

Minutes of the Zoning Board of Appeals
Sheffield Lake, Ohio
October 17, 2012

The regular meeting of the Zoning Board of Appeals was held Wednesday, October 17, 2012. Chairwoman Jancura called the meeting to order at 7:02 PM.

ROLL CALL OF MEMBERS:

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

Absent: McClelland (excused)

Attending: Mayor Bring, Law Director Graves, Applicants, Concerned Citizens

Minutes: *Motion by Tatter/Second by Rinderknecht to approve the minutes of the Zoning Board of Appeals meeting of July 18, 2012 as presented. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: *Building Inspector Wiblin to present:*

Peggy Tillman, 4454 Edgewater Avenue – build a new home (non-conforming uses pursuant to section 1153). Building Inspector Wiblin presented the property is owned by Peggy Tillman, current home is in not good condition. She has family owned properties on either side of the current property, it is a 35 X 122 lot and they would like to rebuild the home and add a second story to the home which is above the 10% that I can allow.

Chairperson Jancura swore in Peggy Tillman for testimony. Chairperson Jancura asked Mrs. Tillman what is the current use of the property? Mrs. Tillman answered a private home. Chairperson Jancura asked is anybody currently living there? Mrs. Tillman answered yes. Chairperson Jancura asked will they continue to live there? Mrs. Tillman answered no they won't be living there. Chairperson Jancura asked are they renters or is it family? Mrs. Tillman answered family. Chairperson Jancura asked once the new home is built, will you use it as rental property or how do you intend to use the property? Mrs. Tillman answered it will be family occupied. Chairperson Jancura asked will they occupy all year long or just seasonal use? Mrs. Tillman answered all year long. Chairperson Jancura asked will the new home have a garage? Mrs. Tillman answered no, there is an existing one which will stay. Member Rinderknecht asked what we concerned with is a height issue or is it a side setback issue as well? Building Inspector Wiblin answered the house is going to be on the same footprint as the current house – it is the size of the second story. There is another house on Edgewater down in the dip that went before this Board years ago that had to go through the same thing because of the size of the lot. Member Tatter asked do you know Mr. Wiblin the size of the proposed building square footage wise? Building Inspector Wiblin answered I just calculated

it, real close to 1200 square feet so it will increase it to 2400. Jason who is here with his wife and mother-in-law are who currently live in the home so they are the ones that want to stay residing in Sheffield Lake and do want to keep the fireplace that a Grandfather I believe built years and years ago. So they are going to incorporate keeping that fireplace that is existing at the home. Member Tatter stated I can't tell from the drawing provided but it looks like a pretty ornate window on the upper most level probably attic space. Is that going to be a finished attic space for a third level? Jason (son-in-law) answered no it was just to let light in. Member Rinderknecht asked the existing structure that is on that lot, what is the width of that footprint of the home that is currently there? Chairperson Jancura swore in Jason Goree for testimony. Member Rinderknecht restated question the home that is on the lot, I have been by it but I did not measure but do you know? Mr. Goree answered off the top of my head it is 25 something wide and 48 something deep. Chairperson Jancura advised according to the Lorain County Auditor records it is 35.12 wide and 122 feet deep. Member Rinderknecht advised I was focused on the structure – 25 X 48 sounds reasonable. I have done just a little measuring and I am not certain that the rendering that I have here is to scale. Mrs. Tillman stated the way the Building Inspector described it it sounds to me like he thinks there is not a second floor on. There is a second floor on it so the pitch of the roof is so that you can't stand up in it. All he wants to do is make it higher, it is like a dormitory. Member Rinderknecht thanked her for the information but he stated it actually wasn't the height that I was concerned with. Mr. Goree advised it is 25.6 ½ wide and 48.9 ½ deep. Mrs. Tillman stated we are not going any wider. Chairperson Jancura clarified it seems like the variance needed is the additional 1334 square feet to add on to the existing house, since the existing house is 1066 and the new home will be 2400 so they need 1334 square feet variance. They are on the same footprint; the garage will stay. Member Rinderknecht asked was there a variance granted previously for the existing structure in terms of side lot setback? I will tell you why I ask and according to the auditors map and I am not taking this to be gospel I understand that lot is 122.16 by about 35.03 feet wide; given that and given a width of the proposed house and the existing house at 25 feet it would seem that that would leave 10 feet total and is that within code? Building Inspector Wiblin answered not for non-conforming, for a new house yes for R1 zoning but existing non-conforming is there – it is grandfathered under. Law Director Graves advised existing non-conforming means that when the structure was originally built it was in conformity under the code at that time, so it is grandfathered in. Chairperson Jancura asked are there any other houses on the street that have the similar structure in terms of height. Mr. Goree answered yes. Chairperson Jancura asked do you think the new house would affect the delivery of any kind of government services; EMS, Garbage delivery? Mr. Goree answered no. Chairperson Jancura asked do you think the building of a new house would substantially alter the neighborhood? Mr. Goree answered no. Mrs. Tillman

