

Minutes of the Zoning Board of Appeals  
Sheffield Lake, Ohio  
September 16, 2009

The regular meeting of the Zoning Board of Appeals was held Wednesday, September 16, 2009. Chairperson Jancura called the meeting to order at 7:03 PM.

**ROLL CALL OF MEMBERS:**

Present: Jancura, Tatter, Ebenschweller, McClelland, Kovach

Absent: Building Inspector Wiblin (excused)

Attending: Applicants

**MINUTES:**

\*Motion by Ebenschweller/Second by McClelland to accept the minutes of the July 15, 2009 and September 2, 2009 meetings as presented. Yeas All.

**CORRESPONDENCE: None.**

**PRESENTATIONS:**

**Robert Kauffman** – Chairman Jancura swore in Mr. Kauffman, 781 Sheffield Road. Mr. Kauffman explained I won the 3 lots that right behind my house and to the south of me and I want to build a garage on them. Chairman Jancura asked will it straddle the 3 parcels? Mr. Kauffman answered it will probably be on 2 of them. The Board reviewed submitted drawing. Mr. Tatter asked you indicate a creek going through, is that a bridge or a walkway? Mr. Kauffman answered I have a bridge over top of it. Mr. Tatter asked that is already existing? Mr. Kauffman answered yes. Mr. Tatter asked do you know your lots combined would that be a buildable lot, right now is it considered buildable? Mr. Kauffman answered I think it is buildable because of the creek for a house. That was the understanding when I bought the lots that it would be buildable, that and for some reason there is no sewer that goes there that I could connect to. Chairman Jancura stated so there is no way to reposition this because of the lie of the creek – it is what it is and that is what you are limited. Mr. Tatter stated and by putting the garage there you would not be creating a non-buildable lot then because of the garage placement. If it is already non-buildable, you can't make it more non-buildable. He advised if it were buildable you could be doing yourself a disservice financially if you put the garage in the wrong place and it wouldn't meet future set-back requirements. That is assuming that it could be a buildable lot. Mr. Kauffman answered I don't think it is. Mr. Ebenschweller advised it is pretty rugged back there. There was a brief discussion. Mr. Tatter asked you need a place to store on custom cars, will you be working on custom cars in that garage space? Mr. Kauffman answered no, just small things that I would have to do to it. I am not going to be rebuilding cars back

there. Yeas All – Tatter, Ebenschweller, McClelland, Jancura – variance granted. Chairman Jancura advised for Mr. Kauffman we are in agreement that there is a hardship being the lay of his land, especially the existence of the creek on the land. He really doesn't have any alternatives of where to put the building and it is a non-buildable lot.

**Timothy Coon** – after a brief discussion, Mr. Tatter noted Mr. Coon applied for a height variance but he very well may need a rear yard variance too if he were to build the proposed structure. Nays All – Tatter, Ebenschweller, McClelland, Jancura – variance denied.

**Jim Kolleda and Dan Smith (TABLED)** – Chairman Jancura advised I spoke with Mr. Kolleda and Mr. Smith's attorney and he advised that they are getting a survey of the new building and the lay of it in relationship to the parcels because we needed the guidance in terms of variances. Granted no one showed up so we had a discussion amongst ourselves. We are not grant a variance just because he created a building in his own hardship and that they may very well need to a lot split because the building on 2 parcels both parcels would need side yard variances and all sorts of different variances that they created themselves and we are not going to just grant it because he put a building. He assured me that he would have a survey in October and I told him in October we are going to vote on this whether he is here or not we are voting in October. He would not get another chance and that we are all personally offended that nobody showed up for the special meeting that we were able to come to.

**OLD BUSINESS: None.**

**NEW BUSINESS:** Chairperson Jancura advised with regard to these special zoning board meetings. I would like to discuss assessing a \$100.00 fee in addition to their original variance fee. That is contingent upon the granting of the special meeting. So if they say they request a special meeting, Kay calls me and if I approve it they have to pay \$100.00 and the reason for that is you still have to do service upon all of the abutting properties that there is a special meeting. Jon Wiblin appears and usually David Graves gets involved with a special meeting and all of us have to appear, so there is administrative costs for this special reason and it also shows a good faith effort that I am really serious and I have a very good reason for calling this special meeting rather than hey I want to do what I want to do right away. Mr. Ebenschweller stated it has to be approved by Council? Chairperson Jancura advised no, we can do it ourselves – we are self-governing. We are allowed to implement fees and I talked to David Graves about this today and he said you can do it on your own. That we can just implement it, we tell Kay and she changes the form and that is what it is. After a brief discussion, \*Motion by McClelland, Second by Tatter to assess a costs of \$100.00 administrative fee for any special zoning board meetings that are called and approved for by the Chairman of the Zoning Board of Appeals, not with standing the original variance

application fee. ROLL CALL FOR APPROVAL OF ADDITIONAL FEE: Yeas All – McClelland, Ebenschweller, Tatter, Jancura.

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Ebenschweller/Second by Tatter to adjourn at 7:25 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 September 16, 2009.

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PRESIDENT OF COUNCIL

*Edward R Podmanik*