



Cleveland Board of Zoning Appeals

Monday March 13, 2023

****PLEASE MUTE YOUR MICROPHONE****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

March 13, 2022

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK.

WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.

CALL-IN USERS CAN UNMUTE BY USING *6

Participants (3)

Search

Raise Hand

Mute/Unmute

City Planning Me

John Smith Host

Mike Public

Mute

Stop video

Share

Record

Participants

Chat

Participants Panel

Chat Panel

Cleveland Board of Zoning Appeals

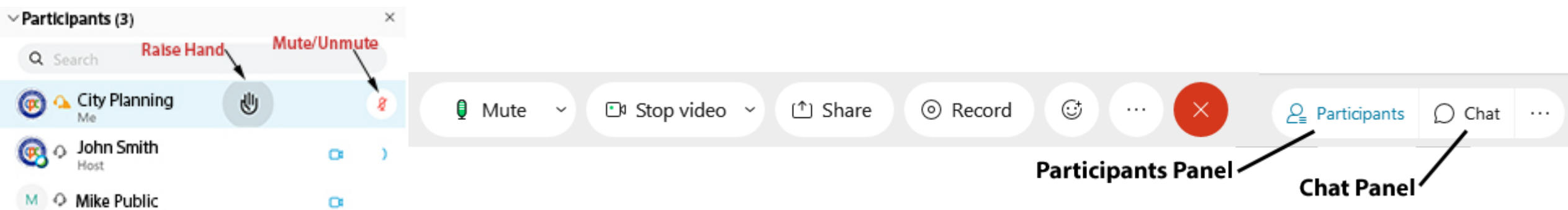
March 13, 2022

Preamble

**ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC
VIEW.
WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A
PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.**

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

**WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN
COMMENT ON A PARTICULAR MATTER.**



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





NONE TODAY

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing

Calendar No.23-030:

**Chuck Hoven, Eric Ambro and Laura Cyrocki
appeals the decision of the Cleveland Landmarks
Commission**

Chuck Hoven, Eric Ambro, Laura Cyrcoki appeal under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Cleveland Landmarks Commission to issue a Certificate of Appropriateness for an addition at 1975 Ford Drive on January 12, 2023.



Public Hearing

Calendar No.23-030:

**Chuck Hoven, Eric Ambro and Laura Cyrocki
appeals the decision of the Cleveland Landmarks
Commission**



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**

Public Hearing

Calendar No.23-030:

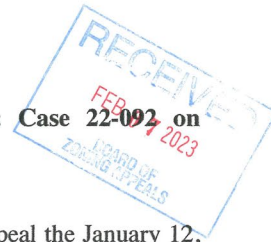
**Chuck Hoven, Eric Ambro and Laura Cyrocki
appeals the decision of the Cleveland Landmarks
Commission**



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is appealing an approval by the Cleveland Landmarks Commission. The standard of review is whether the approval was illegal, arbitrary, capricious, unreasonable or unsupported by the preponderance of substantial, reliable, and probative evidence. If the Appellant fails to meet this burden, the approval must be affirmed.

Appeal of Cleveland Landmarks Commission Decision: Case 22-092 on January 12, 2023



Reasons for Appeal:

As residents of Hessler Road we are exercising our right to appeal the January 12, 2023 decision of the Cleveland Landmarks Commission of the City of Cleveland for Case 22-092 – Hessler Road Historic District (Conceptual Review 11/10/2022) 1975 Ford Drive Addition.

With limited time, and only two neighborhood representatives allowed to speak for two minutes each, the remarks of neighborhood residents were unjustly limited.

Hessler resident Laura Cyrocki asked the City of Cleveland Landmarks Commission to abide by Chapter 161 - Landmarks Commission Ordinance, of the Codified Ordinances of the City of Cleveland and protect the Hessler Road and Hessler Court Landmarks District from the adverse impact of this proposed project as it is required to do.

The Landmarks Commission Ordinance has many stipulations for the Landmarks Commission as to how they are to protect historic districts such as the Hessler Road and Hessler Court Landmarks District.

In 161.05 (b) (1) (B) the ordinance stipulates: “The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided;”

161.01 states ...“the **preservation, protection, perpetuation** and use of areas, places, buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value **is a public necessity and is required** in the interest of the health, prosperity, safety and welfare of the people”

161.01 (a) calls for the Landmarks Commission to “Safeguard the heritage of the City by preserving sites and structures which reflect elements of the City’s cultural, social, economic, political or architectural history;”

161.05 (b) says, “The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.”

161.05 (b) 1 (A) stipulates, “A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;”

161.05 (b) 1 (I) notes that “... **The new work** shall be differentiated from the old **and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**,”

The Landmarks Commission Ordinance, as prescribed in 161.05 (2) (F), mandates that the Landmarks Commission examine “The appropriateness of the proposed new structure or use and its impact on the surrounding community.”

Cyrocki asked the Landmarks Commission to use its power to deny or delay the proposed project as outlined in the City of Cleveland Ordinance 161.05 (d) *If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application.*” Instead, the Landmarks Commission acted arbitrarily and capriciously in approving the project.

Neighborhood representative Janice Cogger outlined the impact the construction itself would have on the fragile historic district. This is a concern about the impact of the proposed development on the surrounding neighborhood. Again, a requirement of 161.05 (2) (F) to examine “The appropriateness of the proposed new structure or use and its impact on the surrounding community.”

Given the above language in the Landmarks Ordinance, we believe Landmarks Commission Chair Julie Trott improperly informed the Landmarks Commission members that “our purview is on the exterior design and not on construction means and methods.”

Several members of the Landmarks Commission brought up other issues – Michele Anderson expressed concern that the project was too large for the site and the site would have limited green space. Allan Dreyer noted that parking would be a problem – but in saying that, Dreyer acknowledged that some members of the Landmarks Commission felt that parking wasn’t in the purview of the commission.

Clearly the City of Cleveland Ordinance gives the Landmarks Commission the power to discuss and address more than design issues as stated in 161.05 b “*The Commission shall evaluate applications to determine whether or not the*

environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.”

The repeated references in the meeting to excluding consideration of examining anything outside of “design issues” as not being in the purview of the Landmarks Commission do not align with the references to the Landmarks Commission Ordinance cited above. Staff and members of the Landmarks Commission stating that non design issues are “not in our purview” limited the actions of the Landmarks Commission to such an extent that the considerations asked for by Hessler Road residents were ruled out of bounds.

Certainly, there should have been a discussion of the requirements under 161.05 (1) (A) (B) (C) & (D): *(1) In evaluating applications for alterations or construction of property, the Commission shall consider the following standards created by the U.S. Department of the Interior: (A) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment; (B) The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided; (C) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken; (D) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;*

Instead of considering this mandate of the Landmarks Commission Ordinance, the Landmarks Commission acted arbitrarily and capriciously in approving the project.

Because of these limits on the purview and time allotted, we were not allowed to enumerate the multitude of issues that the Landmarks Commission is specifically charged with evaluating when granting approval or a certificate of appropriateness and as a result the Landmarks Commission that we rely upon to protect the Historic District did not consider provisions in the City of Cleveland Ordinances that could be used to protect the Historic District. Landmarks Commission members did not demand a solution to the inadequate parking provided for the project despite the clear harm and adverse effect the lack of parking will undoubtedly have. They did not mandate that the parking provided for all three buildings have permanent status and be within the required distance that City of Cleveland ordinances require.

The Landmarks Commission failed to consider the impact of loss of parking in the context of 161.05 (b) which states: “The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.”

Being limited to a false “purview” of just discussing design, the Landmarks Commission also failed to discuss and use its powers requested by Laura Cyrocki under Section 161.05 (d) *If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application.”*

Laura Cyrocki made a point in her two-minute presentation of asking the City of Cleveland to follow its own ordinances and use them to protect the Hessler Road and Hessler Court Historic District. Perhaps the reason the Landmarks Commission is not fulfilling its role to protect the historic district and follow the Ordinances of the City of Cleveland in doing so, is that the Landmarks Commission itself is not properly constituted.

The Ordinance **161.03 Landmarks Commission, Composition and Terms** says *“The Commission shall consist of eleven members, seven of whom shall be appointed by the Mayor”* It also states: *“Members to be appointed by the Mayor shall be chosen from nominations made by the Western Reserve Historical Society, the Cleveland Chapter of the American Institute of Architects and the Early Settlers Association. At least one member shall be an owner of commercial or industrial real property; at least one member shall be a registered architect; at least one member shall be a historian qualified in the field of historic preservation; at least one member shall be a licensed real estate broker; at least one member shall be an attorney; and all members shall have, to the highest extent practicable, a known interest in landmarks preservation.”*

Despite the requirements of the ordinance that there be eleven members of the commission, there were only nine members at the time of the January 12th 2023 meeting. One of those members was absent. One City Council appointee had been dismissed from the Landmarks Commission prior to the meeting and one mayoral appointment had never been made – ironically the historian “qualified in the field of historic preservation.” Also of the six remaining mayoral appointees, only one,

Michele Anderson, was “chosen from nominations made by the Western Reserve Historical Society, the Cleveland Chapter of the American Institute of Architects and the Early Settlers Association.”

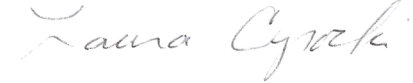
If the neighborhood representatives had been given adequate time to speak, we could have raised all these issues and challenged the limits to the “purview” of what could be discussed.

On these grounds we ask that the Board of Zoning Appeals accept our appeal of the January 12, 2023 decision of the Landmarks Commission concerning Case 22-092 – Hessler Road Historic District (Conceptional Review 11/10/2022) 1975 Ford Drive Addition.

Sincerely yours,



Charles E. Hoven, 11301 Hessler Road



Laura Cyrocki, 11303 Hessler Road



Eric Ambro, 11322 Hessler Road

Public Hearing

Calendar No. 23-031:

3015 Chatham Ave.

Ward 3

M&M Property Group, LLC, owner, proposes to erect a 2-story frame reverse gable second floor single-family residence with attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the Required Rear Yard is 21 feet and 5 inches where the appellant is proposing 5 feet.



Public Hearing

Calendar No. 23-031:

3015 Chatham Ave.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

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Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

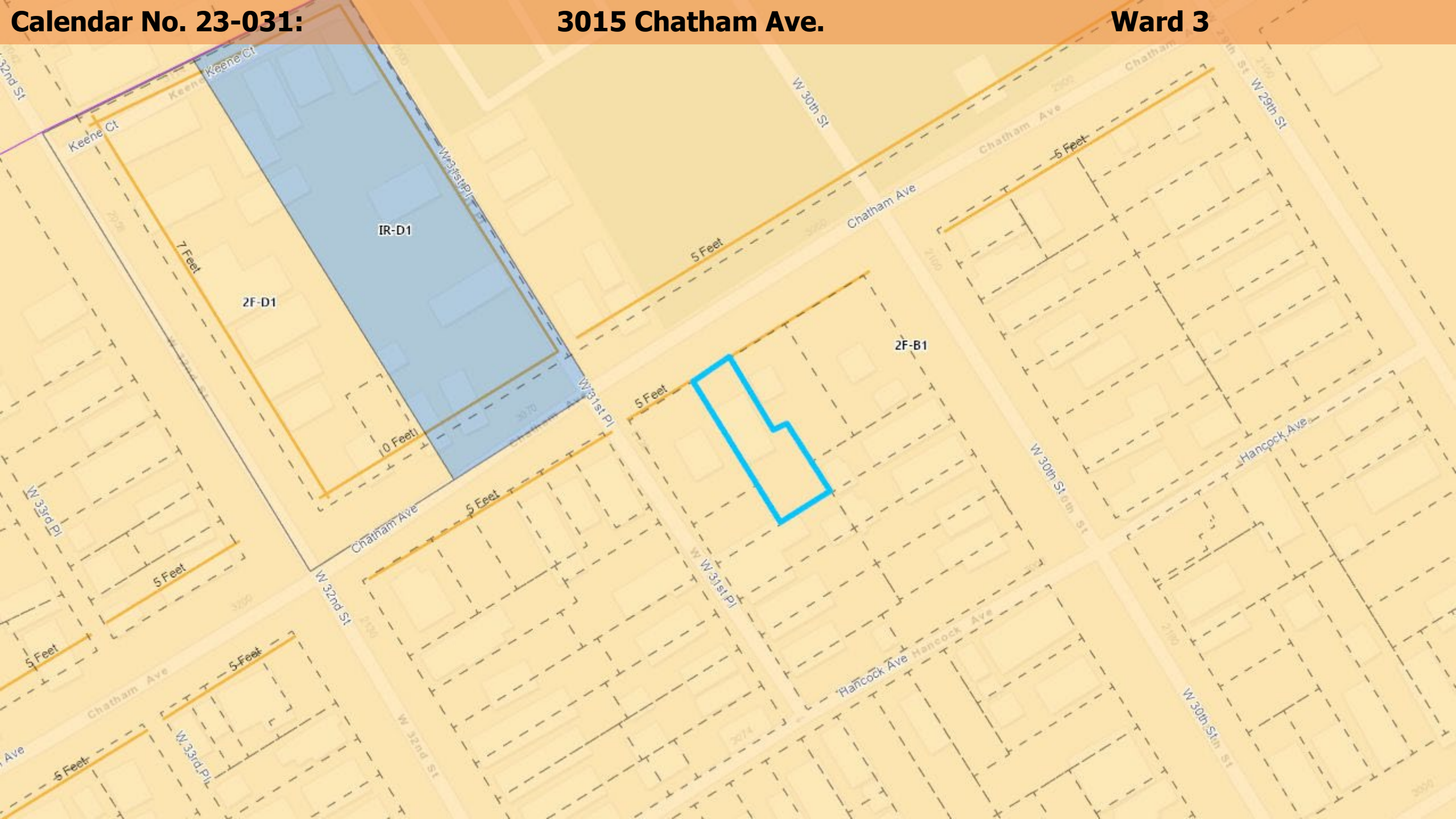
Madam Chair, Members of the Board, Appellant is requesting an area variance from the rear yard requirement of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







3015 Chatham Avenue

A. ARCHITECTURAL:

- | SITE INFORMATION: | |
|------------------------------|---|
| PROPERTY LOCATION: | 3605 CHATHAM AVE, CLEVELAND, OH 44113 |
| EXISTING DISTRICT: | RESIDENTIAL |
| SURROUNDING LAND USES: | RESIDENTIAL |
| PARCEL SIZE: | APPROXIMATELY 4,528 SF (0.10 ACRES) |
| FRONT LOT LINE: | CHATHAM AVENUE |
| BUILDING INFORMATION: | |
| A. USE GROUP CLASSIFICATION: | R-1: SINGLE FAMILY RESIDENTIAL |
| B. CONSTRUCTION CLASS | VE, UNPROTECTED, NONCOMBUSTIBLE / COMBUST |
| C. AREA | 1.64 GSF |
| D. PROJECT AREA: | GARAGE FOOTPRINT: 748 GSF |

1. ALL ENGLISH MATERIAL

-

5005151040 30.515

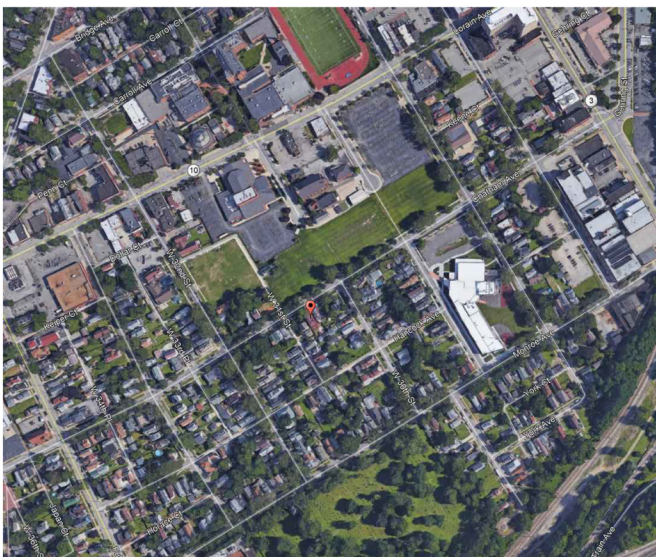
ROOF LIVE LOAD: 20 PSF
ROOF DEAD LOAD: 15 PSF, 32 PSF, FF = 175 PSF, CC = 0.7, 1 = 10 WITH PROVISIONS FOR DRIFTED SNOW.
MINIMUM SNOW DESIGN PRESSURE: 15 PSF
DESIGN WIND CRITERIA: V = 20 MPH, 1 = 10, EXP. B, P = 12 PSF, MIN. WIND DESIGN PRESSURE IS 20 PSF
SEISMIC CRITERIA: AV = 0.271, AS = 0.10, HAZ GROUP I, PERFORMANCE CAT B, SOIL PROFILE TYPE S2,
REINF. MASONRY SHEAR WALL, R = 4 1/2, CD = 4
FLOOR LIVE LOAD: 40 PSF THROUGHOUT (RESIDENTIAL)

ALL WORK SHALL BE PERFORMED

- THE REQUIREMENTS OF THE OWNER AND THE 2013 RESIDENTIAL CODE OF OHIO (2013 RCO).
- ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH ANY AND ALL FIRE AND SAFETY CODES, OR CODES OF FEDERAL, STATE, COUNTY OR MUNICIPALITY HAVING JURISDICTION OVER SUCH WORK.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS SHALL BE FOLLOWED THE SAME AS IF NOTED IN THESE CONTRACT DOCUMENTS. CONFLICTS BETWEEN WORK SET FORTH IN THESE DOCUMENTS AND SPECIFICATIONS SHALL BE RESOLVED BY THE ARCHITECT. THE ARCHITECT'S DECISION SHALL BE BROUGHT TO THE ATTENTION OF THE CLIENT AND ARCHITECT PRIOR TO PROCEEDING WITH ANY WORK.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED BY FEDERAL, STATE, COUNTY, MUNICIPAL, LAU AND SHALL INCLUDE IN THE CONTRACT THE COST OF SUCH FEES.
4. THE GENERAL CONTRACTOR IS TO ARRANGE FOR ALL HOISTING FACILITIES FOR MATERIALS AND EQUIPMENT. THE CONTRACT SHALL INCLUDE ALL COSTS FOR DELIVERY AND/OR HANDLING OF MATERIALS.
5. ALL ARRANGEMENTS FOR CONSTRUCTION PERSONNEL ENTERING THE BUILDING DURING WORKING HOURS FOR MATERIAL DELIVERY, DEBRIS REMOVAL, MATERIAL RETURNED TO BUILDING, IS TO BE MADE WITH THE OWNER.
6. EACH CONTRACTOR AND VENDOR SHALL CHECK BUILDING OPENINGS, AND CLEARANCES FOR DELIVERY OF EQUIPMENT AND /OR MATERIALS (SIZES OF ELEVATORS, DOORS, CORRIDORS, ETC.)
7. THE GENERAL CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING WITH ANY WORK.
8. DO NOT SCALE DRAWINGS - USE DIMENSIONS SHOWN.
9. THE GENERAL CONTRACTOR IS TO ERRECT ALL NECESSARY TEMPORARY, SOLID, AND/OR PLASTIC DROP CLOTH PARTITIONS TO PROTECT OCCUPIED AREAS INCLUDING THE PROTECTION OF FLOORING AND FURNITURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING WORK.
10. THE GENERAL CONTRACTOR IS TO REMOVE ALL DEBRIS AND LEAVE ALL AREAS BROOM CLEAN AT THE END OF EACH WORK DAY, AND TO BE CAREFUL TO PROTECT AND NOT DAMAGE ANY PORTION OF THE BUILDING.
11. GENERAL CONTRACTOR IS TO PERFORM ALL WORK FOR THE CONTRACT SUM WITHOUT ADJUSTMENT IN THE EVENT OF LABOR DISPUTES AND/OR WORK STOPPAGE.
12. INSPECTIONS: OWNER TO CONTRACT WITH A QUALIFIED TESTING LABORATORY FOR TESTING OF CONCRETE, REBAR, SOIL BEARING, SOIL COMPACTION, MASONRY, GROUT, ETC. AS REQUIRED BY THE PROJECT.

