

VILLAGE OF BRATENAHL  
10300 BRIGHTON ROAD  
BRATENAHL, OHIO 44108  
(216) 383-0468

BOARD OF ZONING APPEALS

WEDNESDAY, APRIL 30, 2025  
5:30 p.m.

MAYOR KEITH BENJAMIN, CHAIR  
KAREN BRACE  
DAVID KOZINSKI  
FRED KREINER  
JEFF MOLCHAN

NANCY L. MOLNAR, RPR, CLR

3

1 MAYOR BENJAMIN: And seconded. Roll  
2 call. Brace?  
3 MS. BRACE: Aye.  
4 MAYOR BENJAMIN: Molchan?  
17:31:27 5 MR. MOLCHAN: Aye.  
6 MAYOR BENJAMIN: Kozinski?  
7 MR. KOZINSKI: Aye.  
8 MAYOR BENJAMIN: Kreiner?  
9 MR. KREINER: Aye.  
17:31:32 10 MAYOR BENJAMIN: You need to abstain.  
11 MR. KOZINSKI: Oh, abstain.  
12 MAYOR BENJAMIN: Thank you. Kreiner  
13 said aye and Benjamin is also an aye.  
14 And then the BZA meeting of March 6,  
17:31:42 15 2025, is there a motion to approve those minutes?  
16 MR. KREINER: So moved.  
17 MR. KOZINSKI: Second.  
18 MS. BRACE: Second.  
19 MAYOR BENJAMIN: It's been moved and  
17:31:49 20 seconded. Roll call. Brace?  
21 MS. BRACE: Aye.  
22 MAYOR BENJAMIN: Molchan?  
23 MR. MOLCHAN: Abstain.  
24 MAYOR BENJAMIN: Kozinski?  
17:31:54 25 MR. KOZINSKI: Aye.

2

1 MAYOR BENJAMIN: Okay. It is 5:30.  
2 Good afternoon. We're going to call to order the  
3 Board of Zoning Appeals for Wednesday, April 30,  
4 2025. It is 5:30 p.m. I will call the roll.  
17:30:44 5 Karen Brace?  
6 MS. BRACE: Here.  
7 MAYOR BENJAMIN: Jeff Molchan?  
8 MR. MOLCHAN: Here.  
9 MAYOR BENJAMIN: Dave Kozinski?  
17:30:50 10 MR. KOZINSKI: Here.  
11 MAYOR BENJAMIN: Fred Kreiner?  
12 MR. KREINER: Here.  
13 MAYOR BENJAMIN: And I'm Keith Benjamin.  
14 I am also present.  
17:30:55 15 The next agenda item are the approval of  
16 the minutes. If I looked at this correctly for  
17 the BZA meeting for December 4th, Mr. Kozinski,  
18 you need to abstain. And for the meeting of  
19 March 6th, Mr. Molchan, you need to abstain as  
17:31:12 20 well.  
21 So is there a motion to approve the  
22 minutes of December 4, 2024?  
23 MR. KREINER: So moved.  
24 MAYOR BENJAMIN: It's been moved.  
17:31:20 25 MR. MOLCHAN: Second.

4

1 MAYOR BENJAMIN: Kreiner?  
2 MR. KREINER: Aye.  
3 MAYOR BENJAMIN: And Benjamin is an aye.  
4 Okay. Next order of business is the  
17:32:04 5 swearing in of speakers. If you plan on making  
6 any comments tonight, you need to, before we  
7 speak, do a swearing in. So if you plan on  
8 speaking tonight, please raise your right hand.  
9 I should raise my right hand, too, and repeat  
17:32:23 10 after me.  
11 (All potential speakers were sworn in by  
12 Mayor Benjamin.)  
13 MAYOR BENJAMIN: Thank you very much.  
14 Okay. Next on the agenda is 10007  
17:32:58 15 Lakeshore Boulevard. And I need to recuse  
16 myself, because I didn't realize this, but as the  
17 crow flies, I guess my home is within 300 feet of  
18 this property. So we have a policy that when  
19 anyone's home is within 300 feet, we recuse  
17:33:22 20 ourselves from the discussion.  
21 So is there anyone from the BZA who  
22 would like to take this one on while I step out  
23 of the room?  
24 MR. KREINER: Are you looking at me?  
17:33:31 25 MAYOR BENJAMIN: Somebody has got to do

1 it.

2 MR. MOLCHAN: Actually, Fred we're all  
3 looking at you. (Laughter.)

4 MS. BRACE: You're first in line.

17:33:39 5 MAYOR BENJAMIN: This is the interesting  
6 one. You got it?

