

Minutes of the Zoning Board of Appeals  
Sheffield Lake, Ohio  
December 19, 2012

Please be advised that due to technical difficulties with the recording system these minutes of this meeting were produced by Chairperson Diana Jancura.

The regular meeting of the Zoning Board of Appeals was held Wednesday, December 19, 2012. Chairperson Jancura called the meeting to order at 7:03 PM.

**ROLL CALL OF MEMBERS:**

Present: Jancura, Pavkovich, Tatter, Rinderknecht, McClelland, Kovach,  
Building Inspector Wiblin

Attending: Law Director Graves, Applicants, Concerned Citizens

Introduction and greetings to Greg Pavkovich, the newly-appointed member of BZA.

**Minutes:** \*Motion by Rinderknecht/Second by Tatter to approve the minutes of the Zoning Board of Appeals meeting of October 17, 2012 as presented. Yeas All.

**CORRESPONDENCE:** None.

**ADMINISTRATION OF OATH** – To applicants and audience members who will be speaking to and making statements before the Board.

**APPLICATIONS:**

**Leonard A Zadavec, 951 Lakewood Beach Drive** – Applicant seeks variance to build second garage which will be built on vacant parcel adjacent to parcel which occupies primary residence and upon which a garage already exists and will remain after the construction of the second garage. Applicant to purchase 3 vacant lots adjacent to existing property. Vacant lots are approximately 40 x 135 each.

**COMMENTS FROM BUILDING INSPECTOR WIBLIN:**

Inspector Wiblin states that building is not an accessory building due to size and intended purpose. It is a private garage and falls within definition of private garage under SL Code 1111.04(35)(c). Proposed private garage approximately 1,280 sq. ft. and existing residence is 1789 according to Lorain Co. real estate records.

**STATEMENTS FROM MIKE BARTKO, DESIGNATED AGENT OF LEONARD ZADRAVEC, PROPERTY OWNER:**

Applicant seeks to build 6-car garage which will house various vehicles which are used by property owner's family. There are several people living in house including 7 licensed drivers all of whom have automobiles at the property. Mr. Bartko also collects and restores old cars and currently has 2 cars stored in the existing garage as well as 2 cars for himself and 2 cars for his wife. He states that the new garage will house work-in-progress projects and the automobiles for he and his wife. He also states intent to build a residence in the future on the remaining vacant lots for his disabled son.

**QUESTIONS FROM BZA:**

Member Tatter questions Wiblin regarding creation of unbuildable lot due to SL minimum frontage requirement. If variance is granted on vacant lot directly adjacent to residence, the remaining 2 lots will be unbuildable under SL minimum frontage standard and will require future variance. Tatter also questions which lot the variance will be granted as all 3 lots are listed in the application. Wiblin replies that variance will be granted only to lot directly next to lot upon which residence is built. Wiblin acknowledges creation of unbuildable lot under minimum frontage requirement but states that it would be property owner's choice and responsibility to obtain variance in the future should he desire to build on the lots. Tatter reiterates concern regarding granting of variance and creation of unbuildable lot as it is inappropriate for BZA to create unbuildable lot upon granting of variance.

Chairperson Jancura requests copy of Option to Purchase and asks relationship between Leonard Zadavec and Mike Bartko and other parties listed on the Option to Purchase contract. Mr. Bartko advises Mr. Zadavec, along with he and his wife (daughter of Zadavec) seek to purchase land as they intend to remain at property permanently. Discussion regarding number of individuals living at the property and their intended length of residency. Jancura questions Bartko regarding intended purpose of garage and whether an alternate location could be found. Jancura requests photo or diagram of building as well as schematic of proposed building to contain dimensions of building including height of building including peak, overhangs, and exact location of building in relation to existing residence and garage. Applicant produces diagram of building with some dimensions detailed but does not include all information required. Applicant cannot produce appropriate diagram of proposed building and precise measurements of new building in relation to existing buildings.

Member Rinderknect questions Bartko regarding fumes that may be created during restoration. He also questions regarding firewall of garage due to nature of work to be performed. Bartko replies that he will comply with requirements of Building

Inspector including firewall if required. He states that he may include ventilation system due to nature of his work. He states that he does not perform body or paint work on the automobiles and his work is confined to engine and performance restoration. He states that he does not intend to perform paint or body work at the new premises.

