

Minutes of the Zoning Board of Appeals
Sheffield Lake, Ohio
April 17, 2013

The regular meeting of the Zoning Board of Appeals was held Wednesday, April 17, 2013. Chairperson Jancura called the meeting to order at 7:15 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Pavkovich, Rinderknecht, Kovach, Mayor Bring, Law
Director Graves, Building Inspector Wiblin

Absent: Tatter (excused)

Attending: Applicants, Concerned Citizens

NOMINATION OF CHAIR: *Motion by Rinderknecht/Second by Pavkovich to nominate Diane Jancura for chairman. *Motion by Rinderknecht/Second by Pavkovich to close nominations. Approval of Diane Jancura for Chairperson: Yeas All – Rinderknecht, Pavkovich, Jancura.

Minutes: *Motion by Rinderknecht/Second by Pavkovich to approve the minutes of the Zoning Board of Appeals meeting of December 19, 2012 as presented. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: *Building Inspector Wiblin to present:*

a) Linda Eyring, 4601 Lake Rd., to place a storage shed on side property.

Building Inspector Wiblin advised Mrs. Eyring proposes to build a shed on the side of her property at 4601 Lake Rd. Sheds are to be in the rear yard, not in the side yard but she had told me that she previously had had a shed on that side of the property at one point and time. She has submitted drawings. Chairperson Jancura asked is this non-conforming because this is Lake Road, is this the north side of Lake Road. Building Inspector Wiblin answered yes but Edgewater is back behind it. It is right beside the Community Center so Edgewater is physically behind it. Chairperson Jancura swore in Linda Eyring at 4601 Lake Road for testimony. Chairperson Jancura asked can you tell us, the previous shed and the new shed, is there a size difference and if so about what the difference is? Mrs. Eyring answered I think the old one was probably 8 X 8, I put a sign out in front of my yard and somebody came and got it because it looked horrible. It was 8 X 8 I believe and this one – I would either do 8 X 10 or 8 X 12, I am still kind of not quite sure. A few feet longer/deeper than the old one because I don't have a garage and I have to keep my lawn mower, garden tools and such in it. The building that you are seeing

in the back – that has windows all the way around, it is like one of those old tee houses that used to be on the lake and it has windows all the way around it. I kind of use it as a three season room during the spring, summer and fall. Right now, I emptied out the shed and everything is stuffed in that room. It looks terrible from the street because it has got windows all over and it is really not a storage shed – it is like a sun room type thing. Chairperson Jancura stated I would think having windows all around you don't really have a lot of security, people can see exactly what is in there. Mrs. Eyring continued the other area behind my property, that is the lake view like where you would see the lake because all along the side is the park. I have a perennial flower garden across the whole back by Edgewater there and there is no room on the other side of my house. Member Rinderknecht asked the drawing that is attached to the application, I have read the application what variance is being asked for here. There is nothing in here that indicates what that is. Building Inspector Wiblin answered just being placed in the side yard – accessory structures are supposed to be rear yard only. Member Rinderknecht stated it is my limitation simply, not the application process but I would submit that there be a section put in these applications that delineates specifically the variance being asked for. Mrs. Eyring stated this is kind of a replacement of the shed that I had there. I don't have a garage either. Chairperson Jancura asked because she is putting the shed on the old footprint? Law Director Graves stated did anyone go and look at the site? Yeas and Nays were heard. Law Director Graves stated I just want to make sure that the Board is not construing this as perhaps a non-conforming situation where if she was merely reconstructing something on the same footprint that was there before – you didn't see any indication of a previous shed there did you. Building Inspector Wiblin answered not that I know of. Law Director Graves advised she has represented that a shed was at or near this location previously. There is no photographs of that, there is no visible indication of that, there is no concrete pad, there is no remnants. Mrs. Eyring stated it was up on blocks. Law Director Graves advised I think the Board should treat this as a new structure. Even it was there, it has been gone long enough that it would have lost its non-conforming status. Mrs. Eyring asked how long does it not have to be there because I took it out like in November, it was in the fall that they came and removed it. There is blocks there that it sat on and there is nothing on the ground. Law Director Graves asked is it your intention to build this on the exact footprint where you allege the old one was. Mrs. Eyring stated the old one was moved twice. Chairperson Jancura asked where was the old one when you got rid of it? Mrs. Eyring answered like even with this frame porch, even further forward by the framed porch but I don't think I am allowed to go past that. Law Director Graves advised this is not going to qualify as the existing non-conforming, so you should treat this as a new request for an accessory structure in the side yard. Member Rinderknecht stated just for a point of perspective, to the west of this shed is the parking lot of the Community Center. This is not residential area, this is the