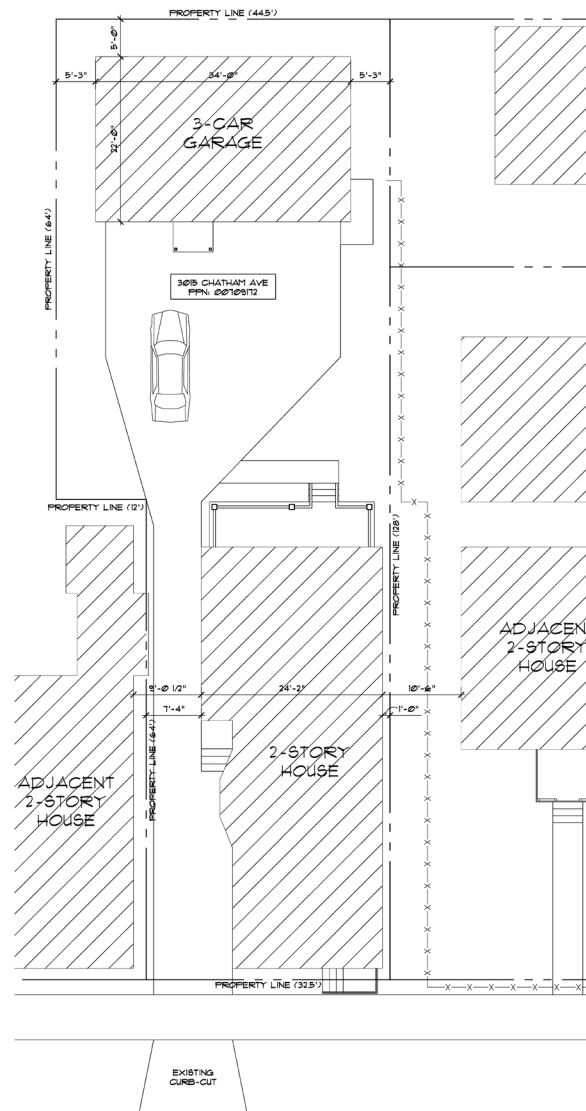
L. WOOD STEEL

2. CONSTRUCTION TO CONFORM TO THE NATIONAL DESIGN GUIDELINES FOR WOOD CONSTRUCTION. WOOD TO BE DOUGLAS FIR, HEM FIR, OR SOUTHERN PINE GRADE NO. 2 OR BETTER.



NEA

NEA


$$V\theta^0 = I^* - \theta^0$$
$$V\theta^0 = I^* - \theta^0$$


ISSUE	DATE	DESCRIPTION
1	08.22.22	plan review and permit
2	10.31.22	BZA



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

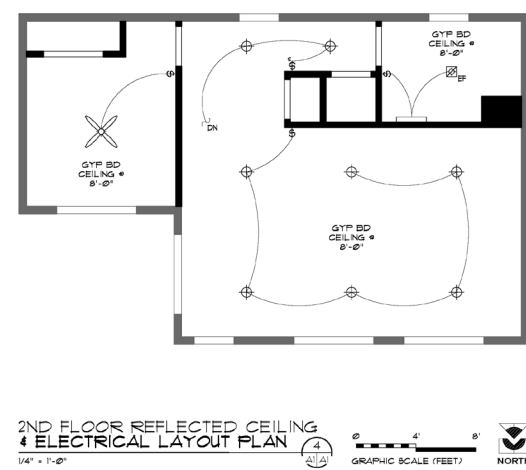
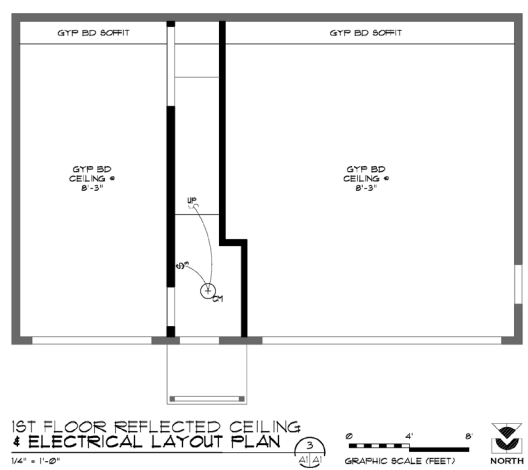
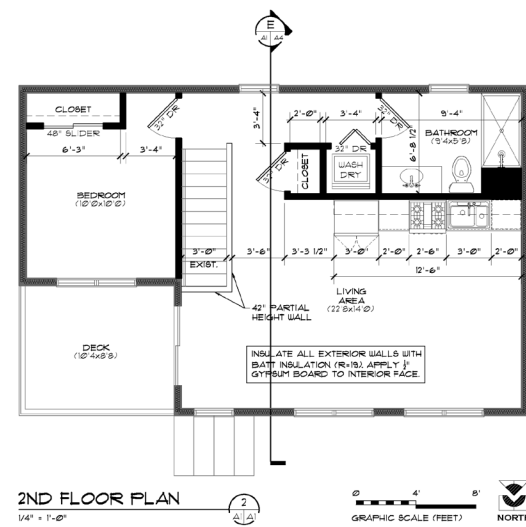
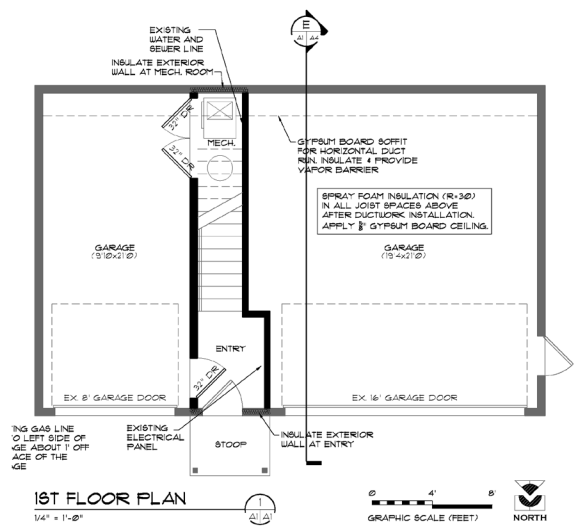
project no. 22-048

M&M Property Group
Residential Renovations

3015 chatham avenue
cleveland, ohio 44113

General Notes and
Architectural Site Plan

AO



ISSUE	DATE	DESCRIPTION
1	08.22.22	plan review and permit
2	10.31.22	BZA



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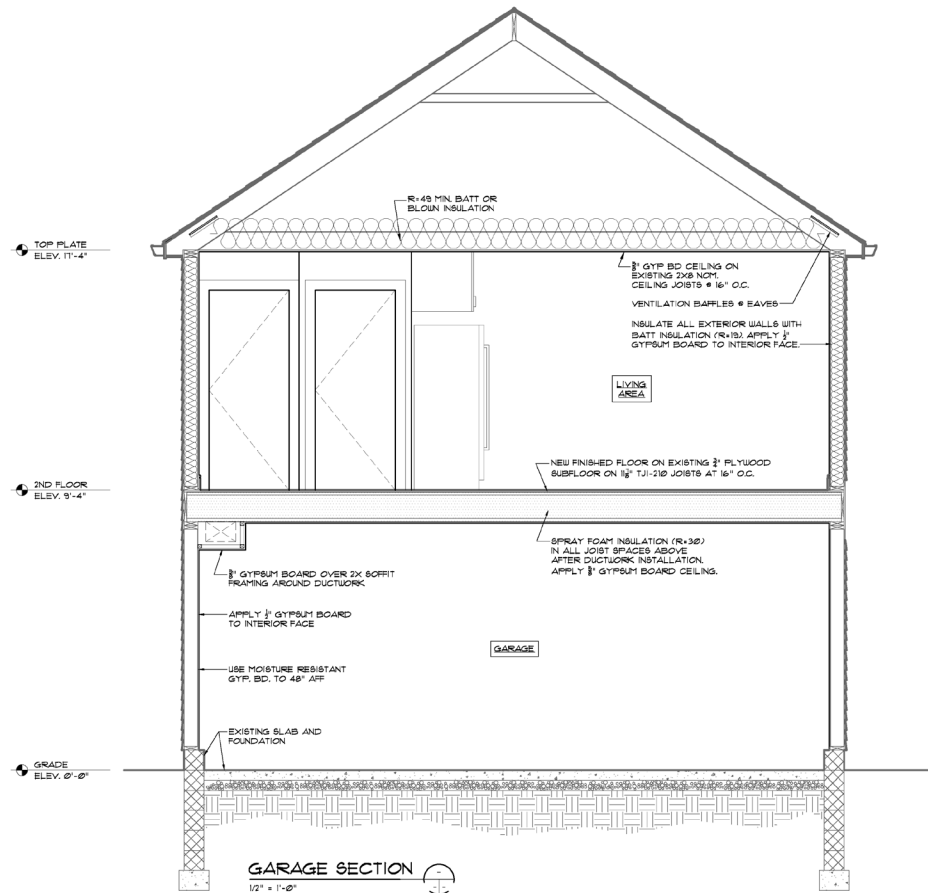
project no. 22-048

M&M Property Group
Residential Renovations

3015 chatham avenue
cleveland, ohio 44113

Floor Plans, Reflected
Ceiling & Electrical
Layout Plans

A1



ISSUE	DATE	DESCRIPTION
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project no. 22-048

M&M Property Group Residential Renovations

3015 chatham avenue
cleveland, ohio 44113

Garage Section

A2

Hello,

We own 2169 W 31st St, Cleveland, OH 44113, our back yard is adjoining to the 3015 Chatham Ave property.

We would like to object to the appeal for relief from the Cleveland Codified Ordinances 357.08(b)(1) and Section 355.04(b).

We feel that appealing these codes so that the property owner can open another short term rental does not benefit the neighborhood.

The property owner is very nice, but we feel that changing the laws once for this property owner can open the door to others flooding the neighborhood trying to change laws so that they can make a profit, not to help better the neighborhood. We want to bring in more families and people who will live in and be a part of the community.

Thank you,

Sean Ryan and Colleen Carey

Public Hearing

Calendar No. 23-037:

3200 Monroe Ave.

Ward 3

Matthew Kirk, owner, proposes to erect a 2-story frame attached garage with bedroom on second floor in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a)(6)(B)(2)(b) which states that an Attached Garage shall be setback 18 feet from Side Street Line where the appellant is proposing 14 feet.
2. Section 357.08(b)(1) which states that the Required Rear Yard shall not be less than 24 feet and the appellant is proposing 3 feet.



Public Hearing

Calendar No. 23-037:

3200 Monroe Ave.

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

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Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting area variances from the attached garage and rear yard requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.

Calendar No. 23-037:

3200 Monroe Ave.

Ward 3



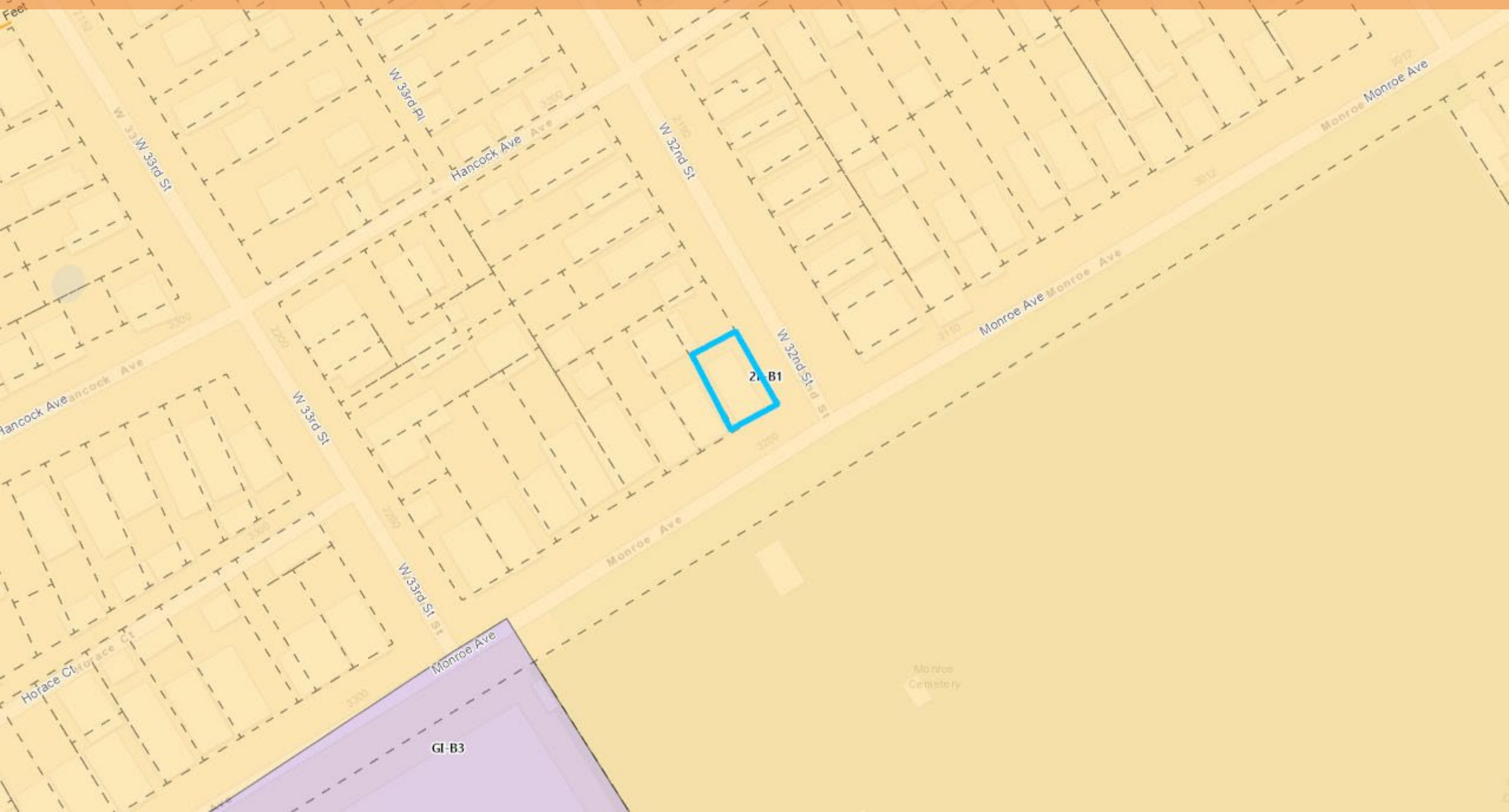
Calendar No. 23-037:

Hancock Avenue

3200 Monroe Ave.

Ward 3





Good morning,

My wife, Kate Kelley, and I have recently decided to make our house, and neighborhood, our forever home. Kate is finishing a family medicine residency at Metro and will continue working there at both the main campus and at the Ohio City Clinic.

Part of this is expanding our garage, to make it more usable for a car, and to change an attic into a bedroom. We submitted plans to Building & Housing, and were notified about the need for a variance for 2 items:

- 1. To set one side of the garage from 5' to 3' from the side (north) property line.
 - The rear of the garage is currently 3' from the rear (west) property line.
- 2. To reduce the access drive to the garage from 16' to 14'.

We have submitted the plans to the Board of Zoning Appeals, but know part of the process should involve City Planning.

Currently, we mostly park on the driveway or on the street. Moving forward, we want to have the car inside the garage at all times, and also remove an outside storage shed. We have shared our plans with the neighbor where the side of the garage gets 2' feet closer. There is a significant distance between the proposed garage and next door neighbor's house, as there is a parking pad on the neighboring lot. We have contacted the SoLo Block Club to share our plans during the next meeting.

Please let us know additional steps we can take in this process.

Thanks for your time and consideration.

--
Matthew Kirk

K&K HOUSE

Residential Addition



3200 Monroe Ave. Cleveland, OH 44113 (as existing)

SHEET LIST:

- A0.0 SITE PLAN + GENERAL NOTES
- A1.0 FOUNDATION + FLOOR PLANS
- A2.0 ROOF + REFLECTED CEILING PLANS
- A3.0 EXTERIOR ELEVATIONS
- A4.0 LONGITUDINAL + TRANSVERSE SECTIONS
- A5.0 EXISTING WALL SECTION + DETAILS

PROJECT DESCRIPTION:

- A. ARCHITECTURAL: CONSTRUCTION OF NEW 3 STORY RESIDENTIAL ADDITION ON SITE OF EXISTING DEMOLISHED GARAGE.
- WALL SYSTEM: WOOD FRAME, SHEATHING, NEW SIDING
- FOUNDATION SYSTEM: POURED CONCRETE FOUNDATION WALLS AND SLAB
- FLOOR SYSTEM: PLYWOOD ON WOOD JOISTS
- ROOF SYSTEM: ASPHALT SHINGLES ON PLYWOOD SHEATHING
- B. STRUCTURAL: LVL MICROLAM BEAMS AND 2 X WOOD JOISTS
- C. MECHANICAL: NEW FORCED AIR HVAC SYSTEM.
- D. PLUMBING: NEW PLUMBING AND FIXTURES FOR KITCHEN & BATHROOMS.
- E. ELECTRICAL: NEW WIRING INCLUDING LIGHTS, OUTLETS, AND SWITCHES ON NEW ELECTRICAL PANEL. - SERVICE FOR RESIDENTIAL ELECTRICAL USE

SITE INFORMATION:

PROPERTY LOCATION:
ZONING DISTRICT:
SURROUNDING LAND USES:
PARCEL SIZE:
FRONT LOT LINE:
BUILDING COVERAGE:

3200 MONROE AVENUE, CLEVELAND, OHIO
RESIDENTIAL
RESIDENTIAL
APPROXIMATELY 2,388 SF (0.055 ACRES)
MONROE AVENUE
40%

BUILDING INFORMATION:

- A. USE GROUP CLASSIFICATION
B. CONSTRUCTION CLASS
C. PROJECT AREA

R-1: SINGLE FAMILY RESIDENTIAL V.B.
UNPROTECTED, NONCOMBUSTIBLE / COMBUSTIBLE
HOUSE FOOTPRINT: 136 GSF
GARAGE FOOTPRINT: 213 GSF
TOTAL AREA: 349 GSF

GENERAL CONSTRUCTION NOTES:

1. ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH REQUIREMENTS OF THESE DOCUMENTS AND THE REQUIREMENTS OF THE OWNER.
2. ALL WORK SHALL BE PERFORMED IN CONFORMANCE WITH ANY AND ALL FIRE AND SAFETY CODES, OR CODES OF FEDERAL, STATE, COUNTY OR MUNICIPALITY HAVING JURISDICTION OVER SUCH WORK. ALL APPLICABLE REQUIREMENTS IN THESE REGULATIONS SHALL BE FOLLOWED THE SAME AS IF NOTED IN THESE CONTRACT DOCUMENTS. CONFLICTS BETWEEN WORK SET FORTH IN THESE DOCUMENTS AND BUILDING CODES, LAWS OR REGULATIONS NOTED BY THE CONTRACTOR SHALL BE BROUGHT TO THE ATTENTION OF THE CLIENT AND ARCHITECT PRIOR TO PROCEEDING WITH ANY WORK.
3. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED BY FEDERAL, STATE, COUNTY, MUNICIPAL LAW AND SHALL INCLUDE IN THE CONTRACT THE COST OF SUCH FEES.
4. THE GENERAL CONTRACTOR IS TO ARRANGE FOR ALL HOISTING FACILITIES FOR MATERIALS AND EQUIPMENT. THE CONTRACT SHALL INCLUDE ALL COSTS FOR DELIVERY AND/OR HANDLING OF MATERIALS.
5. ALL ARRANGEMENTS FOR CONSTRUCTION PERSONNEL ENTERING THE BUILDING DURING WORKING HOURS, MATERIAL, DELIVERY, DEBRIS REMOVAL, MATERIAL RETURNED TO BUILDING, IS TO BE MADE WITH THE OWNER.
6. EACH CONTRACTOR AND VENDOR SHALL CHECK BUILDING OPENINGS, AND CLEARANCES FOR DELIVERY OF EQUIPMENT AND /OR MATERIALS (SIZES OF ELEVATORS, DOORS, CORRIDORS, ETC.)
7. THE GENERAL CONTRACTOR IS TO CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS AT JOB SITE AND NOTIFY ARCHITECT OF ANY DISCREPANCIES BETWEEN DRAWINGS AND FIELD CONDITIONS BEFORE COMMENCING WITH ANY WORK.
8. DO NOT SCALE DRAWINGS- USE DIMENSIONS SHOWN.
9. THE GENERAL CONTRACTOR IS TO ERRECT ALL NECESSARY TEMPORARY, SOLID, AND/OR PLASTIC, DROP CLOTH PARTITIONS TO PROTECT OCCUPIED AREAS INCLUDING THE PROTECTION OF FLOORING MATERIALS WHILE CONSTRUCTION AND DEMOLITION ARE IN PROGRESS.

