

Minutes of the Zoning Board of Appeals  
Sheffield Lake, Ohio  
July 15, 2009

The regular meeting of the Zoning Board of Appeals was held Wednesday, July 15, 2009. Chairperson Jancura called the meeting to order at 7:07 PM.

**ROLL CALL OF MEMBERS:**

Present: Jancura, Ebenschweller, McClelland, Kovach, Building Inspector Wiblin

Absent: Tatter (excused)

Attending: Applicants, Concerned Citizens

**MINUTES:**

\*Motion by Ebenschweller/Second by McClelland to accept the minutes of February 18, 2009 as presented. Yeas All.

**CORRESPONDENCE: None.**

**PRESENTATIONS: *Building Inspector Jon Wiblin presented:***

***Roman Tarnawsky, 3599 East Lake Road, Sheffield Lake.*** Chairperson Jancura swore in Mr. Tarnawsky for testimony. Building Inspector Wiblin presented Mr. Tarnawsky currently has a 2-car garage that is 22 X 22 and he would like to replace with a 32 X 28 garage. Why this has to go to the Zoning Board of Appeals is just because it is non-conforming, it is on the north side of Lake Road. To rebuild it – you can build something up to 10% larger and he has plenty of room in the front of his house but that is the only reason why it has to come here is just because he is going to add approximately 400 square feet to it. The garage is in bad condition, he purchased it a couple of years ago and this will make a great improvement to the house and to the lot. Chairperson Jancura stated it sounds like the existing garage is semi-dangerous, that it may very well fall down in a storm or something like that so it is not necessarily the safest thing. Mr. Tarnawsky advised I added to that most recently on a December night with an inch snowfall on the ground in turning around the driveway the car decided not to cooperate completely. So it is functional and when we had originally had contacted Mr. Wiblin before this had happened, 22 feet wide is just a little narrow for 2 cars and now that it is slightly damaged we are thinking you know let's build something that will accommodate more room and so on and so forth. As it is it does need repair and I would rather just start all over. Chairperson Jancura explained one of the standards in terms of granting variances, we need to establish some kind of hardship so I am going to ask questions about what you are to be doing with this garage. Do you currently have other storage like a shed or anything else on the property? Mr.

Tarnawsky answered no. Chairperson Jancura continued sounds like the extra storage area would be for snow blowers and lawn mowers and all the other things you need to care for your property? Mr. Tarnawsky answered correct and ultimately storage also for, since we are on the north side of Lake we don't have any kind of water craft right now but that is something we would like to do in the future and be able to store it on the premises rather than have it in a self-storage type place somewhere. Chairperson Jancura opened the floor for question and answer period. Mr. Ebenschweller held up drawing and asked this is representative of what it is going to look like? Mr. Tarnawsky answered yes sir. Mr.

Ebenschweller stated that was my only concern when I first looked at it was the height but I noticed that your house has got a high peak on it so that became a non-issue for me. Chairperson Jancura clarified Mr. Wiblin it is just a variance for non-conforming correct? Building Inspector Wiblin answered right just because I could only allow up to 10% larger so that is the only reason why it ever came here.

**Timothy Coon, 4309 Knickerbocker** – Building Inspector Wiblin presented this property is at 4309 Knickerbocker Road and he would like to build an addition onto his current 2-car garage, just for more storage and everything additionally. There is a drawing attached that he would like to raise though the main roof line of the house to 17-foot in height and the current ordinance states that the roof line cannot be taller than the current house. I estimate the current house at 14 or 14-1/2 feet and I told him that because while I was off with my knee surgery and I actually even went to his house because Wendy wasn't real sure about everything on this one and so I had given him a couple of options on putting his roof line different, turning a couple different things around and he didn't wish to do that so he wished that it could go to the Zoning Board of Appeals to go above what current ordinance states. Chairperson Jancura stated so he needs a variance for 3 feet in height? Building Inspector Wiblin concurred 3 feet in height for the garage, higher than his house. Chairperson Jancura explained there not being anyone here representing Mr. Coon we are unable to ask him questions.

**Dan and Nancy Smith, 4605 Edgewater** - Chairperson Jancura swore in Mr. Smith for testimony. Building Inspector Wiblin presented this property is located at 4605 Edgewater Drive and it is a 40-foot wide lot on Edgewater, 2 houses down from the Community Center on the east side. A couple of years ago there was a variance for the house right beside it that also needed it because of the lot size. He is allowed to rebuild there, there was a current 1800 almost 1900 square foot house there so before he demolished the old house I kept all the old information so he is allowed to rebuild but with the new house he will be closer to the lot line than what the old house was. He will be 2-foot on one side and 4-foot on the other side so he may just need the variance for the closer to the lot line on one side or the other. The old house was 30-foot wide and this house will be 34. The garage will be in front of the house and then the house is behind it additionally also. Chairperson Jancura asked so you are going to rebuild everything? Mr. Smith answered yes.