Member Tatter questions Inspector Wiblin regarding permitted height of proposed building. Inspector Wiblin refers to SL Code 1133.02(c) which states that private garage may not exceed height of dwelling and shall not be located less than 60 feet from front line or established setback line or shall be within or attached to the dwelling. Discussion regarding meaning of established setback line and location of proposed building. Under rough sketch provided by applicant, new garage to be located approximately 85 feet back from front line of vacant lot. Inspector Wiblin advises proposed location of new garage meets 60 feet requirement and location of existing residence does not create a new setback line. Discussion of meaning of 1133.02(c) among board members occurs.

**COMMENTS BY LAW DIRECTOR GRAVES:**

Law Director Graves addresses the applicants and advises that it is the applicant's burden to establish the existence of a practical difficulty, meaning that without the variance, practical difficulties are created in making use of the land. The standards for granting a variance are set forth in the Ohio Supreme Court case known as Duncan vs. Middlefield and includes a number of factors which the Board should consider.

Chairperson Jancura interjects Law Director Graves and states that she will now question the applicant regarding these various factors. She states that Law Director Graves has a previous engagement and will excuse himself when needed.

Chairperson Jancura questions Mr. Bartko on the various factors, and he replies as follows, his answers being consisting with the application submitted by Applicant:

1. Whether special conditions/circumstances exist which are peculiar to the property and not generally applicable to other lands or structures in the area. RESPONSE: No.
2. Whether property will yield reasonable return or other beneficial use without the variance. RESPONSE: Yes, reasonable return.
3. Whether variance is substantial and minimum necessary to make possible reasonable use of land or structures. RESPONSE: Variance is substantial and NOT minimum necessary.
4. Whether essential character of neighborhood would be substantially altered. RESPONSE: No other similar structures in neighborhood.

5. Would variance adversely affect delivery of governmental services.  
RESPONSE: No.
6. Whether owner purchased property w/ knowledge of zoning restrictions.  
RESPONSE: Purchase of land contingent upon granting of variance.
7. Special conditions or circumstances exist as result of actions of owner.  
RESPONSE: No.
8. Whether owners' predicament feasibly can be obviated through some other method. RESPONSE: Yes.
9. Whether spirit/intent of zoning requirement would be observed and substantial justice done by granting variance. RESPONSE: Yes.
10. Whether granting of variance would confer on applicant any special privilege that is denied by the regulation. RESPONSE: No.

#### COMMENTS BY CONCERNED CITIZENS:

Comments from Mr. McCray, owner of property adjacent to vacant lots. He is concerned regarding fumes created by automotive work as he has health issues and difficulty breathing due to effects of long-term exposure to noxious gases while employed in a factory.

Chairperson Jancura addresses Applicant to advise that the practical difficulty required under a variance cannot be created by the individual by whom a variance is sought. It is Applicant's own choice to collect automobiles and, by his own admission, he intends to collect even more if the variance is granted and additional garage is built.

#### BZA MEMBER DISCUSSION

\*Motion by Rinderknecht/Second by Tatter to allow the variance as requested.  
ROLL CALL FOR APPROVAL: Yeas –Rinderknecht/Nays – Tatter, McClelland, Pavkovich, and Jancura.

**OLD BUSINESS: None.**

#### NEW BUSINESS:

- A) Revisions of Building Department Application—Chairperson Jancura advises Board that she would like to begin the process of revising the Building Department Application to include more information and documentation for use the Board when considering variance requests. She states that Law Director Graves has provided her with a copy of the Application currently in use by Avon Lake from which Jancura can use as a model to base the new application for Sheffield Lake. Jancura advises that

she seeks to create an application that will make it easier for the Building Inspector and the Board and will allow the Board to have access to the information and documentation needed when considering an application such as county maps, building diagrams, etc.

B) Other

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Rinderknecht/Second by Tatter to adjourn at 8:35pm. 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*

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 Zoning Board of Appeals meeting of December 19, 2012.

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CHAIRMAN OF COMMITTEE

*Diana Jancura*

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PRESIDENT OF COUNCIL

*Rick Rosso*

*and/or*

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COUNCIL PRO TEM

*Eric S Elliott*