10. THE GENERAL CONTRACTOR IS TO REMOVE ALL DEBRIS AND LEAVE ALL AREAS BROOM CLEAN AT THE END OF EACH WORK DAY, AND TO BE CAREFUL TO PROTECT AND NOT DAMAGE ANY PORTION OF EXISTING INSTALLATION NOT BEING REMOVED.

11. GENERAL CONTRACTOR IS TO PERFORM ALL WORK FOR THE CONTRACT SUM WITHOUT ADJUSTMENT IN THE EVENT OF LABOR DISPUTES AND/OR WORK STOPPAGES.

12. INSPECTIONS: OWNER TO CONTRACT WITH A QUALIFIED TESTING LABORATORY FOR TESTING OF CONCRETE, REBAR, SOIL BEARING, SOIL COMPACTION, MASONRY, GROUT, ETC. AS REQUIRED BY LOCAL CODES.

DESIGN LOADS, AS PER B.C.O.:

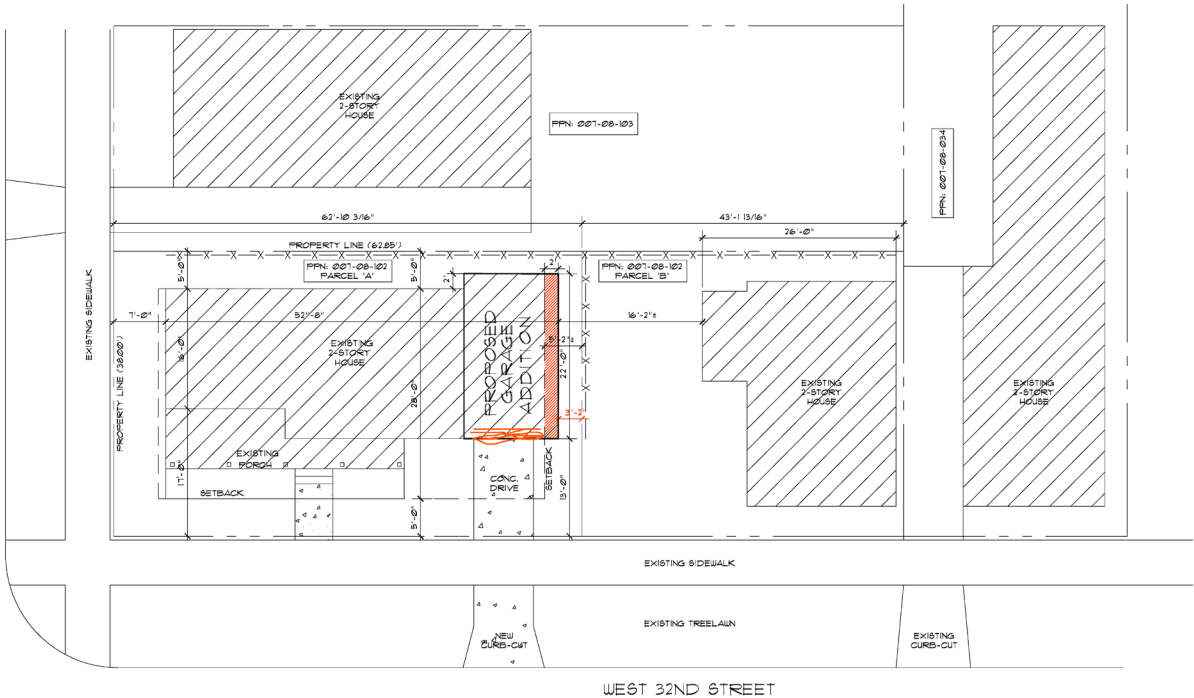
ROOF LIVE LOAD: 20 PSF
ROOF SNOW LOAD: G.S.L. + 35 PSF; FF + 17.5 PSF; CC + 0.7, 1 + 10 WITH PROVISIONS FOR DRIFTED SNOW
MINIMUM SNOW DESIGN PRESSURE IS 20 PSF
DESIGN WIND CRITERIA: V = 90 MPH, 1 + 10; EXP. D, F + 12 PSF; MIN. WIND DESIGN PRESSURE IS 20 PSF
SEISMIC CRITERIA: A.V. + 0.071, A.A. + 0.10; HAZ GROUP I, PERFORMANCE CAT. B, SOIL PROFILE TYPE S2
REIN. MASONRY SHEAR WALL, R + 4 1/2, CD + 4
FLOOR LIVE LOAD: 40 PSF THROUGHOUT (RESIDENTIAL)
ATTIC FLOOR LIVE LOAD: 30 PSF

WOOD FRAMING

1. WOOD SPECIES GRADES:

FB + 1000 PSF
E + 1000/2000 PSF
FV + 95 PSF

2. CONSTRUCTION TO CONFORM TO THE NATIONAL DESIGN GUIDELINES FOR WOOD CONSTRUCTION. WOOD TO BE DOUGLAS FIR, HEM FIR, OR SOUTHERN PINE GRADE NO. 2 OR BETTER.



1 SITE PLAN
1/16" = 1'-0"

PROJECT SCOPE NOTES:

1. ALL INTERIOR AND EXTERIOR FINISH MATERIALS TO BE SELECTED BY OWNER. PROVIDE SAMPLES OF ALL FINISH MATERIALS FOR REVIEW AND APPROVAL BY OWNER.
2. WINDOW SIZES AND CONFIGURATION ARE INDICATED ON THE EXTERIOR ELEVATIONS. SELECTIONS OF FINAL WINDOW TYPES TO BE COORDINATED WITH THE OWNER.
3. ALL CABINETS, COUNTERS, AND MILLWORK TO BE SELECTED BY THE OWNER.
4. ROOF TRUSS FRAMING TO BE SIZED BY LUMBER SUPPLIER. ANY REQUIRED STRUCTURAL ENGINEERING FOR ROOF FRAMING TO BE COORDINATED WITH THE ARCHITECT.
5. ELECTRICAL SYSTEM TO BE DESIGN-BUILD. PROVIDE COMPLETE ELECTRICAL SYSTEM INCLUDING SERVICE, DEVICES, AND LIGHTING BASED ON THE ELECTRICAL LAYOUT.
6. HVAC SYSTEM TO BE DESIGN-BUILD. PROVIDE COMPLETE FORCED AIR SPLIT-SYSTEM INCLUDING EQUIPMENT, DUCTWORK, DIFFUSERS, CONTROLS, AND ELECTRICAL CONNECTIONS AS REQUIRED FOR NEW CONSTRUCTION.
7. PLUMBING SYSTEM TO BE DESIGN-BUILD. PROVIDE COMPLETE PLUMBING SYSTEM INCLUDING ALL SUPPLY AND WASTE PIPING TO TIE INTO EXISTING SERVICE INCLUDING HOT WATER TANK AND ALL FIXTURES AS INDICATED ON THE PLANS.



OWNERS:

Kate Kelly & Matt Kirk
3200 Monroe Ave.
Cleveland, OH 44113
katekirk@gmail.com
440-241-3157
mattkirk@gmail.com
703-587-2622

DESIGNER:

RESELVES
2173 W. 32nd St.
Cleveland, OH 44113
hayes.kelli@gmail.com
773-331-0211

ENGINEER:

Doug Perkins
Synergy Engineering Services
1336 S. Clair Ave. NE
Cleveland, OH 44114
dperkins@synergyservices.com
216-306-1432

ISSUED FOR:

06.16.2022 Permit Set

PROJECT:

K&K
HOUSE

Residential Addition

3200 Monroe Ave.
Cleveland, Ohio 44113

PROJECT NO:

0922

DRAWN BY:

KH

DATE:

10/31/2022

SHEET TITLE:

SITE PLANS
+ GENERAL
NOTES

SHEET NO:

A0.0



OWNERS:
Kate Kelly & Matt Kite
3200 Monroe Ave.
Cleveland, OH 44113
katekelly@gmail.com
440-541-8167
mattkite@gmail.com
703-587-2822

DESIGNER:
RSELVER
2173 W. 32nd St.
Cleveland, OH 44113
hopes.kath@gmail.com
773-331-0211

ENGINEER:
Doug Perkins
Synapse Engineering Services
1599 Bl. Clair Ave. NE
Cleveland, OH 44114
dperkins@synapseengineers.com
216-308-1432

ISSUED FOR:

06.10.2022 Permit Set

PROJECT:

K&K HOUSE

Residential Addition

3200 Monroe Ave.
Cleveland, Ohio 44113

PROJECT NO:

0922

DRAWN BY:

KH

DATE:

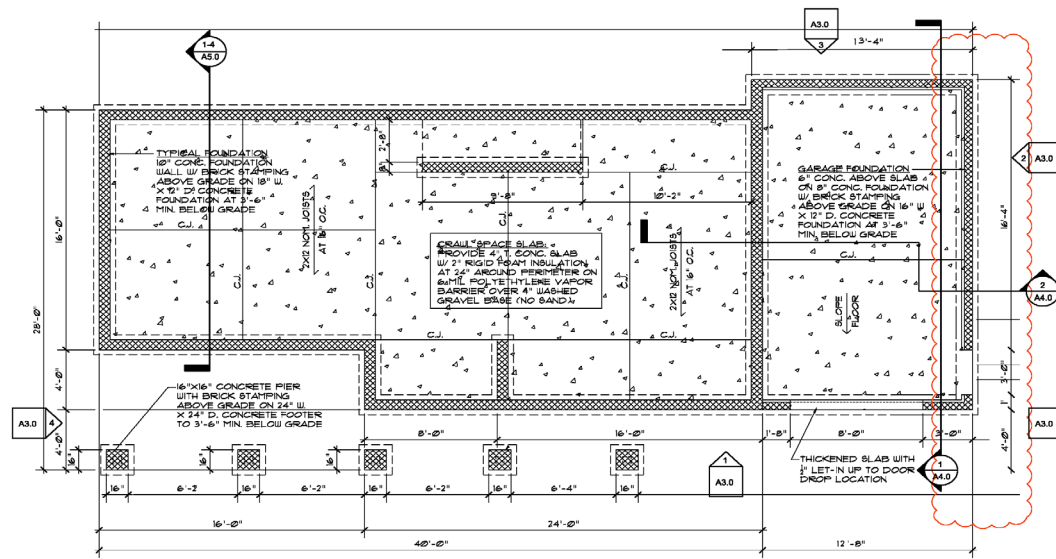
10/31/2022

SHEET TITLE:

FLOORPLANS

SHEET NO:

A1.0





09.16.2022 Permit Set

K&K HOUSE

3200 Monroe Ave.
Cleveland, Ohio 44113

0922

KH

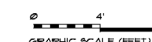
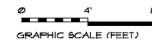
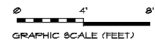
10/31/2022

SHEET TITLE:

ROOF + REFLECTED CEILING PLANS

SHEET NO:

A2.0





OWNERS:
Kate Kelly & Matt K&K
3200 Monroe Ave.
Cleveland, OH 44113
katekelly@gmail.com
440-541-8167
mattkelly@gmail.com
703-587-2822

DESIGNER:
R&S LVS
2173 W. 32nd St.
Cleveland, OH 44113
hoyes.kelli@gmail.com
773-331-0211

ENGINEER:
Doug Perkins
Syrnery Engineering Services
1558 St. Clair Ave. NE
Cleveland, OH 44114
dperkins@synerservices.com
216-308-1432

ISSUED FOR:

08.10.2022 Permit Set

PROJECT:

K&K HOUSE

Residential Addition

3200 Monroe Ave.
Cleveland, Ohio 44113

PROJECT NO:

0922

DRAWN BY:

KH

DATE:

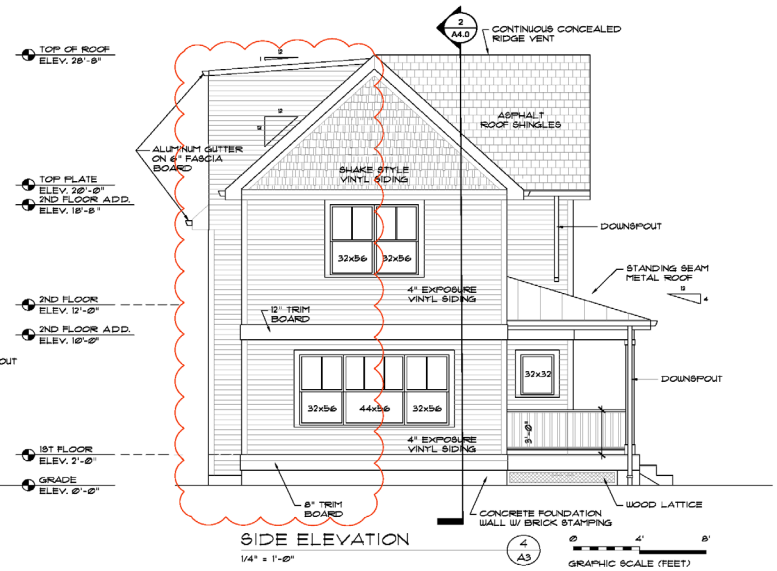
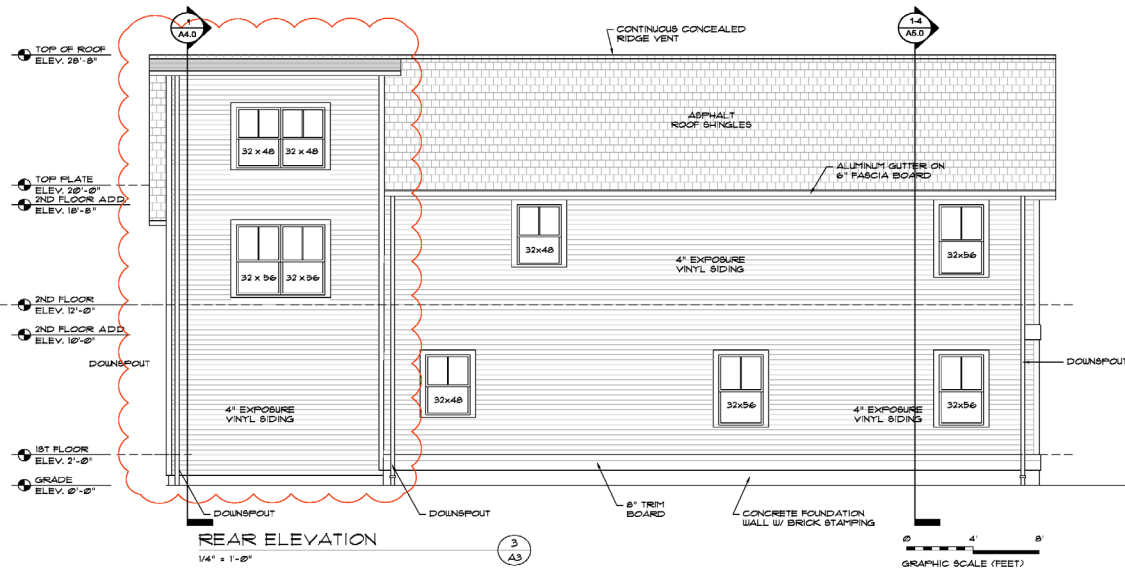
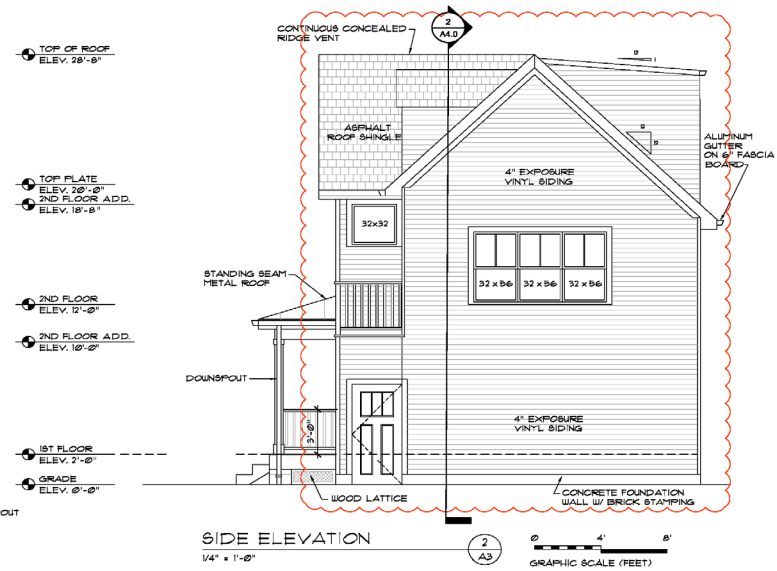
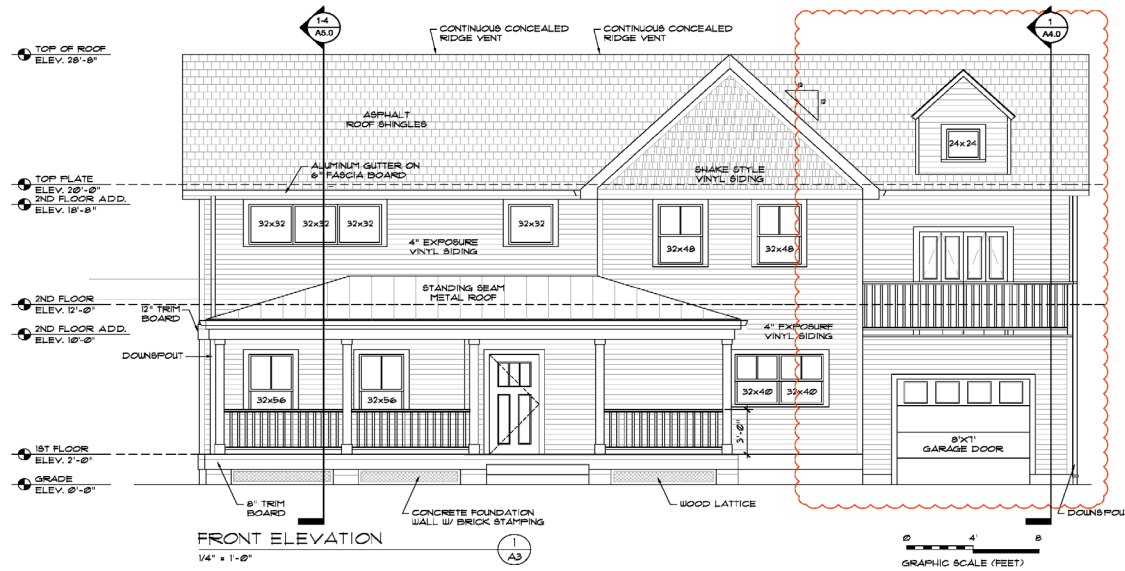
10/31/2022

SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NO:

A3.0



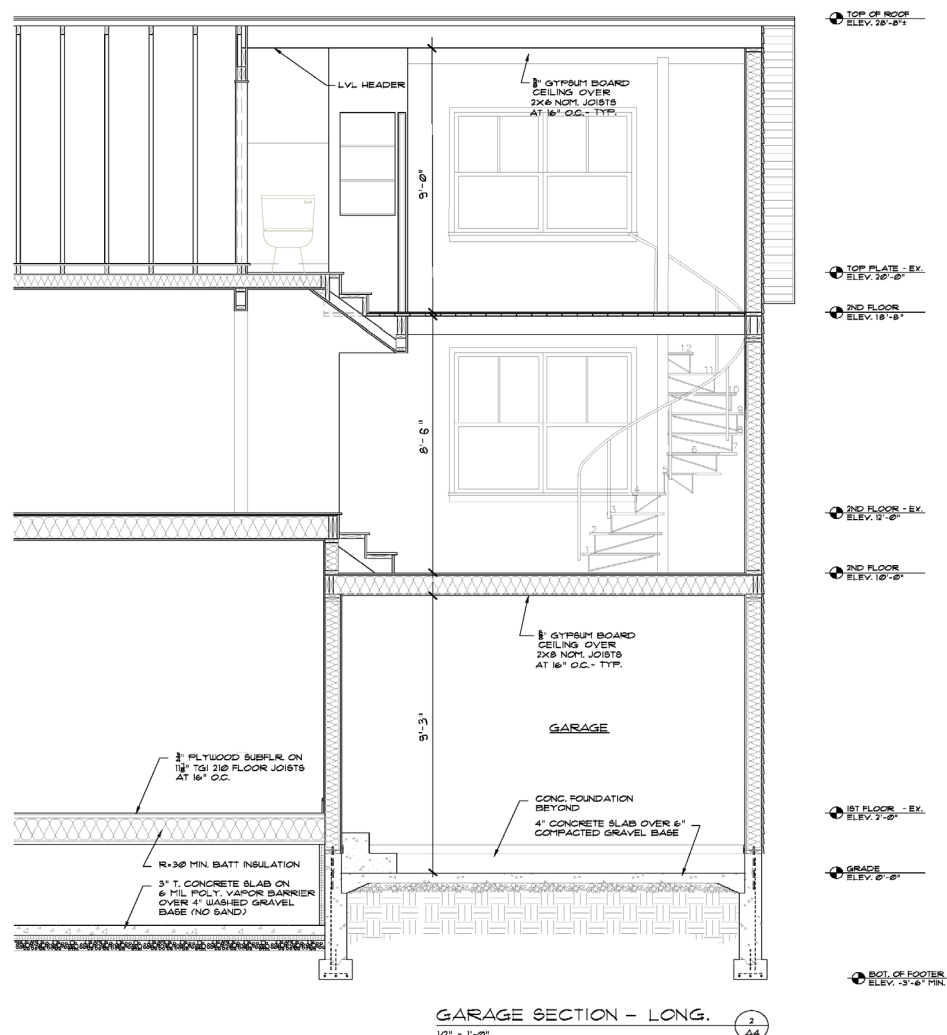


R
RENTAL SERVICES

ENGINEER:
Doug Perkins
Synergy Engineering Services
1536 SL Clair Ave. NE
Cleveland, OH 44114
dperkins@synergyservices.com
216-308-1432

09.16.2022 Permit Fee

A4.0



Ms. Kukla,

Please accept this letter as my full support for the variances requested at 3200 Monroe Ave. Please don't hesitate to reach out to me with any questions.

Best,

Kerry

Kerry McCormack
Council Member, Ward 3
Majority Leader
Cleveland City Council

Public Hearing

Calendar No. 23-038:

1407 W. 45 Street

Ward 3

Noshy Henen, owner, and Thomas Richard Sr. propose to expand store to include outside patio with 20 seats for eating in a D2 Local Retail Business District. The appellant is requesting relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that an additional 5 off-street parking spaces are required for the new patio space at the rate of 1 for each four seats and no parking spaces are proposed.



Public Hearing

Calendar No. 23-038:

1407 W. 45 Street

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

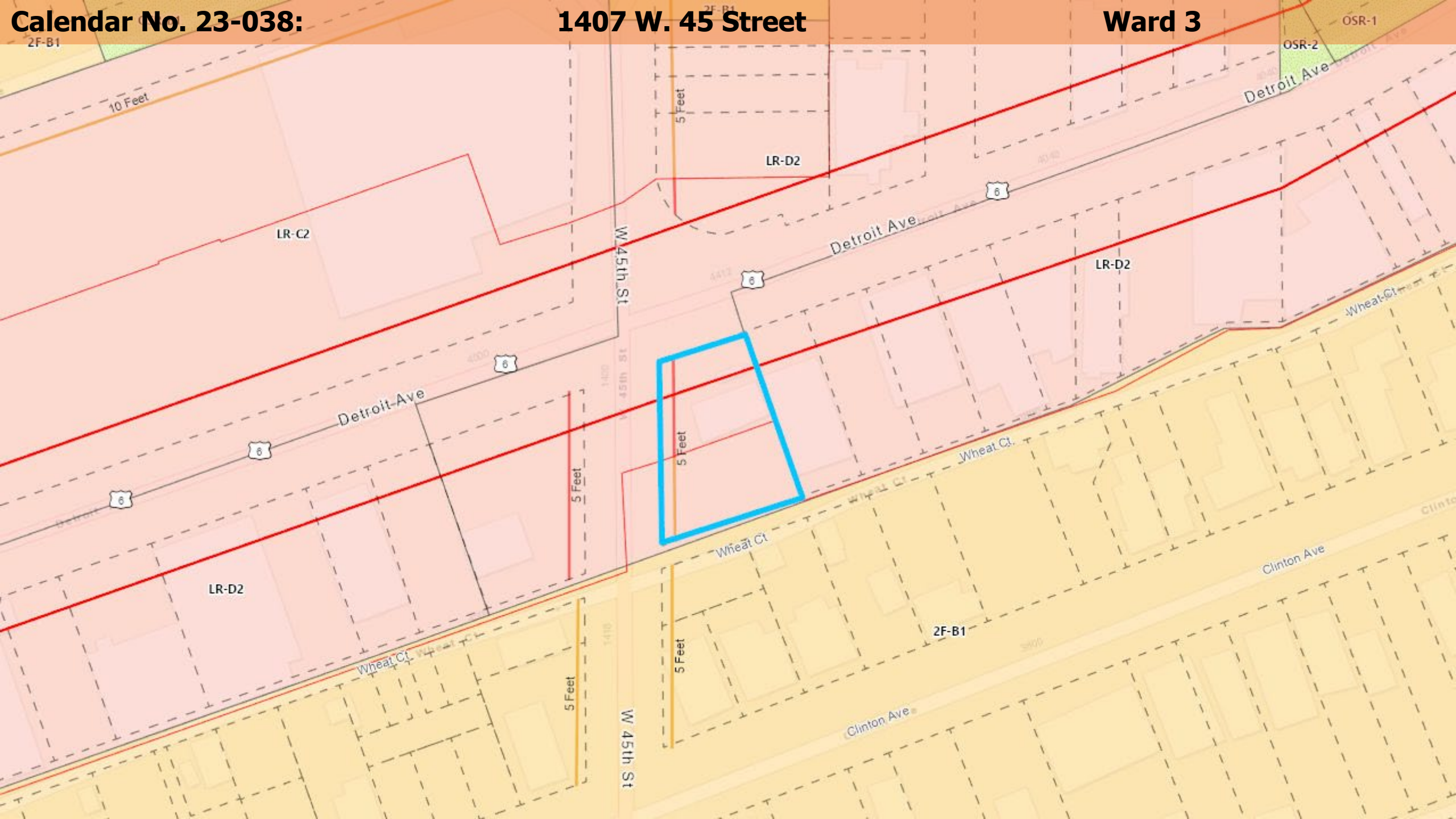
Madam Chair, Members of the Board, Appellant is requesting an area variance from the parking requirements of the zoning code.

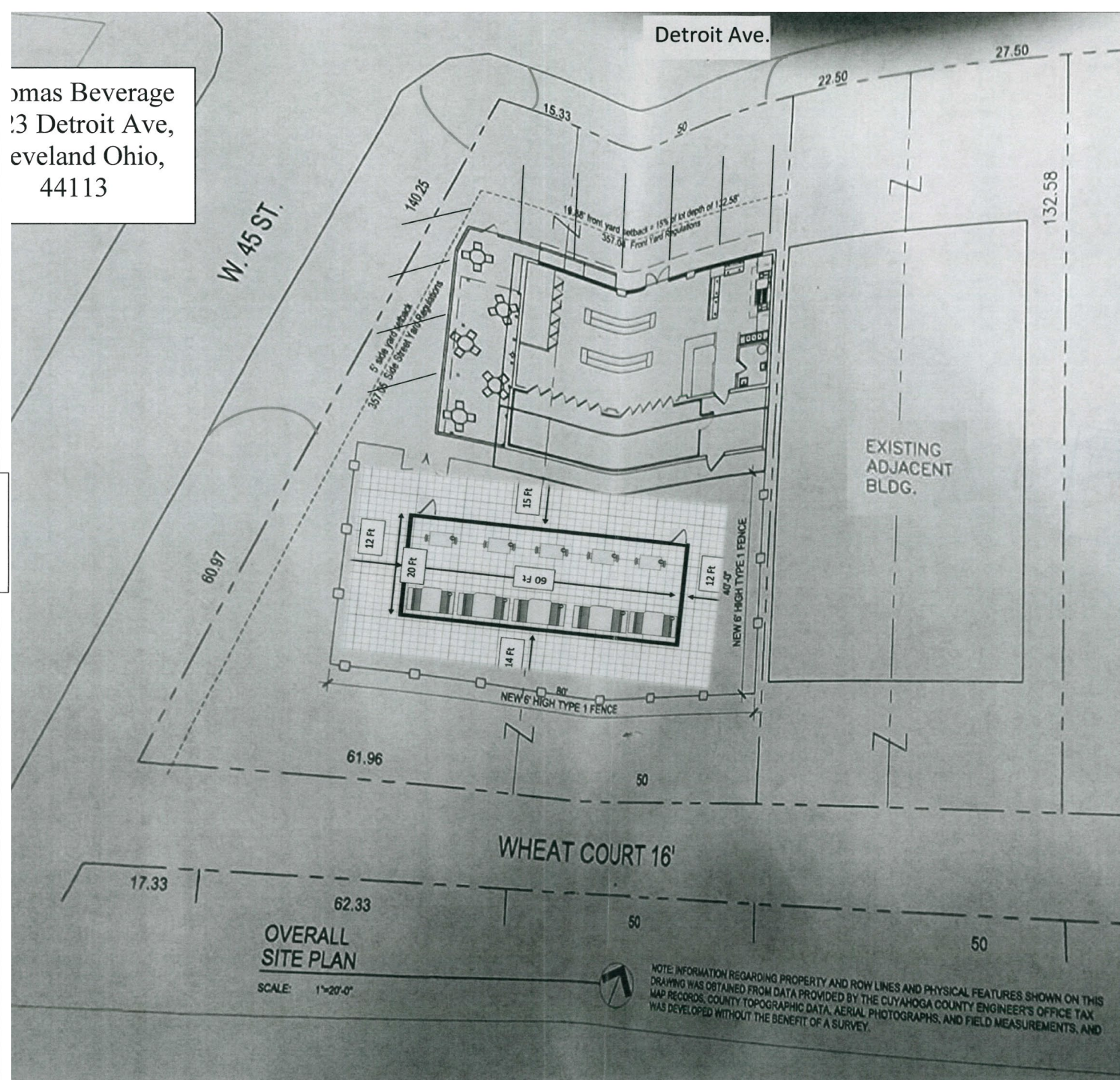
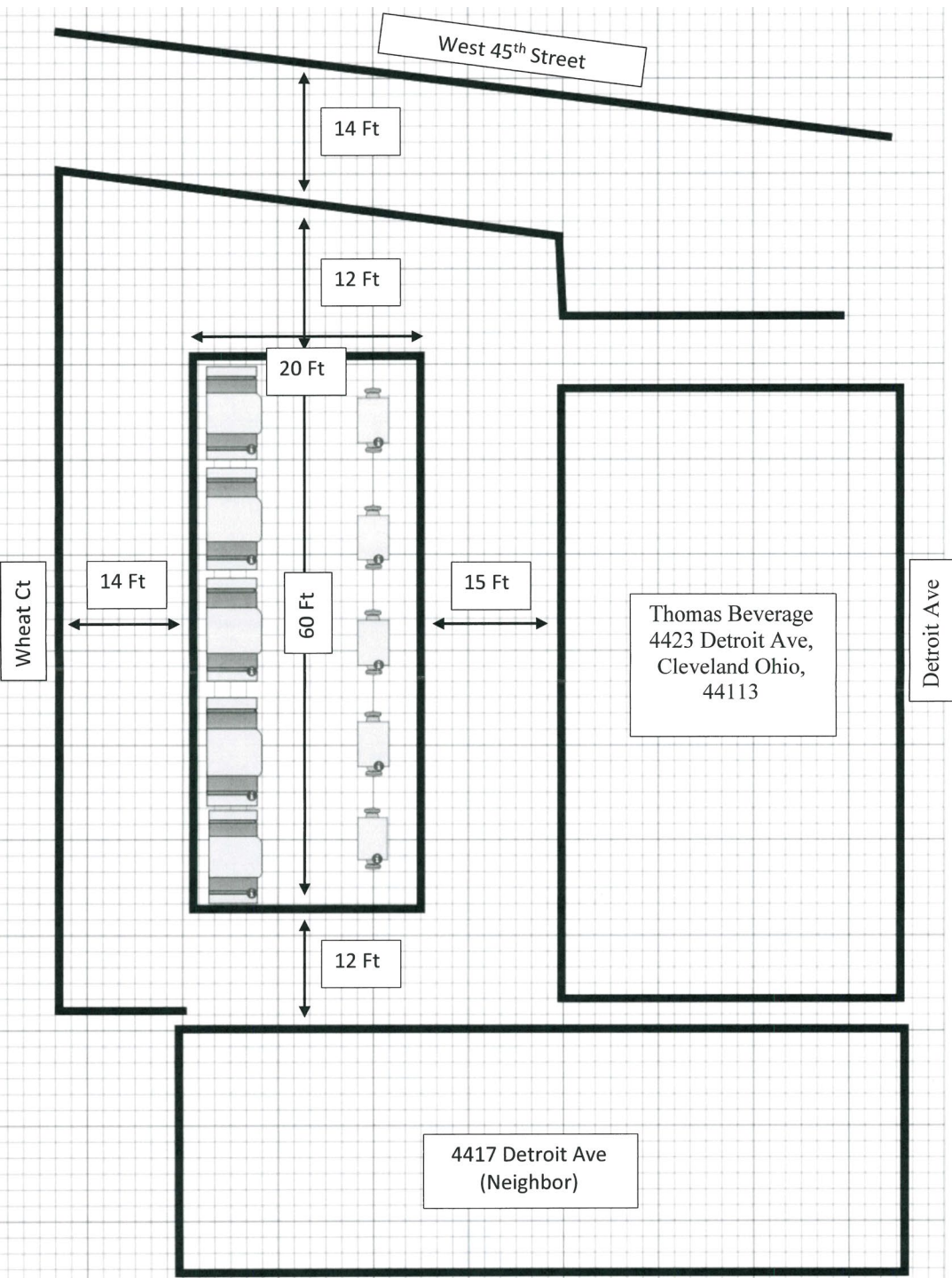
To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.











220-22-1027

2014-03-032



Public Hearing

Calendar No. 23-039:

2362 W. 6th Street

Ward 3



Todd Burger, owner, proposes to construct an addition to existing two-story, single-family residence in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.08(b)(1) which states that the depth of required rear yard shall not be less than one-half the height of the main building (approximately 20 feet) where 4 feet and 10 inches are proposed.
2. Section 337.17 which states that an unobstructed driveway (width of at least 20 feet) is required to provide accessibility to each parking garage, a common access to the garages is shown but no separate access to each garage provided.



