATURE, NAME, ADDRESS and POSITION OR PERSON AUTHORIZED TO REPRESENT PROPERTY OWNER

*If the person consenting to and approving of building plans is an AGENT OF THE PROPERTY OWNER the following must be completed:

Joslyn Dalton

(name or entity or person) has been duly constituted as the agent

for THE FAIRVIEW PARK CITY SCHOOL DISTRICT BOARD OF EDUCATION (name or Property Owner) in the consenting to and approval of building plans.

May

~~XXXXXX~~28, 2015

Joslyn Dalton, President, Board of Education

IN FORM ONLY - SEE NOTE BELOW

Signature, Name, Address, and Position with Property Owner

NOTE:

This authorization of permission to apply for permits and/or plans to Garland New Homes is in form only to allow for efficiency in the process prior to the purchase closing on June 15, 2015.

The Fairview Park Board of Education expresses no opinion on the content of plans submitted to their appropriateness or compliance with applicable ordinances.



CITY OF FAIRVIEW PARK

20777 Lorain Road
Fairview Park, Ohio 44126-2018

- Established in 1910 -

Eileen Ann Patton, Mayor

May 27, 2015

SENT BY CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Matt Garland
Garland New Homes, Inc.
905-C Canterbury Road
Westlake, OH 44145

RE: Docket 05-15-10P – 19020 Coffinberry Blvd., Thomas Lane Subdivision;
Preliminary review of new subdivision site plan [1191.00].

Dear Mr. Garland:

The Planning and Design Commission held their meeting on May 20, 2015 and reviewed your application as outlined above. It was the decision of the Commission to not approve Docket 05-15-10P.

You may file an appeal with the Board of Zoning and Building Appeals pursuant to Fairview Park Codified Ordinance Section 1153.02(c), which states that "Within fifteen days of the mailing of, or in the absence of mailing, the delivery in writing of, the final order, adjudication, requirement, decision or determination from which the appeal is taken or request for exception or variance is sought, an application for appeal or request for exception or variance has been filed with the Secretary of Boards and Commission." A copy of the ordinance is attached.

If you have any questions, please contact the Building Department at (440) 356-4407.

Respectfully,

Chet Sadonick, Chairman
Planning & Design Commission
By: Mary Cay Scullin
Clerk of Commissions

CS/mcs
Enclosure

Receipt # 7009 1680 0000 9879 8848