7 MR. KREINER: Yes.

8 MAYOR BENJAMIN: Okay. Call me if you  
9 need me or when you're done.

17:33:44 10 (Whereupon, Mayor Benjamin left the  
11 meeting room.)

12 MR. KREINER: So applicants are Mohammad  
13 Ali and Akram Varghai. Do you want to tell us  
14 what you're planning to do and anything you think

17:34:01 15 we should know about the placement, the proposed  
16 placement of the generator?

17 MR. VARGHAI: Just we want to put a  
18 generator in the front yard. I explained that

17:34:20 19 our backyard is a little bit unstable. And we  
20 can't place there. Two contractors, they looked

21 at it and they said the front yard is the best  
22 place because it has good distance from our house  
23 and neighbors. If we place it in backyard, not

17:34:39 24 only it will be unstable, actually we lost part  
25 of our backyard because just of erosion. They  
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1 told me the backyard is going to be very close to  
2 not only our house, the neighbors. The noise and  
3 just is going to be very annoying.

17:34:57 4 The front yard is about 80 plus feet  
5 from the street. I believe this was discussed  
6 last time here. And the downside of the front  
7 yard was the visibility from the street. And we  
8 placed some evergreens surrounding this, which is  
9 completely blocked from the street.

17:35:19 10 MR. KREINER: And that's what we have  
11 the picture of today?

12 MR. VARGHAI: Correct. As I said, this  
13 is far from our house and the neighbor's house.

17:35:38 14 So you can't even view it from the street. And  
15 from a noise standpoint, it's going to be much  
16 better. It's going to be right next to the gas  
17 and electric meter, which are pretty tall. They  
18 have been there since we moved here and that's  
19 the way it's placed. It is right behind it,

17:35:55 20 which is close to our house, in between meters  
21 and our house, but it is just a couple of meters  
22 behind. So it is far from neighbors and our  
23 house, far from the street.

17:36:15 24 MR. KREINER: So this is an atypical  
25 situation where the electric meter is far away

1 from the house and in the front yard right where  
2 you intend to place a generator?

3 MR. VARGHAI: It's the same situation as  
4 our neighbor. I believe that's the way they made

17:36:27 5 it. Our neighbor, taking your gas meter next to  
6 each other, involved taking all -- in our case,  
7 it's about 80 feet from Lake Shore. And this is  
8 going to be right next to this, yeah.

9 In the picture you can see we planted  
10 some evergreen and some burning bush. Our  
11 burning bushes are very small right now. The  
12 gardeners said they're going to grow pretty fast,  
13 but the evergreens completely screen and covers  
14 it from the street.

17:37:03 15 MR. KREINER: Okay. Thank you. Mrs.  
16 Ranney, have we heard from any neighbors in  
17 response to the notices that went out?

17:37:18 18 MR. VARGHAI: Last time the neighbors  
19 were involved and they didn't have any objection  
20 or actually we put -- as I mentioned, putting it  
21 in the backyard, it's going to be kind of  
22 annoying to the neighbors, because this distance  
23 is farther from that.

17:37:32 24 MS. RANNEY: I've not heard from any of  
25 the neighbors, but one of the neighbors is  
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1 another applicants tonight.

2 MS. STANICH: Yeah, I'm the neighbor. I  
3 could care less if that's there.

4 MR. KREINER: So you're okay with it.

17:37:42 5 MS. STANICH: Yeah.

6 MR. KREINER: Anybody else in the  
7 audience have thoughts on this? What do we have  
8 from the Planner? Suggested approval?

9 MS. BRACE: Yeah.

17:38:11 10 MR. KREINER: So details on the post  
11 screening are required to be submitted to the  
12 Building Commissioner. They're already planted.

13 MS. RANNEY: Which is already taken care  
14 of.

17:38:20 15 MR. KREINER: Yeah. It's quieter than  
16 most.

17 MS. RANNEY: It's not installed in that  
18 picture. It's just situated there for the  
19 moment.

17:38:28 20 MR. KREINER: Does anybody on the Board  
21 have any questions or anything?

22 MR. MOLCHAN: Do we have the screening  
23 plan that was submitted to the Building  
24 Commissioner, because it wasn't included in the  
25 packet.