Public Hearing

Calendar No. 23-039:

2362 W. 6th Street

Ward 3



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

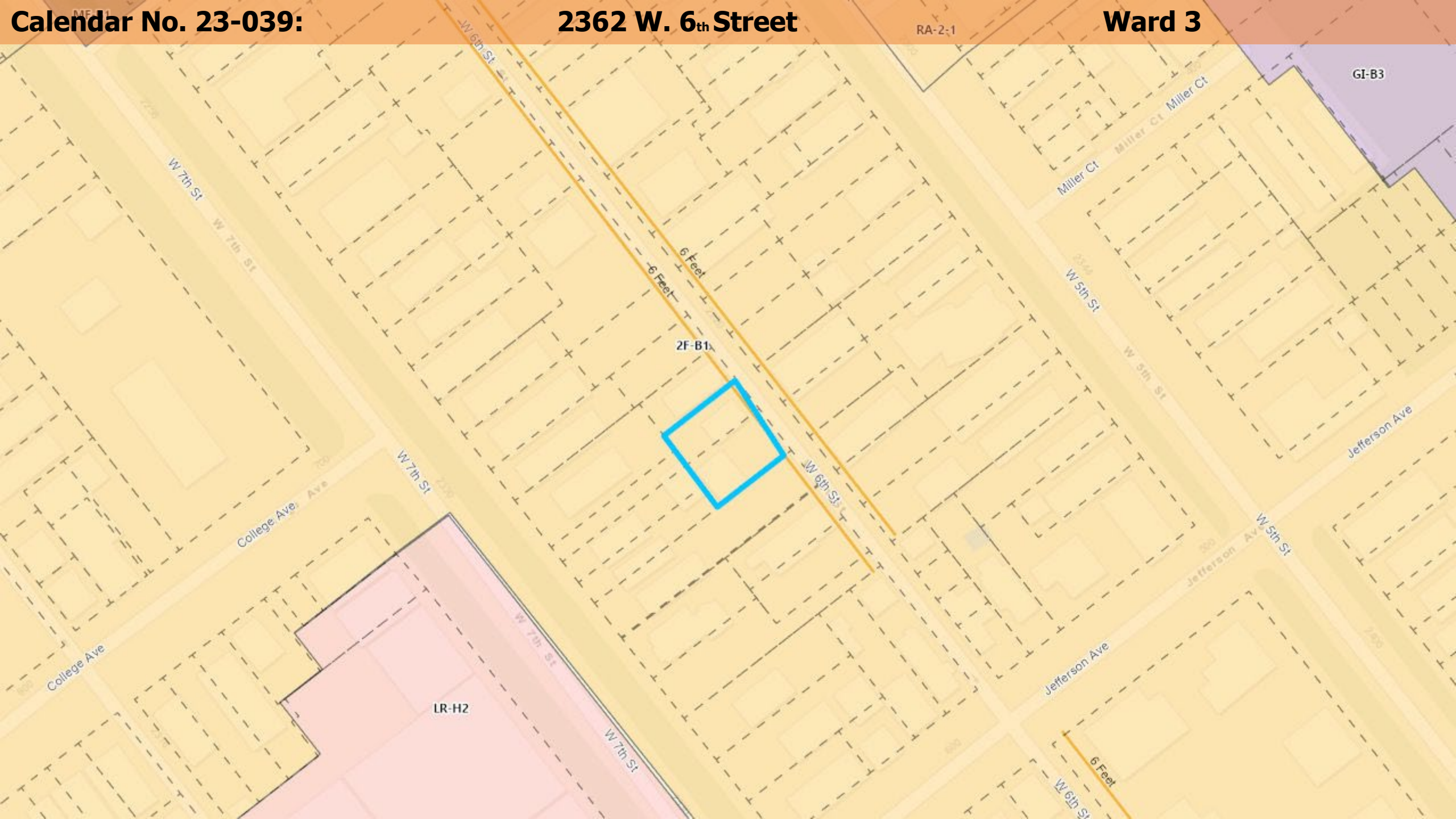
Madam Chair, Members of the Board, Appellant is requesting area variances from the rear yard and driveway requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.







Calendar No. 23-039:

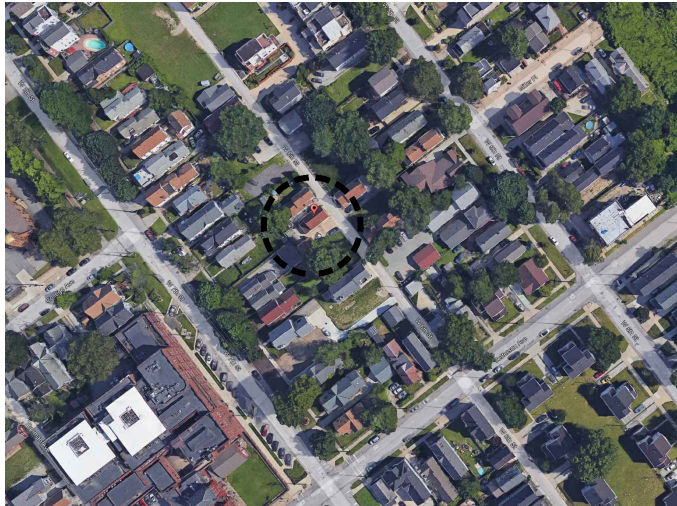
2362 W. 6th Street

Ward 3

2362 West 6th Street

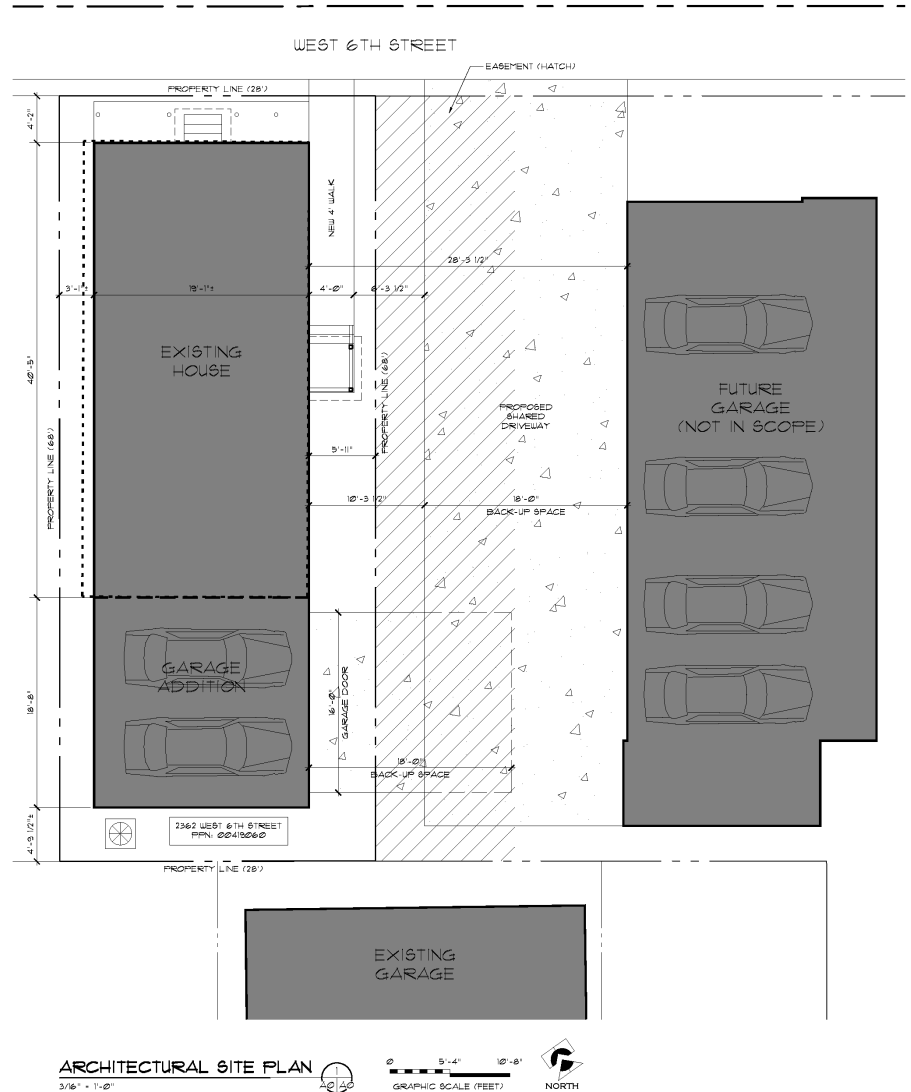
ZONING CODE NOTES:

- 350.04 (2) - THE MINIMUM LOT AREA FOR A SINGLE FAMILY DWELLING IN A "B" AREA DISTRICT IS 4,800 SF. LOT AREA IS APPROXIMATELY 1,800 SF.
- MAXIMUM GROSS FLOOR AREA IN A "B" AREA DISTRICT SHALL NOT EXCEED 3 THE LOT AREA.
- COMBINED GSF OF ALL FLOORS TOTALS 1560 GSF.
- 351.08 - DEPTH OF REQUIRED REAR YARD SHALL BE NOT LESS THAN THE HEIGHT OF THE MAIN BUILDING. BUILDING HEIGHT: 13'-0".
- 351.08 (1)(2) C - IN A TWO-FAMILY (2F) DISTRICT NO INTERIOR SIDE YARD AND IN ANY USE DISTRICT NO INTERIOR SIDE YARD ON A LOT OCCUPIED BY A DWELLING HOUSE SHALL BE LESS THAN (8) FEET IN WIDTH FOR A CORNER LOT, NOR LESS THAN (3) FEET IN WIDTH FOR AN INTERIOR LOT. NOR SHALL THE AGGREGATE WIDTH OF SIDE YARDS ON THE SAME PREMISES BE LESS THAN (10) FEET. HOWEVER THE WIDTH OF ANY SUCH INTERIOR SIDE YARD SHALL IN NO CASE BE LESS THAN ONE-FOURTH (1/4) THE HEIGHT OF THE MAIN BUILDING ON THE PREMISES. BUILDING MEAN HEIGHT IS APPROXIMATELY 24'-11" THUS NO INTERIOR SIDE YARD SHALL BE LESS THAN 14'-2". SHORTEST EXISTING SIDE YARD IS 13'-1".
- 341.02 (b) - CITY PLANNING APPROVAL IS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.



SITE LOCATION MAP

NTS



ARCHITECTURAL SITE PLAN

3/16" = 1'-0"



GRAPHIC SCALE (FEET)



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

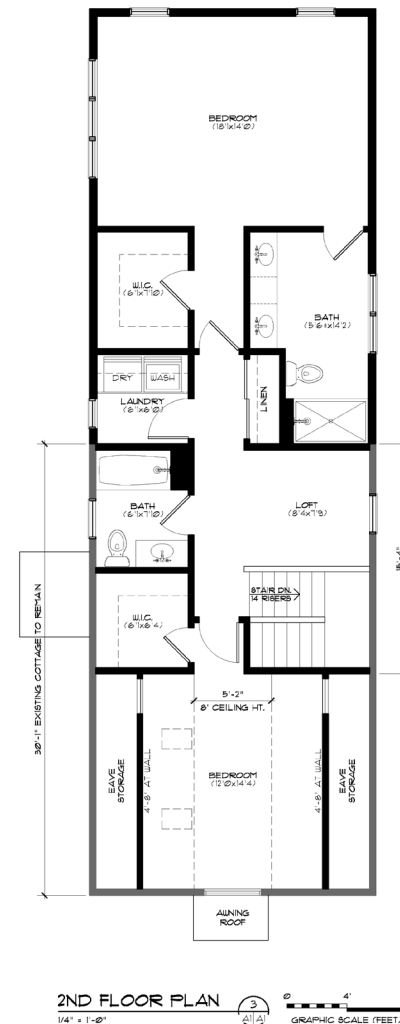
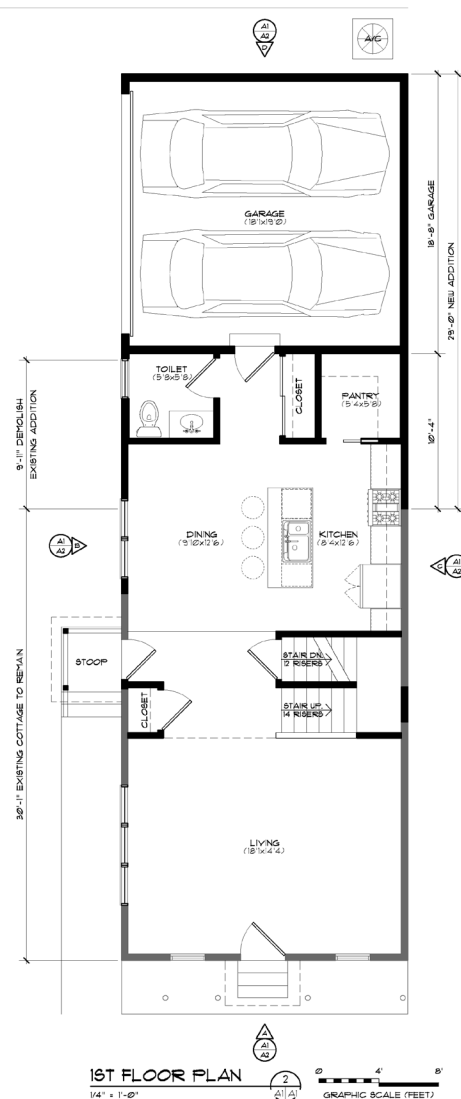
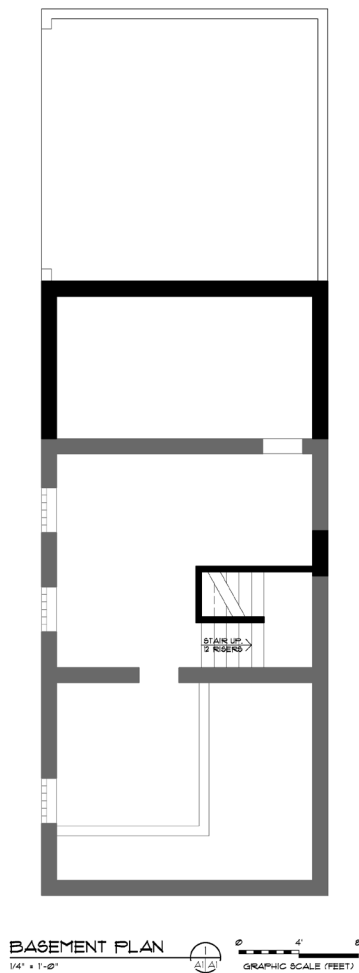
project no. 22-061

**Berges Home Performance
Residential Renovations**

2362 west 6th street
cleveland, oh 44113

General Notes
& Architectural Site Plan

A0



ISSUE	DATE	DESCRIPTION
1	12.27.22	zoning review



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

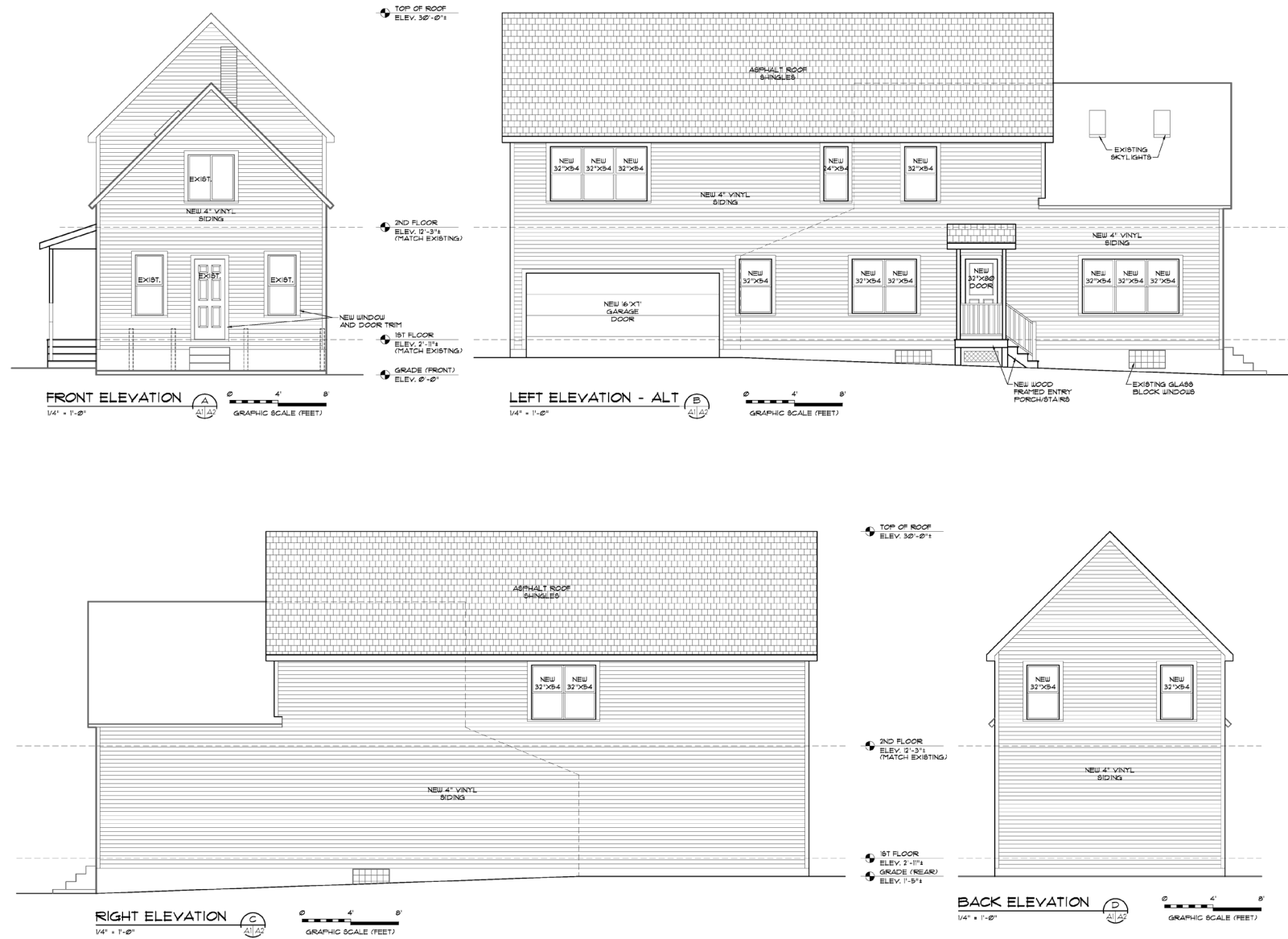
project no. 22-061

**Berges Home Performance
Residential Renovations**

2362 west 6th street
cleveland, oh 44113

Floor Plans

A1



ISSUE	DATE	DESCRIPTION
1	12.27.22	zoning review



PAUL R. BEEGAN, LICENSE #12574
EXPIRATION DATE: 12.31.2023

BEEGAN
ARCHITECTURAL DESIGN

15703 MADISON AVENUE
LAKEWOOD, OHIO 44107
WWW.BEEGAN-AD.COM

216.521.9000 PHONE
216.916.4591 FAX
PAUL@BEEGAN-AD.COM

project no. 22-061

**Berges Home Performance
Residential Renovations**

2362 west 6th street
cleveland, oh 44113

Exterior Elevations

A2

Public Hearing

Calendar No. 23-042:

5909 Cable Avenue

Ward 5

ABA Enterprise Connect LLC., owner, proposes to expand existing children's boarding home for ages 10-17 in a B1 Two-Family Residential District. The owner was granted a variance in Calendar Number 20-072 (9/21/2020) to establish a children's boarding home for a maximum of six (6) children. The appellant is re-requesting to add one (1) additional child and for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. 337.03 which states that the use is not permitted in a Two-Family Residential District, first permitted in a Multi-Family Residential District and only when at least 15 feet from other premises, per Section 337.08(e)(3).



Public Hearing

Calendar No. 23-042:

5909 Cable Avenue

Ward 5



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the minimum distance requirements of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the







CLEVELAND BOARD OF ZONING APPEALS

CALENDAR NO. 20-072:

5909 CABLE AVENUE

RESOLUTION

SEPTEMBER 28, 2020

WHEREAS, ABA Enterprise Connect LLC., owner, proposes to establish use as a children's boarding home for ages 10-17 in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following section of the Cleveland Codified Ordinances:

1. 337.03 which states that the use is not permitted in a Two-Family Residential District, first permitted in a Multi-Family Residential District and only when at least 15 feet from other premises, per Section 337.08(e)(3)(Filed June 29, 2020)

WHEREAS, after public notice and written notice mailed to nineteen directly affected property owners, a public hearing was held on August 10, 2020 and was postponed to September 21, 2020; and,

WHEREAS, testimony was taken at the August 10 hearing and the board postponed the case to allow time for the appellant to meet with Slavic Village Development Corporation and the Councilwoman. At the hearing on September 21 the appellant submitted a revised drawing showing a reduction in beds to 8. Councilwoman Cleveland was present to express concern about the additional traffic and parking which could be detrimental to the quiet neighborhood. Two neighbors were present to express opposition. Nickol Calhoun from City Planning Commission stated that a community meeting was held and while no residents were present she was able to walk through the house; City Planning supports the variance if the appellant could keep the residents to two sibling groups of the same sex. Chris Alvarado from Slavic Village stated that the plans have improved significantly and the development corporation supports the variance. Board member Alanna Faith expressed concern for the proposed number of children and stated that 6 children might be more appropriate considering the size of the rooms; the appellant agreed to reduce the number to 6 children; and,

WHEREAS, after due consideration of the testimony and other evidence presented at the hearing, the Board finds that the appeal should be conditionally granted based on the Revised/Final site plan and with the condition that only 6 children will reside in the house; and,

WHEREAS, Refusal of the variance would deprive the owner of substantial property rights. Granting the appeal will not be contrary to the purpose and intent of the Zoning Code; now therefore,

BE IT RESOLVED that the decision of the Building and Housing Department is reversed and the appeal is granted subject to the stated conditions and further subject to the Cleveland Codified Ordinances.