Community Centers parking lot. Law Director Graves advised there is another house north of Edgewater behind her house before she gets to the lake. Mrs. Eyring asked does that make a difference – non-conforming versus conforming or whatever you call it? Chairperson Jancura answered yes it does, the standard is different; you need to establish certain hardships that prevent you from conforming with the code as it is. I need to ask you certain questions and some of which you have probably already answered in your application. Chairperson Jancura stated to look at your property in your back yard and any other place, perhaps you get rid of your flower garden and put the shed where the flower garden is. Mrs. Eyring answered then it would block my view and their view of the lake. Chairperson Jancura asked how would it be blocking your neighbors view? Mrs. Eyring answered because they have to look kitty corner through my property to see the lake behind the park. Chairperson Jancura asked Mr. Kolleda's property doesn't obstruct that view? Mrs. Eyring answered a portion of it but a big part of it you see the sun set over the lake right there, it is a very pretty view of the lake. Chairperson Jancura asked do you think that by the granting of the variance you would substantially alter your neighborhood or cause a detriment to it? Mrs. Eyring answered I think I improved it as I got rid of the ugly shed. I think I am improving it. If you don't grant it to me then all that stuff is going to be in an open windowed place where you are going to see lawn mowers and gardening stuff and it is going to look pretty bad to people going by on Edgewater. Chairperson Jancura asked when you bought the property, was the old shed there? Mrs. Eyring answered there was nothing. Chairperson Jancura clarified so you built the first shed? Mrs. Eyring answered yes. Chairperson Jancura asked how far back would she need to move the new shed to constitute being in the back yard or is it just not possible? Building Inspector Wiblin answered it just has to be behind the rear part of the structure of the home. Chairperson Jancura asked what if she were to put it very close but not actually up against her tea house? Mrs. Eyring stated I have a hard patio there. I have coming out of my little back open frame, I have a little deck and then a brick patio all in front of the framed back where it says framed shed and then it would block their view. Chairperson Jancura asked do you know of any other neighbors whose view you would block if you had to put the shed in your back yard where your garden currently is? Mrs. Eyring answered just theirs. Chairperson Jancura asked do you think building of the shed is going to affect any kind of mail delivery, garbage pickup, ambulance? Mrs. Eyring answered no it is nowhere near the road. I mean if I had a garage I wouldn't need it but I can't afford a garage. Chairperson Jancura swore in Mr. Bill Ehrbar, 4607 Lake Road and Carol Ehrbar for testimony. Mr. Bill Ehrbar stated Linda is a great neighbor and a great lady but this kind of blocks the view to the west. The new building would block some of the view to the west. The tea house is moved there recently, I had no idea that it was going to be moved there but it was and it was kind of shock to see it there. Possibly it could be used for storage, it is a pretty good size building. Storage is always nice

but most zoning situations you are only allowed to build on 70 or 75 percent of your property. I don't know how it is here. I would like to see Linda have some kind of something that she could store her lawn mowers and so forth in. It is not for me to say but the tea house takes up a lot of room. That is her business, I don't want to state that. Chairperson Jancura asked if we would deny the variance, would she be permitted with her rear yard availability to build a shed in her yard. Building Inspector Wiblin answered yes. Chairperson Jancura stated so she would not need any variance, she could just put the shed up and block more of their view if she puts it in her rear yard. Mr. Ehrbar stated in certain places, depending on where it is put. Chairperson Jancura stated here is my concern is that if we deny the variance, she will then be forced by default to build her shed in her rear yard where she deems, where she wants to. So your view will be even more blocked, so if the tea house is blocking your view and then you put a shed in her now flower garden – your view will be even more blocked. Mr. Ehrbar stated I don't think it would be put in her flower garden. Chairperson Jancura stated she can choose where she wants to put it, that is up to her if she is forced to use her rear yard. Mr. Ehrbar stated the work would probably be done according to what works out the best. I know she is up against it for space. Member Rinderknecht stated a couple of questions here in understanding, what I am looking at and I am certain you have seen this. This is 4601, the proposed shed is at a plain equal to the front elevation of the existing home and it is 6 feet to the east of that home. Is that correct? Mr. Ehrbar answered that is correct. Member Rinderknecht continued unfortunately your property lies the next lot directly to the east, is that correct? Mr. Ehrbar answered yes. Member Rinderknecht continued I understand that those lots run at a bit of an angle to Lake Road. Is the front elevation of the home that is on the lot that you own roughly at the same plain as the front elevation of this home? Mr. Ehrbar answered no, that home sets back. That particular house sits almost on the little road that runs behind it. Member Rinderknecht offered Edgewater? Mr. Ehrbar concurred. Member Rinderknecht asked do you live there? Mr. Ehrbar answered no I do not. Member Rinderknecht asked is that home occupied? Mr. Ehrbar answered no it is not. Member Rinderknecht asked is it rented? Mr. Ehrbar answered no it is not. Ms. Carol Ehrbar answered summer cottage, just here and there. Member Rinderknecht asked do you use it often during the summer? Mr. Ehrbar answered not a tremendous amount. Member Rinderknecht stated so for the majority of the year it is not occupied, is that correct? Mr. Ehrbar answered that is correct. Ms. Carol Ehrbar stated earlier it was mentioned about the little shed and the little shed was where the tea house used to be. The 16 X 12 building is approximately where the shed was moved from and it was on the property line. There was some question about whether the shed was ever there or had a blue print, it was there. Mrs. Eyring advised that shed was never there (many voices heard debating on location of shed). Mr. Ehrbar stated if Linda would just a minimized shed and keep it as minimal as possible, I probably wouldn't object to