Chairperson Jancura asked the variances will be? Building Inspector Wiblin answered will be for the side yard variance; 2-foot on one side and 4-foot on the other side – for the house. Mr. Ebenschweller asked for both structures?

Chairperson Jancura advised that would be for the house, the garage is only 28-feet wide according to the schematic here. Does he need a non-conformity use variance for the garage? Building Inspector Wiblin answered no just because he did have the house here before so he can rebuild and I can grant up to 10% larger. He can even go up above that. Everything else is okay. Chairperson Jancura asked what if he wanted any kind of larger garage then what is here, is that even remotely possible or don't even worry about it? Building Inspector Wiblin answered no, I mean even if he brought it over to match the house. Basically he needs a 2-foot and a 4-foot side yard variances. Without even saying anything of course when he builds the garage and the house there won't be any windows that could be caught fire by the other house. I will make sure that it has X-rated drywall with the 5/8 X-rated drywall for the fire resistance without even saying any of that kind of stuff. I haven't seen the blue prints of the house but I mean he did bring the pictures of what it is going to look like. I am sure he just wants the north side view more then east or west too much. Mr. McClelland asked are your neighbors here? Mr. Smith answered yes one of them is. Mr. Jim Kolleda answered the west side. Chairperson Jancura asked would you like to make any statements to the Board sir? Mr. Kolleda answered no. Chairperson Jancura asked do you have any objections to the proposed plans? Mr. Kolleda answered no.

Chairperson Jancura advised this concludes our presentations for the evening and she closed the floor for discussions.

**Mr. Roman Tarnawsky, 3599 Lake Road for a variance of non-conforming use on Lake Road to exceed the 10% of land use.** Mr. Ebenschweller stated I think the structure is way better then what is there now, I would have no problem with this. Mr. McClelland stated I am with it. Chairperson Jancura advised I also approve of it as well. \*Motion by Ebenschweller/Second by McClelland to approve as presented. Yeas All.

**Mr. Timothy Coon, 4309 Knickerbocker** – Chairperson Jancura advised him not being here, he doesn't have any reasonable grounds to make it higher then the roof and since we can't ask him any questions. Mr. McClelland asked you have suggested to him various options correct? Building Inspector Wiblin answered right, I gave him a couple different options and when I was off work for my knee and he came back in and told Wendy that he didn't like my options and wanted to send it to the Zoning Board of Appeals because I told him that option also. Chairperson Jancura asked he knows that we meet and he could have appeared and he was encouraged to appear. Clerk Fantauzzi advised I made that very clear to Wendy who makes that very clear to all applicants that they have to attend. After a brief discussion on options. Mr. Kovach advised actually I think if this Board denies him, his recourse would be to go to the Common Pleas Court. \*Motion by

McClelland/Second by Ebenschweller to TABLE. Yeas All. Chairperson Jancura advised we will table until the next meeting and we will give him very official notice if you don't show up, this may very well be denied.

**Mr. Dan Smith, 4605 Edgewater for a side yard variance of 2-feet on one side and 4-feet on the other.** Mr. Ebenschweller stated we have had cases in the past in the Mispah area where these have been granted and with the extra precautions of firewalls and what not. Chairperson Jancura added and 40-feet is not a lot to work with at all. Mr. Ebenschweller concurred it is a definite hardship I think. Mr. McClelland stated no objections from neighbors. \*Motion by Ebenschweller/Second by McClelland to approve as presented. Yeas All.

**OLD BUSINESS: None.**

**NEW BUSINESS: None.**

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by McClelland/Second by Jancura to adjourn at 7:17 pm. Yeas All.

**CLERK OF COMMITTEE AFFIRMATION:** This Meeting Of The City Committee Of The City of Sheffield Lake, Ohio Was Held and Conducted Under All Rules and Regulations Governing The Sunshine Laws Of The State Of Ohio As They May Apply. All meetings are recorded and available in council's office.

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CLERK OF COUNCIL

*Kay Fantauzzi*

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CHAIRMAN OF COMMITTEE

*Diana Jancura*

I, Kay Fantauzzi, duly appointed Clerk of Committee Of Sheffield Lake DO HEREBY CERTIFY that this Is a true and exact copy of the Minutes of the Board Of July 15, 2009.

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PRESIDENT OF COUNCIL

*Edward R Podmanik*