Yeas: Johnson, Donovan, Britt, Faith, Barnes,
Absent:

Approved and adopted by the Board of Zoning Appeals September 28, 2020.


Elizabeth Kukla Secretary
Board of Zoning Appeals

Public Hearing

Calendar No. 22-219:

**FEB Inc. appealing Of the Director of
Office of Equal Opportunity**

Ward 12

FEB Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland, Sections 329.02(d) and 188.05(d) of the Cleveland Codified Ordinances from the decision of the Director of the Office of Equal Opportunity on November 3, 2022 to uphold penalty assessments to FEB Inc. for the Trailside II and Trailside III projects (Filed November 17, 2022).



Public Hearing

Calendar No. 22-219:

**FEB Inc. appealing Of the Director of
Office of Equal Opportunity**

Ward 12



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**

Public Hearing

Calendar No. 22-219:

FEB Inc. appealing Of the Director of
Office of Equal Opportunity

Ward 12

HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is appealing an administrative decision of the Director of the Office of Equal Opportunity. The standard of review to be applied is whether the administrative decision was illegal, arbitrary, capricious, unreasonable or unsupported by the preponderance of substantial, reliable, and probative evidence. If the Appellant fails to meet this burden, the administrative decision must be affirmed.

72 WE RESPECTFULLY REQUEST A FULL ABATEMENT OF THE PENALTIES ASSESSED FOR THE FOLLOWING REASONS

- Knez made an honest, purposeful attempt, and Good Faith Effort to solicit CSB/FBE/MBE subcontractors.
- The City consistently failed to open the B2GNow system and LCP tracker until months after construction was complete.
- Issues with subcontractors being unresponsive and high bids, as well as workforce gaps due to Covid-19, made meeting the requirements impracticable.
- *City of Cleveland v. State* renders Chapter 188 penalties unenforceable. *City of Cleveland v. State*, 157 Ohio St.3d 330, 2019.

73 BACKGROUND

- Over the course of Phase II and III of the Trailside project, Knez solicited bids from 42 minority subcontractors and ultimately hired 6 certified trades working on homes for the Slavic Village Community.
- Additionally, some eligible subcontractors worked on the job, but for various reasons, refused to be certified as MBE/FBE/CSB.
- During these phases, Knez made an honest, purposeful attempt to solicit minority subcontractors. While it did not meet the goals stipulated in the Agreement, we believe we made a good faith effort, were hindered by the City, and encountered issues that made meeting the goals impracticable.

74 BACKGROUND

- The purpose of Trailside is to stabilize and revitalize Slavic Village.
- Third Federal does not profit from this project.
- Third Federal already loses over \$50,000 on each home built to keep prices low.
- Trailside homes are sold for less than the cost to build, Third Federal provides \$10,000 in down payment assistance, waives closing costs, and maintains the development.
- Subsidies ensure low mortgage payments while providing the ability of home ownership for low and moderate income buyers in Cleveland.

75 BACKGROUND: PURCHASE PRICE PHASE II & III

- Lot 18: \$149,900
- Lot 19: \$149,900
- Lot 20: \$149,900
- Lot 21: \$149,900
- Lot 22: \$149,900
- Lot 23: \$149,900
- Lot 33: \$159,999
- Lot 34: \$158,999
- Lot 35: \$158,999
- Lot 36: \$158,999



76 BACKGROUND

From: Sharon Posner <Sharon.Posner@thirdfederal.com>

Sent: Thursday, February 17, 2022 3:20 PM

To: Triplett, Jeremiah <JTriplett@clevelandohio.gov>; Maurer, Rebecca <rmaurer@clevelandcitycouncil.org>; Chris Alvarado (ChrisA@SlavicVillage.org) <ChrisA@SlavicVillage.org>; Bo Knez (bknez@knez.net) <bknez@knez.net>

Cc: 'Michael J. David' <MDavid@knez.net>; Gillian Hall (GHall@knez.net) <GHall@knez.net>; Greene, James <JGreene@clevelandohio.gov>; Thornton, Anthony <AThornton@clevelandohio.gov>; Wackers, Michiel <MWackers@clevelandohio.gov>

Subject: RE: Non-Compliance Penalties: Trailside Phase 2 & 3

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Hello Jeremiah,

I was under the impression that Knez was working with you to resolve these concerns and progress was being made. With the amount of these penalties, future phases of Trailside will not be viable. TF is already losing over 50K per home to keep sales prices low. This subsidy ensures low mortgage payments while providing the opportunity for home ownership for low to moderate buyers.

If I have added correctly you are penalizing us almost \$42,000 for 3 phases? This certainly seems very punitive for a development that has been working in good faith to stabilize and revitalize an area of the city that certainly needs it. There is no profit for Third Federal from this project. Third Federal sells the homes for less than the cost to build, provides \$10,000 in down payment assistance to each homeowner, waives all closing costs and maintains the entire development while only charging a nominal HOA fee of \$35.00 per month.

77 GOOD FAITH

- Knez submitted bid packages to several minority trades but received minimal response or the bids were too high and out of line with the minimal budgetary requirements.
- With respect to some of the MBE trades that were hired, we experienced unworkmanlike performance (inconsistent with the performance guidelines of the NAHB) and delayed timelines.

78 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

From: [Michael J. David](#)
To: [Triplett, Jeremiah](#)
Subject: Trailside
Date: Tuesday, February 22, 2022 4:15:00 PM
Attachments: Absolute Roofing - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Ace Supply - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
All Construction - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Monroe - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Oak Creek Construction LLC. - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
[Reliable Excavating and Trucking LLC - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
[Riverstone - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
[Rogue Electric LTD. - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
RS Construction - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Trailside Potential MBE Contractors.docx

Jeremiah,

Attached are letters we sent to trades on Trailside phases II and III, which they acknowledged their obligation to report to the City. Additionally are the minority trades we contacted at the same time we were doing the circle north project. I sent them over a while ago but I'm not sure if you received them. I will be calling you office in a few minutes to discuss along with the Circle North retainage.

Michael David
In-house Counsel & Land Acquisition Manager
Knez Homes/Triban Investment
O: 440-710-0711 x 112
C: 440-221-6299
www.knez.net

79 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

From: Mary Breitweg

<MBreitweg@knez.net>

Date: Thursday, April 16, 2020 at 6:23 PM

To: Bob Gaffney <bob@clehometeam.com>

Subject: Knez - Contract

Hi Bob,

I talked to Bo, below is a link to the plans for our Circle North project that is currently under construction.

I have also included our paperwork we need filled out. You will find a list on the New Sub-Vendor

Information Sheet of documents you will also need to provide.

<https://www.dropbox.com/s/e29w8en2utoxof/2019-11-11%20-%20Circle%20North%20-%20For%20Construction.pdf?dl=0>

Is there a trade or trades specifically that you have a strong amount of access to?

I will be sending you Colfax and our Trailside project as well in a separate email.























Thank you,

Mary J. Breitweg | Purchasing Manager &

Production Coordinator

B.R. Knez Construction, Inc.

phone: 440-710-0711; ext. 120 | mobile: 216-906-7142

David Pietrantone Trailside Requirement Mary See attached David A. Pietrantone P.E. Vice-President	  1/2/2020
Mary Breitweg Trailside Requirement Hi – Please sign and return this letter stating you understand the requirements involved with reporting	  12/31/2019
Mary Breitweg Trailside Requirement Hi – Please sign and return this letter stating you understand the requirements involved with reporting	  12/31/2019
Mary Breitweg Trailside Requirement Hi – Please sign and return this letter stating you understand the requirements involved with reporting	  12/31/2019
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Mary Breitweg Trailside Requirement Hi – Please sign and return this letter stating you understand the requirements involved with reporting	  12/31/2019
Mary Breitweg Trailside Requirement Hi – Please sign and return this letter stating you understand the requirements involved with reporting	  12/31/2019

Mary,

Will do

Jake Berger

All Construction / Mooney & Moses, 945 Industrial Pkwy N, Brunswick, OH 44212

Suburban Insulation, 250 West Kensinger, suite 600, Cranberry Twp, PA 16066

Ofc: 330-220-6666 (x231)

Cell: 216-212-1020

Web: www.allconstructionohio.com

From: Mary Breitweg [<mailto:MBreitweg@knez.net>]

Sent: Tuesday, December 31, 2019 5:05 PM

To: Cifani, Bob <Bob.Cifani@installed.net>; Pabst, William <william.pabst@installed.net>; Berger, Jake <Jake.Berger@installed.net>

Subject: [EXTERNAL] Trailside Requirement

This email is being sent from: mbreitweg@knez.net

WARNING: This email originated from outside of the organization, from: mbreitweg@knez.net. Please refrain from clicking any links or opening/saving any attachments if you doubt the validity of the email. For assistance, contact the IT helpdesk.

Hi – Please sign and return this letter stating you understand the requirements involved with reporting for our Trailside project. If you did work at the previous houses on Gerome Ct. it is the same process as before. If you have any questions please contact our accounting office.

Thank you,


Mary J. Breitweg | Purchasing Manager & Production Coordinator

B.R. Knez Construction, Inc.


phone: 440-710-0711; ext. 120 | mobile: 216-906-7142


8 | CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

Thu 1/2/2020 10:10 AM

 David Pietrantone <dpietrantone@riverstonesurvey.com>
Trailside Requirement


To: Mary Breitweg

 You forwarded this message on 1/2/2020 12:07 PM.

 Riverstone - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
252 KB

Mary

See attached

David A. Pietrantone P.E.
Vice-President

LAND SURVEYING • ENGINEERING • DESIGN
3800 Lakeside Avenue
Suite 100
Cleveland, Ohio 44114
216-491-2000

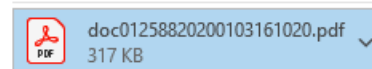
Serving Ohio, Florida & Missouri
dpietrantone@riverstonesurvey.com

From: Mary Breitweg <MBreitweg@knez.net>
Sent: Tuesday, December 31, 2019 5:07 PM
To: David Pietrantone <dpietrantone@riverstonesurvey.com>
Subject: Trailside Requirement

Hi – Please sign and return this letter stating you understand the requirements involved with reporting for our Trailside project. previous houses on Jerome Ct. it is the same process as before. If you have any questions please contact our accounting office.

Thank you,

Mary J. Breitweg | Purchasing Manager & Production Coordinator
B.R. Knez Construction, Inc.
phone: 440-710-0711; ext. 120 | mobile: 216-906-7142



Attached is the signed paper.

Thank you,

STEVE HENNESSY
ACCOUNTING MANAGER
440-708-0006
440-839-8395 Direct
steve.hennessy@monroeplumbing.net
P.O. Box 577, Burton, OH 44021
www.monroeplumbing.net



From: Mary Breitweg [<mailto:MBreitweg@knez.net>]
Sent: Tuesday, December 31, 2019 5:09 PM
To: Joann Hiscox; Steve Hennessy
Subject: Trailside Requirement

Hi – Please sign and return this letter stating you understand the requirements involved with reporting for our Trailside project. If you did work at the previous houses on Jerome Ct. it is the same process as before. If you have any questions please contact our accounting office.

Thank you,

Mary J. Breitweg | Purchasing Manager & Production Coordinator
B.R. Knez Construction, Inc.
phone: 440-710-0711; ext. 120 | mobile: 216-906-7142

82 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

From: [Shaoor Ahmed](#)
To: [Harry Fishleigh](#)
Cc: [Mary Breitweg](#)
Subject: Letter for Subcontractors re. Payroll Reporting
Date: Tuesday, August 27, 2019 4:15:35 PM

H3

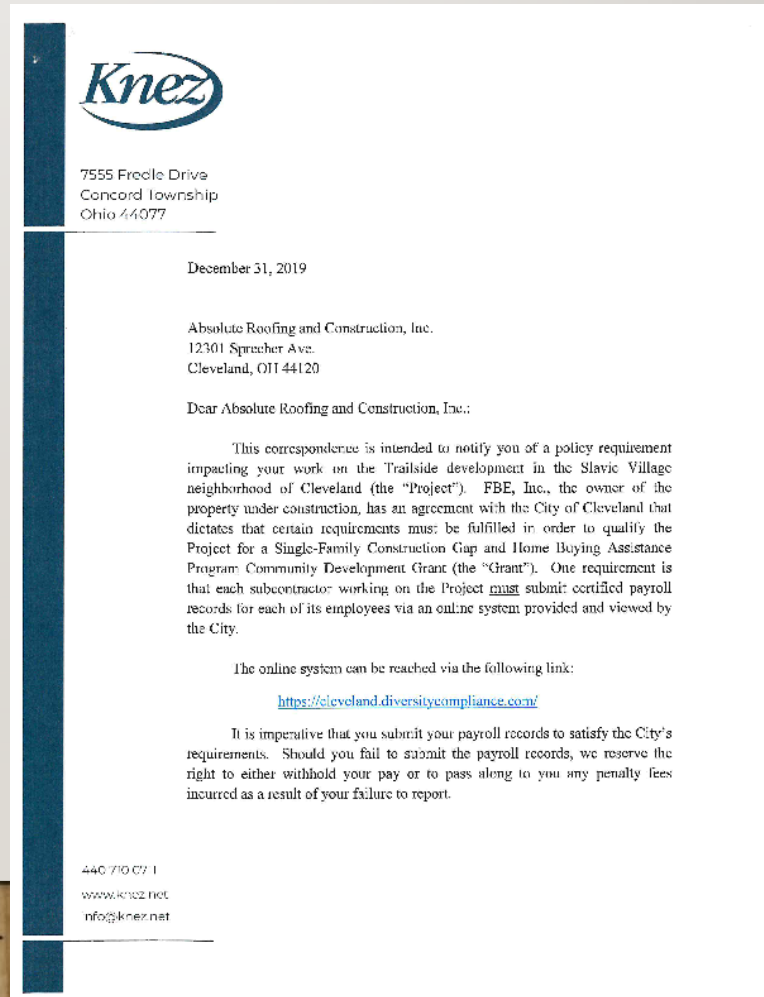
My only requirement is that they are informed and have this signed before they put a foot on the project site. You guys can decide if you want them to sign it before issuing a PO or earlier than that.

Shaoor Ahmed

Accounting Manager, B.R. Knez Construction, Inc.
7555 Fredle Dr., Ste 210, Concord, Ohio 44077
Office: (440) 710-0711 Ext. 110
SAhmed@Knez.net ~ www.knez.net

83 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

- Knez to City of Cleveland:
- “Any participating trades on this project are provided with the attached letter, reiterating the need to report on this project. A form of this letter was also provided to all trades on the phases 2 and 3 (which I sent over yesterday).”



84 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

From: [Triplett, Jeremiah](#)
To: [Michael J. David](#)
Subject: RE: Trailside
Date: Wednesday, February 23, 2022 2:46:45 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you, for that information.

I will look more into the data provided and provide an update later this week. The information provided may be sufficient to establish a good faith effort for Chapter 187. However, it will be insignificant relative to Chapter 188 due to ordinance language. We need no less than 100% reporting to decrease the maximum penalty.

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

85 CHAPTER 187 GOOD FAITH EFFORT: PHASES II & III

As it relates to good faith efforts made on the past project (Chapter 187). I think I have enough evidence that there were significant efforts to subcontract 30% of the project's hard cost to minority vendors. So there will likely not be any penalty for non-compliance there. However, we are unable to accept the Knez proposal to accept future Cleveland resident participation reporting (Chapter 188) in place of past project performance or the lack thereof. You will have the ability to appeal any penalty.

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

CONTRACTORS REASONS FOR NOT WORKING ON PROJECT, IMPRACTICABILITY.

1. H&H Interiors – Drywall, no response
2. D.R General Construction – Drywall, no response
3. Pegasus Drywall – Hired, worked some jobs and stopped because they no longer liked payment terms
4. Full proof painting – No response
5. Care Property Maintenance – Cleaning & Painting, could not agree to payment terms
6. New Vision Painting – No response
7. Chris' Construction & Repair – Hardwood install & drywall, no response
8. Painting Solutions Ohio – No response
9. Superior Commercial Cleaning – Could not meet budget
10. Brian Wilson – Tile & Carpentry, No Response
11. Wayne Henry Design – Painter, could not meet budget
12. Trinity Drywall – No Response
13. Van Bass Painting – Could not meet budget
14. Castro Drywall – No response
15. Alayanna Dunn: NJD Clean and Pack – Did not return paperwork, or respond
16. Victor Security – Did not return paperwork, or respond
17. Wayne Detweiler: Concrete – Did not return paperwork, could not agree to pricing/payment terms
18. Full Surface Painting – Did not return paperwork, could not agree to pricing/payment terms
19. Kirk Neil Williams – Painting, no response
20. SCA Electrical Corp – No response
21. Jameco Concrete & Construction, Frank Kid – Called and got email, sent new vendor paperwork 3/8

87 CONTRACTORS REASONS FOR NOT WORKING ON PROJECT, IMPRACTICABILITY CONTINUED...

22. Wilsons tree service- Tree Removal, Pricing was too high for budget.
23. BBC Electric – Electrical, Proposal was close to double what we paid.
24. C&B Construction – Painting, could not meet budget pricing
25. The wood Technologist Inc – Siding, sent quote, no call no shows when scheduled to start.
26. JAA Construction – Painting and/ or Drywall, provided info on the project in February; received a response about wanting to work on the project in May. Backed out because of budget.
27. Contractors Plus LLC – Painting, could not meet budget pricing
28. Painting by designs – Painting, met budget, tried them out. Could not meet the demand of the size of these homes. Took 5 weeks to complete 1 home that needed their workmanship fixed.
29. Roberto Leoni – Painting contractor, could not meet budget.
30. Diverse Construction – No Responses
31. CarTeCor – Cabinets and countertops, could not get the cabinets and counters that were spec'd out. Also wanted half is contract total before ordering cabinets.
32. Optimus builders – Drywall, could not meet budget
33. D. Halls Group – No response
34. Veg Electric – No response
35. Queen sweeper – Cleaning, Bid came in over budget.
36. Crooked River Materials – No responses
37. Express Developers – Painting, did not work in the budget.
38. EM Painting – Painting, No response
39. Dependable Painting – Painting, No response
40. Next Generation Construction – Drywall, no response
41. Western Reserve Contractors – Drywall, no response
42. The AKA Team – Drywall, no response

88 NAHB HOME INNOVATION RESEARCH LABS: ANTEC 2019. IMPRACTICABILITY.

Top Trends Shaping the Building Materials Industry

- Skilled labor shortage
 - Cost of labor also increasing
 - Cycle time lengthened (from 6 months to 7 months to complete a home)
 - Industry environment favors easy to install and pre-finished materials
 - Conditions are right for some off-site housing options
- Construction materials costs increasing
 - Building products up 2 times CPI (4% in 2018)
- Lower availability of residential development property
 - Higher density suburbs (smaller and narrower lots, less privacy etc.)
 - Remodeling outlook very good—improve/expand instead of buy new
- More rigorous energy codes--favors polymer-based insulation
 - Air tightness requirements of homes
 - Higher R-value + continuous insulation on exterior walls
 - HVAC equipment and ducts in interior space
 - Windows—next in line for sweeping upgrades



Home Innovation
RESEARCH LABS

89 CHAPTER 187 GOOD FAITH EFFORT: PHASE IV & V

- January 24th, 2022 - Knez informs City of Cleveland regarding current phases:

“...[W]e have reached out to numerous trades from the city’s certified contractor list. We reached out to around 150 contractors with an invitation to bid, bid extension and bid reminder emails. Of those emails we were contacted by 4 interested contractors.”