answered I think it would improve it. Chairperson Jancura asked if the variance is denied what will happen with the property? Mr. Goree answered I will file for a building permit to rebuild the house or leave it as a cottage or we will make it into a rental property. Member Tatter asked are you saying you will go with only the 10% increase? Mr. Goree answered all I am asking for is to do with the prints that I submitted for. Member Tatter stated no what you just said, you will remodel the house? Mr. Goree answered no what we will do is spruce it up and either leave it as a cottage or we will rent it out as a rental property and I will move out of Sheffield Lake into another community. Member Tatter asked you are the occupant? Mr. Goree answered yes and I have been there for 23 years. Member Tatter asked there is a driveway between the 2 houses, you have indicated that it may be a shared driveway. Mr. Goree answered it could be my driveway alone because I own most of it, that property contains most of that driveway. We bought the other property next to us in 1991 and we have never had any problems with sharing. Mrs. Tillman advised there is no easement on the driveway and it has enough room for a car to get in and there is a garage behind it. It is just that I bought the house to buy the driveway so we wouldn't have any problems with anybody saying can you move your car and that. There is no easement that one owns the other, each lot has its own driveway. Mrs. Tillman advised I own both lots. Mrs. Tillman advised on offers on the property. Member Rinderknecht asked I understand you own lot 17, 18, 19 and 20 as well as 39, concerning the lots that are both to the left and right of the property that you all wish to improve which is lots 17 and 19 – do you have any current or potential future plans for either of those homes? Mrs. Tillman asked to sale the homes? Member Rinderknecht asked not necessarily, this is an attractive drawing that you have here, I was particularly interested in if you had any plans for lot 19 and the reason that I ask you that is again according to the auditors internet maps and I do not propose to you that these are accurate – it would appear that the structure which is one of the smallest on the street actually extends over into lot 18. I was just curious if you had any future plans for that small house to the left as you face that residence? Let me tell you what my concern is and you were grandfathered in – the space between the home in question and that is at 4454 and the one immediately to its right if you are looking out toward the lake and that would be lot 19 it appeared to me when I drove by and looked at it was less than 3 feet. My concern here and it is not going to frankly sway this issue because you are building on the same footprint but if one house catches on fire the other one is going to burn down. I see this as potentially a very serious issue. Now it was grandfathered in and there is not much we can do about that. However you are adding an attic on top of it and that is why I asked you the question because it is such tight quarters through there. Mr. Goree on Edgewater there if you go to the Allen Court alley there that is across I noticed there is probably 10 properties on the road that all sit like that. There was a brief discussion on issue.

Chairperson Jancura advised after discussion a number of practical difficulties; one being that the costs of rehabbing the old house would probably almost as much as building the new house since new house building is so much more efficient than trying to deal with what you currently have. There is also an issue of the tax base will substantially increase from a current building value of \$38,560.00 to probably at least \$100,000.00 or more. I think that there is a finding that the new building won't substantially alter the neighborhood since there are other buildings that are the same height or at least close to it. The variance isn't going to affect government services providing EMS or garbage and that the spirit and intent of the zoning variance code itself will be preserved. We want to encourage new development and this classic the lake is where it is at and you are taking a very small house and making it something much more usable so that you and your family can stay here as you have for so many years.

*Motion by Rinderknecht/Second by Tatter to allow the variance as requested.
ROLL CALL FOR APPROVAL: Yeas All – Tatter, Rinderknecht, Jancura.

OLD BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Tatter/Second by Jancura to adjourn at 7:32 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.

CLERK OF COUNCIL
Kay Fantauzzi

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 Zoning Board of Appeals meeting of October 17, 2012.

PRESIDENT OF COUNCIL
Rick Rosso

And/or

COUNCIL PRO TEM
Eric S Elliott