1 MS. RANNEY: There's no screening plans.  
 2 The picture that was submitted yesterday from Dr.  
 3 Varghai shows the actual screening.  
 4 MR. MOLCHAN: Just through the  
 5 evergreens.  
 6 MR. KREINER: Yeah. So those were  
 7 planted.  
 8 DR. VARGHAI: They just planted  
 9 evergreens a few days ago. I took the pictures  
 10 after they planted.  
 11 MR. MOLCHAN: One other questions I had.  
 12 So the transfer switch is going to be out at the  
 13 street.  
 14 DR. VARGHAI: No, my understanding is  
 15 it's going to be next to the generator.  
 16 MR. MOLCHAN: I'm sorry, but out of the  
 17 way from your house, are they going to mount it  
 18 on the same --  
 19 DR. VARGHAI: I believe so. The way the  
 20 contractor said it's going to be next to the  
 21 generator.  
 22 MR. MOLCHAN: So it will be on this  
 23 structure that your electric meter is already  
 24 mounted to?  
 25 DR. VARGHAI: Yes.  
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1 MR. MOLCHAN: Okay.  
 2 MR. KREINER: Any other thoughts of the  
 3 Board members?  
 4 MS. BRACE: No, I think it's pretty  
 5 straightforward.  
 6 MR. KREINER: Agreed. Somebody needs to  
 7 make a motion to approve.  
 8 MR. KOZINSKI: I make a motion to  
 9 approve.  
 10 MS. BRACE: Second.  
 11 MR. KREINER: Roll call. Ms. Brace?  
 12 MS. BRACE: Aye.  
 13 MR. KREINER: Mr. Molchan?  
 14 MR. MOLCHAN: Aye.  
 15 MR. KREINER: Mr. Kozinski?  
 16 MR. KOZINSKI: Aye.  
 17 MR. KREINER: And Kreiner aye.  
 18 DR. VARGHAI: May I ask a question?  
 19 What was the reason that originally Bratenahl  
 20 decided to have it in the backyard, because  
 21 especially the houses that they are on the  
 22 northern part, they have big yards. And if it is  
 23 blocked from the street, it's probably more --  
 24 because if it's in the backyard, backyard from  
 25 the houses are much shorter and it's a lot of  
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1 noise. Nobody can use their backyards. I just  
 2 want to know the reason for it.  
 3 MR. KREINER: That's a good question. I  
 4 don't know.  
 5 MS. BRACE: I think it's pretty  
 6 standard, because not everybody has those huge  
 7 backyards and people don't want -- on other  
 8 streets wouldn't want to see the generator in  
 9 front of the house, but all the lots are so  
 10 different in Bratenahl. That's why we have these  
 11 exceptions at the meetings to allow for it.  
 12 (Whereupon, Mayor Benjamin entered the  
 13 meeting room.)  
 14 MR. KREINER: That one was approved.  
 15 MAYOR BENJAMIN: Was approved, great.  
 16 Thank you.  
 17 Okay. The next order of business is  
 18 10125 Lakeshore Boulevard, a proposed generator  
 19 in the side yard, a requested variance from  
 20 Schedule 1155.06(a), requirement that the  
 21 generator be located in the rear yard.  
 22 Is there an applicant here or  
 23 representative?  
 24 MS. STANICH: Yeah, me. So it's  
 25 basically same thing --  
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1 MAYOR BENJAMIN: Just your name and  
 2 address for the record.  
 3 MS. STANICH: Courtney Stanich, 10125  
 4 Lakeshore.  
 5 MAYOR BENJAMIN: Thank you. Go ahead.  
 6 MS. STANICH: It's the same thing  
 7 basically as his yard. On the side of the house,  
 8 there's the air condensers or whatever, so we're  
 9 going to put it right next to it. And you can't  
 10 see it from the street or my neighbors, the other  
 11 neighbor can't see it. And it can't be in the  
 12 back of the house because it like releases  
 13 exhaust that's, I guess, toxic. So I have side  
 14 windows and French doors back there, so I  
 15 wouldn't be able to use those, so it has to be on  
 16 the side.  
 17 MAYOR BENJAMIN: Okay. Thank you. We  
 18 did receive a memo from our Village Planner Kris  
 19 Hopkins. In the memo it discusses that the  
 20 request is a variance to allow the applicant to  
 21 install an emergency generator in the side yard  
 22 approximately 18 feet from the easterly side lot  
 23 line contrary to Section 1155.06(a), which limits  
 24 the placement to the rear yard a minimum of 20  
 25 feet from the side and rear lot lines.  
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1 Ms. Hopkins' evaluation includes the  