90 LABOR SHORTAGE IN WAKE OF COVID-19. IMPRACTICABILITY.

- ...[M]onth to month, the industry had a labor shortage of anywhere from 250,000 to 400,000 jobs, creating a significant skilled labor gap. *National Association of Home Builders. (n.d.). Addressing labor shortage key to improving affordability, providing job opportunities in wake of COVID-19. NAHB.*



9 | ISSUES WITH PORTAL OPENING AND REPORTING: PHASE II & III

- Knez has yet to commence construction on any Phase of Trailside with all reporting portals open on time despite efforts and outreach to Jeremiah and the city.
- Trades refused to report due to the cumbersome process. When addressing this issue with the City/Jeremiah, we were provided impractical and unethical solutions.
- Jeremiah has provided conflicting information regarding reporting requirements and expressed general confusion about the project.

92 ISSUES WITH PORTAL OPENING AND REPORTING: PHASE II & III

Phase 2 Trailside (Units 18-23):

Construction Commencement: 10/23/2018

Purchase Order Details

Save Save & New Delete Void Print

TRL - 18
Created Jun 13, 2018 by Devon Hall

General Information

Approved by Mary Nagle on Oct 23, 2018 Approved

Purchase Order #

PO-18-TRL*- 1135

Title

Final Stake and Pin

Total Cost

\$450.00

Work Status

WORK COMPLETE

Mark Work Incomplete

Payment Status

Construction Completion: 5/15/2019

Purchase Order Details

Save Save & New Delete Void Print

TRL - 18
Created Jun 13, 2018 by Devon Hall

General Information

Approved by Mary Breitweg on May 15, 2019 Approved

Purchase Order #

PO-18-TRL*- 6020

Title

Final Clean

Total Cost

\$178.90

Work Status

WORK COMPLETE

Mark Work Incomplete

Payment Status

B2G Job Setup: March 2019 *(5 Months after Construction Commencement)* – per City of Cleveland

93 ISSUES WITH PORTAL OPENING AND REPORTING: PHASE II & III

From: Sharon Posner [<mailto:Sharon.Posner@thirdfederal.com>]
Sent: Friday, January 24, 2020 9:38 AM
To: Greene, James <JGreene@city.cleveland.oh.us>; Triplett, Jeremiah <JTriplett@city.cleveland.oh.us>
Subject: Trailside subs trying to enter payroll

CAUTION: This email originated from outside of the City of Cleveland. Do not click

on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Good morning Commissioner and Jeremiah,

We are well underway with Phase 3 of Trailside. The homes are sold and foundations are in. Knez would like to have the subs start uploading payroll, but the city system is not yet set up for it. Knez is concerned about running into an issue of uploading all the payroll after the fact as we had with Phase 2. I'm not sure if this is related to us still waiting on the second contract, but it would be really helpful if you could open up the system so they could start uploading to make sure they are in full compliance.

Thank you
Sharon

94 ISSUES WITH PORTAL OPENING AND REPORTING: PHASE II & III

From: Greene, James <JGreene@city.cleveland.oh.us>
Sent: Monday, January 27, 2020 12:43 PM
To: Sharon Posner <Sharon.Posner@thirdfederal.com>; Triplett, Jeremiah <JTriplett@city.cleveland.oh.us>
Cc: Thornton, Anthony <AThornton@city.cleveland.oh.us>
Subject: RE: Trailside subs trying to enter payroll

***** CAUTION ***** This email originated from outside of Third Federal. Please do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm not sure if the system requires a certified contract to begin uploads, but Jeremiah and Anthony will communicate on this. Thank you for advising.

James Greene / Commissioner, Neighborhood Development
Department of Community Development / City of Cleveland / 601 Lakeside Ave, Room 320 /
Cleveland, Ohio 44114
216 664-4003 / Fax: 216 420-7965 / Email: jgreene@city.cleveland.oh.us

95 ISSUES WITH PORTAL OPENING AND REPORTING: PHASE II & III

Phase 3 Trailside (Units 33-36):

Construction Commencement: 12/12/2019

Purchase Order Details

Save Save & New Delete Void Print

TRL - 33
Created Oct 16, 2019 by Tony Naughton

General Information Approved by Scott Shuki on Dec 12, 2019 Approved

Purchase Order # PO-33-TRL*- 2010

Title Final Stake and Pin

Total Cost \$6,354.00

Work Status WORK COMPLETE Mark Work Incomplete

Payment Status

Construction Completion: 8/7/2020

Purchase Order Details

Save Save & New Delete Void Print

TRL - 36
Created Oct 16, 2019 by Tony Naughton

General Information Approved by Scott Shuki on Aug 7, 2020 Approved

Purchase Order # PO-36-TRL*- 6020

Title Final Clean

Total Cost \$212.50

Work Status WORK COMPLETE Mark Work Incomplete

Payment Status

B2G Job Setup: 2/18/2020 – (2+ Months after Construction Commencement) per City of Cleveland

96 SUBCONTRACTORS REFUSING TO REPORT

From: [Bo Knez](#)
To: [Erica Brininger](#)
Cc: [Shaoor Ahmed](#); [Mary Breitweg](#)
Subject: Past Due or Due Current Invoices
Date: Friday, October 4, 2019 11:32:49 AM

Good Morning,

Thank you for the email, not exactly sure what exactly it was for but thanks anyway. Looks like a lot of work ahead.

I just wanted to make you aware that Sam and Sons lack of ability to do the reporting that was needed by the City of Cleveland on the 3 unit Trailside project will void there participation on the Circle North 30 unit project as well as the next phases of Trailside, both of which are scheduled to start this year. If you were to receive any po's or inquiries pertaining to these jobs in particular, please notify us of the discrepancy and disregard the po pertinent to these two projects.

Thank you in advance for your continuous attention to this matter,

Bo Knez

97 SUBCONTRACTORS REFUSING TO REPORT

From: Harry Fishleigh <HFishleigh@knez.net>

Sent: Wednesday, August 21, 2019 12:32 PM

To: Shaoor Ahmed <SAhmed@knez.net>; Mary Breitweg <MBreitweg@knez.net>

Subject: RE: Sam & Son Plumbing

SA

Some clarification please – Bo said this morning that J.S. Hardscapes is also unwilling to submit on future projects – is that your understanding ??

And it would probably be helpful to have the document you are referring to available when we are bidding these projects so that the vendors have the information up front.

98 REPORTING SUGGESTIONS FROM JEREMIAH TRIPLET

The biggest issue was and is the oversight of subcontractor reporting obligations. In my conversation with Knez, I informed them that there are ways to know which contractors are and are not reporting. Reporting obligations must be clearly articulated to subcontractors, verbally and in writing. But again, the biggest concern is the overall oversight of subcontractor reporting. I think oversight is a small problem and can be addressed, as long as there is someone responsible for making sure the contractors report, and consequences in place if contractors do not report, such as withholding their payments.

99 REPORTING SUGGESTIONS FROM CITY OF CLEVELAND

- Knez was told by the OEO and DCD that, as a result of the city's difficulty in getting the LCP track open in time, it should keep track of subcontractors hours itself and then tell the subcontractors what to report in the tracker or report on their behalf.
- Chapter 187 clearly requires subcontractors to “verify this payment information in the system.” It is inappropriate for Knez to create an account on behalf of a subcontractors and input payroll data. For impartiality sake, Knez should not be directly involved this process.

100 JEREMIAH TRIPLETT REPORTING CONFUSION

From: Mary Breitweg
To: [Ed Bolden](#)
Subject: Trailside Requirement
Date: Friday, January 3, 2020 4:45:04 PM

Jeremiah, from the City of Cleveland had the suppliers report during the first phase at Trailside. So we will need it signed and reporting will need to be done the same as the first phase of houses.

Thank you,

Mary J. Breitweg
Purchasing Manager & Production Coordinator | B.R. Knez Construction, Inc.
phone: 440-710-0711; ext. 120

From: Ed Bolden <ebolden@mentorlumber.com>
Sent: Thursday, January 2, 2020 12:57 PM
To: Mary Breitweg <MBreitweg@knez.net>
Subject: RE: Trailside Requirement

All We did a little bit of trim labor to wrap the porch posts.

Ed

101 JEREMIAH TRIPLETT UNAWARE OF PROJECTS

Phase 4 is complete.

Building contracts were signed on 7/28/2020.

Building Permit was 1/22/2021

Certificates of Occupancy were received on 10/18/21

Please let me know if you have any questions.

Thanks
Sharon

From: Triplett, Jeremiah <JTriplett@clevelandohio.gov>

Sent: Thursday, April 7, 2022 12:46 PM

To: Sharon Posner <Sharon.Posner@thirdfederal.com>; 'Michael J. David' <MDavid@knez.net>

Subject: RE: acknowledgement phase 4.pdf

***** CAUTION ***** This email originated from outside of Third Federal. Do not click links, or open attachments, unless you recognize the sender and know the content is safe.

Thank you.

When did the project begin, and when is the anticipated start date?

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

102 JEREMIAH TRIPLETT CONFUSION RE CONTRACTS

From: Triplett, Jeremiah <JTriplett@clevelandohio.gov>
Sent: Monday, March 28, 2022 4:04 PM
To: Sharon Posner <Sharon.Posner@thirdfederal.com>; 'Michael J. David' <MDavid@knez.net>
Cc: Amoroso, John <JAmoroso@clevelandohio.gov>; Thornton, Anthony <AThornton@clevelandohio.gov>
Subject: RE: Trailside Phase IV Setup Documents

***** CAUTION ***** This email originated from outside of Third Federal. Do not click links, or open attachments, unless you recognize the sender and know the content is safe.

Those are all good questions. These contracts kind of confuse me too. (Anthony, please correct me if I am wrong on any of the addresses please)

Based on the data that I have, the setup documents coincide with phase 4, the 4th contract, which is essentially the same. Contract number CT8006SG2021*212. The addresses I have for this contract are 3558 Gerome Court, 3562 Gerome Court, 3566 Gerome Court, 3570 Gerome Court, and 3578 Gerome Court. I was not aware that the project was complete in 2021. I was only made aware of this project within the past few months.

103 JEREMIAH TRIPLETT CONFUSION RE PARTIES

From: [Triplett, Jeremiah](#)
To: [Trish Van Winkle](#)
Cc: [Gillian Hall](#); [Michael J. David](#); [Mary Breitweg](#); [Caitlin DeCrane](#); [Bielat, Martin](#); [Greene, James](#); ["Sharon.Posner@thirdfederal.com"](#)
Subject: RE: Trailside Compliance
Date: Friday, November 19, 2021 10:51:26 AM

Sure.

I can schedule a WebEx meeting next week sometime. I would like to get the developers involved as well. Is Third Federal the developer for this project as well?

104 PENALTY ASSESSMENTS

- Jeremiah indicated on at least two occasions that Knez made a good faith effort to hire certified trades and would not be penalized for Chapter 187. Recently, without any new information, we were assessed a full penalty.
- In the many conversations and emails with Jeremiah, we have been provided different assessment amounts.

105 PENALTY ASSESSMENTS

- Lack of clarity of penalty assessments from the City of Cleveland
- Phase 2: (Jeremiah Triplett said maximum was \$6,000, implying 187 was satisfied)
 - Ch. 187 - \$18,825.89
 - Ch. 188 - \$6,000
- Phase 3:
 - Ch. 187 - \$14,029.45
 - Ch. 188 - \$4,800

106 PENALTY ASSESSMENTS - FEBRUARY 17, 2022

MAXIMUM PENALTY PHASE II (188 ONLY)

From: Triplett, Jeremiah <JTriplett@city.cleveland.oh.us>
Sent: Thursday, July 22, 2021 5:02 PM
To: 'sahmed@gmail.com' <sahmed@gmail.com>; Gillian Hall <GHall@knez.net>
Cc: Greene, James <JGreene@city.cleveland.oh.us>
Subject: Trailside Phase II

Good Afternoon,

It has been a while since we last spoke. I hope all is well.

I am preparing to close out the Trailside Phase II project. The last time we corresponded, we discussed the chapter 187 and 188 noncompliance penalties. I suspect the project is now complete. Several issues need our attention.

Payments in B2GNow
Minority participation
Missing Subcontractors payrolls

As when we last spoke, the project is in non-compliance, and faces a maximum penalty of \$6,000.

Please contact me to discuss the project and how B.R. Knez can reach compliance. Thanks.

Jeremiah Triplett Sr., MCA
Contract Compliance Monitor
Mayor's Office of Equal Opportunity
216-664-4178, Fax 216-664-3870

107 PENALTY ASSESSMENTS

- City of Cleveland reiterated to Knez the penalties for Phases 2 & 3.
- \$10,800 for Ch. 188 noncompliance

From: [Triolett, Jeremiah](#)
To: ["Sharon Posner"](#); [Maurer, Rebecca](#); [Chris Alvarado \(ChrisA@SlavicVillage.org\)](#); [Bo Knez](#)
Cc: [Michael J. David](#); [Gillian Hall](#); [Greene, James](#); [Thornton, Anthony](#); [Wackers, Michiel](#); [Curry, Michael](#)
Subject: RE: Non-Compliance Penalties: Trailside Phase 2 & 3
Date: Friday, February 25, 2022 12:05:09 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

As I mentioned in previous emails, there are two separate penalties. One for Chapter 187 and one for Chapter 188. Knez failed to make a good faith effort to subcontract to minority subcontractors, resulting in the Chapter 187 penalty. That result could change with the most recent proof Knez provided over the past few days. Hence the penalty you are looking at is closer to \$10,800, Chapter 188 noncompliance only.

108 PENALTY ASSESSMENTS - FEBRUARY 17, 2022

Hello Jeremiah,

I was under the impression that Knez was working with you to resolve these concerns and progress was being made. With the amount of these penalties, future phases of Trailside will not be viable. TF is already losing over 50K per home to keep sales prices low. This subsidy ensures low mortgage payments while providing the opportunity for home ownership for low to moderate buyers.

If I have added correctly you are penalizing us almost \$42,000 for 3 phases? This certainly seems very punitive for a development that has been working in good faith to stabilize and revitalize an area of the city that certainly needs it. There is no profit for Third Federal from this project. Third Federal sells the homes for less than the cost to build, provides \$10,000 in down payment assistance to each homeowner, waives all closing costs and maintains the entire development while only charging a nominal HOA fee of \$35.00 per month.

I'm also concerned that penalties will continue to be assessed with Phase 4 and Phase 5 since we have functioned similarly in all phases.

Can you please point me to where I can find the explanations for Chapter 188 and 187, and also what portion of these were non-compliant? I'd like to better understand what we have failed to do that would result in these penalties.

Thank you,
Sharon

109 JEREMIAH REQUESTING PHASE II & III SOLICITATIONS

From: Triplett, Jeremiah <JTriplett@clevelandohio.gov>

Sent: Friday, February 25, 2022 9:15 AM

To: Michael J. David <MDavid@knez.net>

Cc: Sharon Posner <Sharon.Posner@thirdfederal.com>; Gillian Hall <GHall@knez.net>

Subject: RE: Non-Compliance Penalties: Trailside 2 & 3

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Michael,

Do you have any emails reaching out to minority contractors for phases 2 & 3?

*Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178*

110 PENALTY ASSESSMENTS - KNEZ'S RESPONSE

From: [Michael J. David](#)
To: [Triplett, Jeremiah](#)
Subject: Trailside
Date: Tuesday, February 22, 2022 4:15:00 PM
Attachments: Absolute Roofing - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Ace Supply - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
All Construction - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Monroe - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Oak Creek Construction LLC - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
[Reliable Excavating and Trucking LLC - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
[Riverstone - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
[Rogue Electric LTD. - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf](#)
RS Construction - Ltr. to Subcontractors re. Payroll Reporting to City of Cleveland.pdf
Trailside Potential MBE Contractors.docx

Jeremiah,

Attached are letters we sent to trades on Trailside phases II and III, which they acknowledged their obligation to report to the City. Additionally are the minority trades we contacted at the same time we were doing the circle north project. I sent them over a while ago but I'm not sure if you received them. I will be calling you office in a few minutes to discuss along with the Circle North retainage.

Michael David
In-house Counsel & Land Acquisition Manager
Knez Homes/Triban Investment
O: 440-710-0711 x 112
C: 440-221-6299
www.knez.net

||| PENALTY ASSESSMENTS - JEREMIAH RESPONSE

From: [Triplett, Jeremiah](#)
To: [Michael J. David](#)
Subject: RE: Trailside
Date: Wednesday, February 23, 2022 2:46:45 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Thank you, for that information.

I will look more into the data provided and provide an update later this week. The information provided may be sufficient to establish a good faith effort for Chapter 187. However, it will be insignificant relative to Chapter 188 due to ordinance language. We need no less than 100% reporting to decrease the maximum penalty.

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

112 PENALTY ASSESSMENTS: MARCH 28, 2022

As it relates to good faith efforts made on the past project (Chapter 187). I think I have enough evidence that there were significant efforts to subcontract 30% of the project's hard cost to minority vendors. So there will likely not be any penalty for non-compliance there. However, we are unable to accept the Knez proposal to accept future Cleveland resident participation reporting (Chapter 188) in place of past project performance or the lack thereof. You will have the ability to appeal any penalty.

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

113 PENALTY ASSESSMENTS - FEBRUARY, 25, 2022

I will talk with the director of the OEO, and try to get the Department of Community Development together to maybe discuss some ways, if possible to avoid penalizing the project. I understand and appreciate the community benefits provided through these projects, which is why I want to find an alternative method.

I will be in touch. Thanks.

Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178

114 PENALTY ASSESSMENTS

- Knez did not received any adjudication letter regarding the fines for the Trailside penalties on Phase II and III (2018-2019) until September 21, 2022.

115 PROBLEMS PERSIST INTO PHASE IV & V

- APRIL 7, 2022:
- Third Federal emails Jeremiah Triplett that “We have trades ready to report who are unable to because there is nothing for it in the system yet.”
- Jeremiah Triplett sends email to Knez that he has not yet set up the system for Phase V and plans to have it set up “by next week” referring to mid-April.
- The portal for Phase V was not open until May 2022.

116 PROBLEMS PERSIST INTO PHASE IV & V

- Continued....

I am trying to get information from the Department of Community Development. My goal is to have the project set up by next week.

*Jeremiah Triplett Sr., MCA
OEO Compliance
216-664-4178*

From: Michael J. David <MDavid@knez.net>

Sent: Thursday, April 07, 2022 11:21 AM

To: Sharon Posner <Sharon.Posner@thirdfederal.com>; Triplett, Jeremiah <JTriplett@clevelandohio.gov>

Subject: RE: acknowledgement phase 4.pdf

CAUTION: This email originated from outside of the City of Cleveland. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Jeremiah,

How soon can we get Phase V set up? We have trades ready to report who are unable to because there is nothing for it in the system yet.

117 ISSUES WITH PORTAL OPENING AND REPORTING

Phase 4 Trailside (Units 42-46):

Construction Commencement: 12/29/2020

Purchase Order Details

Save Save & New Delete Void Print

TRL - 42
Created Oct 14, 2020 by Caitlin Cole

General Information

Approved by Mary Breitweg on Dec 29, 2020 Approved

Purchase Order # PO-42-TRL*- 1135

Title Final Stake and Pin

Total Cost \$297.00

Work Status

WORK COMPLETE

Mark Work Incomplete

Payment Status

Construction Completion: 9/29/2021

Purchase Order Details

Save Save & New Delete Void Print

TRL - 46
Created Oct 14, 2020 by Caitlin Cole

General Information

Approved by Mary Breitweg on Sep 29, 2021 Approved

Purchase Order # PO-46-TRL*- 6020

Title Final Clean

Total Cost \$217.36

Work Status

WORK COMPLETE

Mark Work Incomplete

Payment Status

B2G Job Setup: 4/11/2022 – (3+ Months after Construction Commencement) per City of Cleveland

118 ISSUES WITH PORTAL OPENING AND REPORTING

Phase 5 Trailside (Units 47-51):

Construction Commencement: 2/15/2022

Purchase Order Details [X]

Save Save & New Delete Void Print

GC - 3580 Gerome Court (Trailside 47)
Created Aug 5, 2021 by Katie Knez

General Information	Approved by Jim Manning on Feb 15, 2022	Approved	Work Status
Purchase Order # PO-3580-GC- 2010		Total Cost \$6,560.00	WORK COMPLETE Mark Work Incomplete
Title Final Stake & Pin			
Assigned to			Payment Status

Estimated Construction Completion: 11/19/2022

B2G Job Setup: 5/17/2022 *(5 Months after Construction Commencement)* – per City of Cleveland

119 PROBLEMS PERSIST INTO PHASE IV & V

- March 23, 2022:
- Knez emails Jeremiah Triplett about subcontractor being unable to enter info into the LCP Tracker.
- Knez asks City of Cleveland to link B. R. Knez Contracting to the Trailside job in B2G so reporting can begin.

I20 PROBLEMS PERSIST INTO PHASE IV & V

- March 23, 2022 Correspondence:

Hi Jeremiah,

Per the email below, one of our subs is unable to enter there info bc we haven't entered the info. This is bc B.R. Knez Contracting, LLC is not currently linked to the Trailside job in B2G. Can you assist.

From: Corbin Walnsch <CWalnsch@knez.net>

Sent: Wednesday, March 23, 2022 3:22 PM

To: Michael J. David <MDavid@knez.net>

Subject: City of CLE - LCPTTracker

Hi Mike,

Our electrician just called me in regards to the City of Cleveland LCPTTracker Reporting. They are having issues submitting themselves and indicated that they are unable to report their hours until we have inputted them in as our electrical contractor from our end of things.

I believe we talked about this a couple weeks back and you had said that you were going to contact the city of Cleveland about this. I wanted to see if you ever had a chance to follow up with them.

Thanks,

121 PROBLEMS PERSIST INTO PHASE IV &V

From: Stephanie Clapper <SCLapper@knez.net>
Sent: Tuesday, October 18, 2022 8:34 AM
To: Kristy Simonetta <ksimonetta@carterlumber.com>; Triplett, Jeremiah <JTriplett@clevelandohio.gov>
Cc: Corbin Walnsch <CWalnsch@knez.net>
Subject: RE: New Subs for Carter

Good morning Kristy – I just spoke with Jeremiah, these subs should be set up today.

Jeremiah, please reply all to let us know this has been taken care of and to provide us with contact information for Michael Curry?

Thank you!

From: Kristy Simonetta <ksimonetta@carterlumber.com>
Sent: Tuesday, October 18, 2022 8:04 AM
To: Stephanie Clapper <SCLapper@knez.net>
Subject: FW: New Subs for Carter

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello!

I haven't heard back from Jeremiah, do you know who our new contact would be over there? We need someone over there to enter our new subs for us.

Thank you,

Kristy Simonetta

From: Kristy Simonetta
Sent: Monday, October 17, 2022 9:08 AM
To: Triplett, Jeremiah <JTriplett@clevelandohio.gov>
Cc: Aaron Fox <aaron.fox@carterlumber.com>
Subject: FW: New Subs for Carter

I22 PROBLEMS PERSIST INTO PHASE IV &V

Hi Anthony,

You should have had 5 homes for Phase 5. Sublots 47,48,49,50,51. I've attached the other 2 workbooks. They should have been in the zip file, I'm sorry if you didn't receive them. The only thing I'm waiting on for 5 is the contract.

Thank you

Sharon

From: Thornton, Anthony <AThornton@clevelandohio.gov>

Sent: Thursday, March 31, 2022 2:25 PM

To: Sharon Posner <Sharon.Posner@thirdfederal.com>

Subject: Slavic Village Phase 5

***** CAUTION ***** This email originated from outside of Third Federal. Do not click links, or open attachments, unless you recognize the sender and know the content is safe.

Are these the only sites for phase 5 and do I owe you anything. You sent me a jump drive with this information.

Success is not final, failure is not fatal: it is the courage to continue that counts. Coming together is a beginning; keeping together is progress; working together is success. **Success is the sum of small efforts - repeated day in and day out**

AnthonyThornton
Neighborhood Development Specialist
City of Cleveland
601 Lakeside Rm 320
Department of Community Development
216-664-4059
AThornton@clevelandohio.gov

I23 PROBLEMS PERSIST INTO PHASE IV &V

From: Thornton, Anthony <AThornton@clevelandohio.gov>
Sent: Tuesday, August 30, 2022 1:27 PM
To: Sharon Posner <Sharon.Posner@thirdfederal.com>
Cc: Bango, Anthony <ABango@clevelandohio.gov>
Subject: RE: Checking in

***** CAUTION ***** This email originated from outside of Third Federal.

Sharon, I am in Economic Development know.
Anthony Bango is the Mgr in Housing , He can assist you.

From: Sharon Posner <Sharon.Posner@thirdfederal.com>
Sent: Tuesday, August 30, 2022 9:49 AM
To: Thornton, Anthony <AThornton@clevelandohio.gov>
Subject: Checking in

CAUTION: This email originated from outside of the City of Cleveland. Do not click or believe that this email is suspicious, please forward to phishing@clevelandohio.gov.

Hello Anthony,
Do you have any updates on the disbursement for Phase 4 contract 3?

Thanks
Sharon

ThirdFederal

Sharon Posner
Community Development – Fair Lending

I24 PROBLEMS PERSIST INTO PHASE IV &V

From: Sharon Posner
Sent: Tuesday, September 06, 2022 12:25 PM
To: Anthony Bango (ABango@clevelandohio.gov) <ABango@clevelandohio.gov>
Subject: FW: Slavic Village Phase 5 requested documents

This was my last conversation on Phase 5. I do not have a certified contract. I'll drop off phase 4 documents this week hopefully. It was really nice seeing you, and thanks for the feedback.

Sharon

From: Sharon Posner
Sent: Tuesday, April 5, 2022 9:38 AM
To: 'Thornton, Anthony' <AThornton@clevelandohio.gov>
Subject: RE: Slavic Village Phase 5 requested documents

From: Thornton, Anthony <AThornton@clevelandohio.gov>
Sent: Friday, April 1, 2022 2:07 PM
To: Sharon Posner <Sharon.Posner@thirdfederal.com>
Subject: RE: Slavic Village Phase 5
Importance: High

***** CAUTION ***** This email originated from outside of Third Federal. Do not click links, or open attachments, unless you recognize the sender and know the content is safe.

I25 PROBLEMS PERSIST INTO PHASE IV & V

- Subcontractors are still struggling to get assistance or communication from the city.
- Subcontractors detail “leaving multiple messages” without responses from the city as well as changes in the point of contact for the city.
- Sophisticated contractors describe the reporting process as “overwhelming.”
- See *PI 46, 47, and 48*.

126 PROBLEMS PERSIST INTO PHASE IV & V

- Carter Lumber reaches out to the City 10/11/22 about an issue with inputting sub-contractors for compliance reporting.
- No response from the City until 11/3/22.
- See (PI 46)

I27 PROBLEMS PERSIST INTO PHASE IV & V

- Knez and Carter Lumber reach out to Jeremiah and the City on 8/22/22 regarding issues logging into the LCP Tracker and adding subcontractors for reporting.
- Carter was confused by process the and reporting via LCP tracker.
- Resolution not reached until 10/10/22.
- See *PI 47*.

128 PHASE V REPORTING

- Although reporting on phases II and III is now impracticable due to the length of time that has passed (2018-2019), phase 5 reporting is available:
- Phase V had over a 5 month delay in the opening of the reporting tracker. (PI 52)
- Current Ch. 187 reporting for Ph 5:
 - MBE Goal: 15% **MBE Reported: 23.22%**
 - FBE Goal: 7% **FBE Reported: 0.00%**
 - CSB Goal: 8% **CSB Reported: 10.15%**

PI 51

I29 PHASE VI TRADES

- No public money was used on Phase VI.
- No reporting was necessary.
- We continued to use MBE and CSB trades, although not required.
- We even brought on additional certified trades not previously used.

130 CH. 188 PENALTIES ASSESSED SINCE 2016

- 34 penalties assessed under chapter 188 since 2016
- Total Amount: \$250,125.81
- Average Penalty: \$7,356.00
- The size and scale of this project was not as attractive to certified trades as larger commercial projects that were ongoing.
- PI 49

OEO Chapter 188 Cleveland Resident/Low Income Resident Penalties Assessed 2016-2022			
Year	OEO #	Project Name	Penalty Collected
2016	ED 144	Music Box Supper Club	\$ 7,500.00
2016	ED 107	Project Spice	\$ 5,400.00
2016	PW 009	Dwayne Browder Field at Lonnie Burton	\$ 8,121.00
2016	ED 168	Cleveland Business Park III	\$ 2,092.00
2016	ED 138	Care Alliance	\$ 792.21
2016	WA 009	Harvard Yard Facility Improvements	\$ 1,309.99
2017	CD 006	Morningstar Tower	\$ 7,597.93
2017	CD 007	Magnolia on Detroit	\$ 857.56
2017	ED 167	Gypsy Real Estate Brewery	\$ 5,400.00
2017	CP 032	MLK Bridges	\$ 982.84
2017	ED 155	Cleveland Bricks	\$ 5,400.00
2017	ED 129	New Village Corp	\$ 6,590.71
2017	ED 171	Ohio Awning Parking Lot	\$ 700.00
2017	WA	Water Main Replacement Seven Hills Hickory Lane	\$ 460.00
2017		New Circles Vistas	\$ 2,573.51
2017	ED 185	Barrio Commissary	\$ 5,400.00
2018	WA 010	1201 Lakeside Ave Lobby Improvements	\$ 3,300.01
2018	WA 028	Highland Road 54 Steel Transmission Main	\$ 11,561.48
2018	CD 019	A Place for Us Housing	\$ 5,562.65
2018		Western Roofing 2012*049	\$ 53,889.61
2018	PC 001	Sanitary Force Main	\$ 2,257.00
2018	CD 003	Kingsbury Tower	\$ 6,181.06
2019	ED 162	Left Side Developments	\$ 923.37
2021	ED 114	BCP Cleveland	\$ 3,673.76
2021	WPC 030	Thrush Ave Sewer	\$ 4,967.51
2021	ED 248	CLE Dexter	\$ 22,555.26
2021	ED 238	The Hive/My Place	\$ 6,900.00
2021	ED 180	W25D The Quarter	\$ 1,119.30
2021	ED 224	BoxSpot	\$ 1,707.55
2021	CD 055	Circle North	\$ 16,787.00
2022	ED 192	Hillcrest Foods	\$ 5,400.00
2022	ED 195	The Beacon	\$ 31,070.00
2022	ED 229	Cleveland Rocks	\$ 900.00
2022	ED 245	18901 Euclid Ave	\$ 10,192.50

131 LACK OF CH. 188 RESOURCES AND COMMITTEES

- The city must establish a Residency Construction Committee to further the intent and purpose of Ch. 188.
- The committee may establish subcommittees including, but not limited to, pre-apprenticeship programs to further the intent and goals of the legislation.
- No pre-apprenticeship programs have been approved since 2016.
- *PI 50*

C002318-101422 - City - Public Records Request

Message History (3)

✉ On 1/19/2023 11:37:05 AM, Cleveland Public Records Center wrote:

Good morning,

Please see attachment:

1. No bona fide preapprenticeship programs have been approved by the Fannie M. Lewis Advisory Committee since January 1, 2016.
2. No resolutions have been passed by City Council under CO 188.07 between Jan 1, 2014 and Oct 1, 2022.
3. The following projects have received a fine or penalty under Chapter 187 or Chapter 188 between Jan 1, 2016 and October 1, 2022.

Thank you.

132 CH. 188 UNENFORCEABILITY

- The Supreme Court of Ohio held in *City of Cleveland v. State* that the Ohio legislature was authorized to enact ORC 9.75 “Requirement for employment of local laborers prohibited” and therefore Chapter 188 was unenforceable.
- This case reasons that this general police power under which the state enacted R.C. 9.75 is for the “comfort and general welfare of all construction workers.” It “ensures that all employees are free to decide where to live without sacrificing the opportunity to compete for work in other parts of the state.”
- “...[W]hen a local ordinance regulates the behavior of third parties in service of public health, safety, or welfare, it is an exercise of the police power and not merely a power of local self-government.”
- *City of Cleveland v. State*, 157 Ohio St.3d 330, 2019

I33 WE REQUEST A FULL ABATEMENT OF THE PENALTIES ASSESSED FOR THE FOLLOWING REASONS

- Knez made an honest, purposeful attempt, and Good Faith Effort to solicit CSB/FBE/MBE subcontractors.
- Jeremiah Triplett reinforced this, implied there were no Ch. 187 penalties, and called Knez's efforts "significant."
- Knez informed subcontractors of reporting requirements and required subcontractors to sign a letter acknowledging this requirement.
- Certified subcontractors were unavailable, bids were too high, or they did not respond to requests for bids.
- Subcontractors were unable to report after being made aware, verbally and in writing, of the requirement as the process was overwhelmingly complicated and the tracker was not functional nor user friendly. The lack of support from the city in assisting with the process. Some subcontractors outright refused to certify as MBE/FBE/CSB due to cost and time constraints.
- The City failed to open the B2GNow system and LCP tracker until months after construction was complete.

I 34 WE REQUEST A FULL ABATEMENT OF THE PENALTIES ASSESSED FOR THE FOLLOWING REASONS

- The City could have eliminated the need for reporting on this small project had it allocated the grants to individual homes instead of grouping the award.
- Using a percentage of the total projects value for a minority or residential participation requirement makes it difficult for smaller projects to achieve the requirement. Larger projects are more attractive to certified trades, the size and scale of this project was not as attractive to certified trades as larger commercial projects that were ongoing.
- Any penalty for providing a positive community benefit on a project not making profit would discourage future development.
- As of October 2022, we had yet to receive a contract for Phase V and the units were completed and ready to close.
- Knez has paid over \$6.5 million dollars to eligible minority, female, and Cleveland small business trades.

**SLAVIC VILLAGE**

5620 Broadway Avenue
Suite 200
Cleveland, OH 44127

P 216 429 1182
F 216 429 2632

October 18, 2022

Ms. Alyssa Hernandez
Director, Department of Economic Development
City of Cleveland
601 Lakeside Avenue, Room 320
Cleveland, Ohio 44114

RE: Trailside Slavic Village- OEO Compliance Assessments

Dear Director Hernandez:

I am writing in support of FBE Inc. and Third Federal Savings & Loan's (TFSL) ongoing work on Trailside Slavic Village. While I cannot speak to the issues regarding compliance with participation goals, I can speak to the positive impact that Trailside continues to have in the Broadway Slavic Village neighborhood.

Slavic Village Development (SVD) has worked with Third Federal Savings and Loan for decades, dating back to before TFSL made the important decision to remain in the neighborhood, expand their headquarters, and develop Trailside. SVD assisted with property assembly and taking offline dozens of acres of vacant and abandoned industrial property for both TFSL's offices as well as Trailside.

Since the development of Trailside, we have welcomed over twenty new families to the neighborhood, most of whom are first-time homebuyers who make modest incomes. While the initial sales of homes to their first owners do not impact appraised values for existing single-family homes, SVD has been able to use subsequent sales to the second households as comparable values for appraisal purposes. This has allowed SVD to continue to take vacant and abandoned homes, rehab them to green-building standards, and sell them on the open market at affordable yet reasonable prices that allow us to recoup the costs of making significant investments in these rehabbed homes.

TFSL continues to subsidize Trailside because they believe in the future of our neighborhood, and they know how important building new homes in weak market neighborhoods is to attracting commercial and residential investment. We hope that they are able to continue to do so until our market fully stabilizes.

Sincerely,

Christopher Alvarado, Executive Director

WWW.SLAVICVILLAGE.ORG



THANK YOU FOR YOUR TIME



CITY OF CLEVELAND
Justin M. Bibb, Mayor

Blaine Griffin, Council President
Rebecca Maurer, Council Member, Ward 12

TRAILSIDE SLAVIC VILLAGE PROJECT

Your Tax Dollars At Work

Alyssa Hernandez, Director, Department of Community Development
James Greene, Commissioner, Division of Neighborhood Development
Third Federal Savings & Loan, Developer
Slavic Village Development

HELPING TO MAKE CLEVELAND A CITY OF CHOICE



Cleveland Board of Zoning Appeals

Old Business



Public Hearing



1. Cal. No. 23-015:	3301 Meyer Ave.	(TB, AF, NH)
2. Cal. No. 23-027:	2446 Professor Ave.	(TB, AF, NH)
3. Cal. No. 23-028:	2448 Professor Ave.	(TB, AF, NH)
4. Cal. No. 22-213:	4100 Franklin Blvd.	(KB,TB,AF,NH,) <i>~safety plan rcvd.</i>
5. Cal. No. 22-232:	12503 Kinsman Ave.	(KB, TB, AF, NH)*
6. Cal. No. 22-182:	1116 Auburn Ave.	(TB,AF,NH,PR)*
7. Cal. No. 22-208:	2458 Tremont Ave.	(KB,TB,AF,NH, PR)
8. Cal. No. 22-186:	17426 Harvard Rd.	(KB,TB,AF,NH,PR)*
9. Cal. No. 22-018:	4420 East 156 St.	(KB,TB,AF,MB)* <i>REMINDER SENT</i>

AFFIRMATION:

UPCOMING POSTPONEMENT: NONE.

MISC-

- ~ Items received
- * Pending the receipt of requested information by the Board.
- *** Request for Rehearing/Reconsideration.

Cleveland Board of Zoning Appeals

Adjournment