 2 reporting that most houses in the RLF District  
 3 are oriented towards the lake. And the zoning  
 4 code protects views of the lake via strict  
 17:43:50 5 setback requirements. Therefore, it's reasonable  
 6 to consider alternative locations on lots that  
 7 can accommodate generators and locations more  
 8 easily screened from view.  
 9 She notes that the proposed location in  
 17:43:59 10 the side yard near the existing air-conditioning  
 11 units and electric and gas meters is a reasonable  
 12 location for the generator given the size of the  
 13 lot, significant setback from the street and  
 14 distance from the neighboring house. And that  
 17:44:15 15 screening, in compliance with Section  
 16 1155.06(e)(3) from the neighboring house to the  
 17 east will be required.  
 18 She notes that details on the proposed  
 19 screening are required to be submitted to the  
 17:44:30 20 Building Commissioner before installation and  
 21 approved. And that with a sound level of 58 DBAs  
 22 during the weekly five-minute exercise mode in  
 23 the proposed generator is a quiet model based on  
 24 the typical range, which is usually between 60  
 17:44:48 25 and 80. And finally, Ms. Hopkins stated that  
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1 granting the variance will be in harmony with the  
 2 general purposes and intent of the zoning code.  
 3 Are there any questions from Board of  
 4 Zoning Appeals Commissioners regarding this  
 17:45:05 5 request for a variance?  
 6 MS. BRACE: No.  
 7 MR. KREINER: No questions.  
 8 MR. MOLCHAN: None.  
 9 MAYOR BENJAMIN: Any questions from  
 17:45:13 10 residents, members of the meeting tonight?  
 11 Hearing none, is there a motion to  
 12 approve the variance?  
 13 MR. MOLCHAN: I'll make the motion.  
 14 MR. KREINER: Second.  
 17:45:29 15 MAYOR BENJAMIN: Moved and seconded.  
 16 Roll call. Brace?  
 17 MS. BRACE: Aye.  
 18 MAYOR BENJAMIN: Molchan?  
 19 MR. MOLCHAN: Aye.  
 17:45:29 20 MAYOR BENJAMIN: Kozinski?  
 21 MR. KOZINSKI: Aye.  
 22 MAYOR BENJAMIN: Kreiner?  
 23 MR. KREINER: Aye.  
 24 MAYOR BENJAMIN: And Benjamin is an aye.  
 17:45:37 25 Thank you very much.  
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1 And finally tonight the last order of  
 2 business is 30 Hamlet Court. I'm going to move  
 3 right to the request here, a variance to allow  
 4 the applicant to install an emergency generator  
 17:46:00 5 in the north side courtyard behind the attached  
 6 garage at approximately 60 feet from the garage  
 7 wall of the neighboring house, 40 Hamlet Court,  
 8 to the north, contrary to Section 1155.06(a),  
 9 which limits placement to the rear yard with a  
 10 minimum setback of 20 feet from the side lot line  
 11 and 20 feet from the rear lot line.  
 12 And is there a representative or  
 13 resident today? Name and address.  
 14 MR. RITTER: Jeffrey Ritter.  
 17:46:41 15 MR. PEDRO: Joseph Pedro, 30 Hamlet.  
 16 MAYOR BENJAMIN: Thank you. Do you have  
 17 any comments?  
 18 MR. RITTER: The one comment is it is  
 19 behind the garage. It's hidden from and almost  
 17:46:56 20 even soundproof from all the other neighbors  
 21 because the way the house is situated, where the  
 22 generator is going to be, it's not going to cause  
 23 any noise or disturbance to any of the neighbors.  
 24 We believe that -- and the reason why we  
 17:47:17 25 don't want to put it back by the back of the  
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1 house is we have a deck out there and any kind of  
 2 exhaust or any kind of sound is not acceptable.  
 3 And it's right next to the nature conservatory,  
 4 too.  
 17:47:38 5 MR. PEDRO: And it will be going right  
 6 next to where the AC unit already is. So if you  
 7 look at the way the house is built, there's a lot  
 8 of different angles to it. It's technically in  
 9 the rear of the home. It's behind the garage.  
 17:47:48 10 MAYOR BENJAMIN: Okay. Yes, our  
 11 Planner, in her memo to us, did state that, as  
 12 shown in the plan and the photos, the generator  
 13 is proposed to be located approximately 60 feet  
 14 from the exclusive use area for Hamlet Court, 40  
 17:48:06 15 Hamlet Court, closest to the unit's attached  
 16 garage.  
 17 And her evaluation stated the following:  
 18 That there is no permitted location on this lot.  
 19 The current regulations do not address  
 17:48:19 20 condominium units surrounded by an exclusive uses  
 21 area that is only five feet from the outside  
 22 limits of the house; that the proposed location  
 23 in the exclusive use area behind the garage near  
 24 the house's air-conditioning unit is the best  
 17:48:37 25 location for the generator to be located as it is  
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1 across from the neighbor's wall where its  
 2 air-conditioning units are located and shielded  
 3 from the view from the street by the garage; that  
 4 the proposed location does not have existing  
 17:48:49 5 vegetation that will shield the generator from  
 6 view from the adjacent house, so details on the  
 7 proposed screening are required to be submitted  
 8 to the Building Commissioner prior to the  
 9 installation.  
 17:49:04 10 And that with a sound level of 67 DBAs  
 11 for normal operation during an emergency, the  
 12 proposed generator is a relatively quiet model  
 13 based on the typical range of between 60 and 80  
 14 DBA.  
 17:49:17 15 So it is her opinion that practical  
 16 difficulties exist and, therefore, it's  
 17 reasonable for the Board of Zoning Appeals to  
 18 grant the requested variance.  
 19 MR. PEDRO: We do have an HOA and  
 17:49:30 20 they've already said it's fine. As long as we go  
 21 through all the permits and everything, they're  
 22 fine with it.  
 23 MAYOR BENJAMIN: Thank you. We also  
 24 sent a letter to the neighbor at 40 Hamlet Court  
 17:49:43 25 and we received no response.  
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1 MS. RANNEY: No.  
 2 MAYOR BENJAMIN: Thank you. Any  
 3 questions or comments from Commission members?  
 4 MR. KREINER: I'd only comment that I  
 17:49:56 5 think this is arguably already in the backyard  
 6 and 60 feet from the sideline, so it would really  
 7 appear to be the best location for the generator.  
 8 MAYOR BENJAMIN: Any other comments or  
 9 questions from members of the public?  
 17:50:16 10 Hearing none, is there a motion to  
 11 approve the new generator installation at 30  
 12 Hamlet Court?  
 13 MR. KREINER: So move.  
 14 MR. KOZINSKI: Second.  
 17:50:26 15 MAYOR BENJAMIN: It's been moved and  
 16 seconded. I will call the roll. Brace?  
 17 MS. BRACE: Aye.  
 18 MAYOR BENJAMIN: Molchan?  
 19 MR. MOLCHAN: Aye.  
 17:50:26 20 MAYOR BENJAMIN: Kozinski?  
 21 MR. KOZINSKI: Aye.  
 22 MAYOR BENJAMIN: Kreiner?  
 23 MR. KREINER: Aye.  
 24 MAYOR BENJAMIN: And Benjamin is also an  
 17:50:36 25 aye. Thank you very much.  
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1 Is there any additional new business  
 2 before the BZA this evening?  
 3 Hearing none, is there a motion to  
 4 adjourn?  
 17:50:47 5 MS. BRACE: I move to adjourn.  
 6 MR. KOZINSKI: Second.  
 7 MAYOR BENJAMIN: Brace?  
 8 MS. BRACE: Aye.  
 9 MAYOR BENJAMIN: Molchan?  
 17:50:54 10 MR. MOLCHAN: Aye.  
 11 MAYOR BENJAMIN: Kozinski?  
 12 MR. KOZINSKI: Aye.  
 13 MAYOR BENJAMIN: Kreiner?  
 14 MR. KREINER: Aye.  
 17:50:26 15 MAYOR BENJAMIN: And Benjamin is an aye.  
 16 Have a good night everyone.  
 17 (Meeting adjourned at 5:50 p.m.)  
 18 ~ ~ ~ ~ ~  
 19  
 20  
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 24  
 25  
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1 CERTIFICATE  
 2  
 3  
 4 I, Nancy L. Molnar, do hereby certify that  
 5 as such Reporter I took down in Stenotypy all of  
 6 the proceedings had in the foregoing transcript;  
 7 that I have transcribed my said Stenotype notes  
 8 into typewritten form as appears in the foregoing  
 9 transcript; that said transcript is the complete  
 10 form of the proceedings had in said cause and  
 11 constitutes a true and correct transcript therein.  
 12  
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 15 Nancy L. Molnar  
 16 Nancy L. Molnar, Notary Public  
 17 within and for the State of Ohio  
 18  
 19 My commission expires April 25, 2029.  
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