it. Member Rinderknecht asked do you view an 18 X 12 as being too large? Mr. Ehrbar answered well if she could cut it back to at least 10 feet. Member Rinderknecht asked on those rare occasions that you use this summer cottage, do you have windows that face west? Mr. Ehrbar answered yes. Member Rinderknecht asked so you are not looking north to the lake? Mr. Ehrbar answered you can if you go to the back of the house. There is kind of like a sun room in the front. Member Rinderknecht asked that is a glass sun room isn't it? Mr. Ehrbar answered yes. In the back it is somewhat like that except it is a kitchen.

Chairperson Jancura asked Mr. Ehrbar if Mrs. Eyring puts the shed further back than what is proposed, will it block your view more? Mr. Ehrbar answered it is not my problem but it is Linda's problem, she has this shed and you are looking at this shed that is in the back, a 12 X 16 shed and then what happened is when she comes out of her porch which is steps that head east – she put a patio in there. Your suggestion is very good except now she has a patio there. Chairperson Jancura stated what now the proposed shed is really even with the front of her house, if we ask her to move so that the back of the proposed shed is parallel to the back of her house – does that block your view still? Mr. Ehrbar stated I would have to go look at it. Member Rinderknecht asked what is the legal setback from a side lot line on this subject lot, if you were going to build a home? How far off the lot line would you have to be? Building Inspector Wiblin answered it would be non-conforming because it is only 50 foot wide, so they would be able to rebuild where it currently is. Member Rinderknecht stated I assume we have about 3 feet non-conforming but it was grandfathered in on the west side. Building Inspector Wiblin answered I would assume. Member Rinderknecht stated if the petitioner were to extend her home, the frontage across and take it all the way back – my question is what kind of a setback would she need from the east boundary line to do that. Building Inspector Wiblin answered normally any house has to be 10 feet from the property line. Member Rinderknecht stated so if she comes in 10 feet and goes all the way back the entire 27 foot length that would be legal and would not require a variance? Building Inspector Wiblin answered no she could only on that current lot, if it would burn down and she wanted to rebuild she could rebuild up to 10 percent larger. Mr. Ehrbar stated Linda could build where she is thinking of building but just make it as small as possible. That would be my thought, I don't like looking at it. Cut it down to 8 X 10 and that might be a little better. 8 X 12 is a pretty big size building. Mrs. Eyring stated the whole reason for me doing this, I mean I would have just left the one there. If I had known I was going to have to go through this I would have just left the one there. I never thought I would have to go through all this. But the whole reason was because I wanted something nicer and a little bigger. The one that I had was 8 X 8 and I could barely fit all my stuff in it. But his house is way in the back, it wouldn't even be anywhere near where I am putting this. I don't understand when he says I am blocking his view – of what, Lake Road? Law Director Graves stated in light of all the discussion of the views a

cross each other's property, I just want to make sure that the Board is aware and I am sure you are but just to remind everyone that legally you only have the right to a view due north. You do not the right to a view across your neighbor's property. The sole concern for the Board is whether she has established practical difficulties that necessitate the variance, just to remind you. Chairperson Jancura advised in that realm, terms of us finding a practical difficulty she has established that the variance is not substantial. Her prior shed was an 8 X 8 and she is just asking for 8 X 12. In terms of altering the neighborhood – that is not a really big concern considering while it is not lakefront property, it is close enough that there are other properties with sheds and tea houses and whatnot. So it is not something so out of the ordinary that it would look out of place and being that she is replacing an old shed with something new would in my opinion improve the area. She has stated that it would not affect the delivery of government services, EMS, garbage collection or mail delivery. She believes that it would preserve the spirit and intent of the zoning requirement. It seems from her statements made to the Board, she does not want to put the shed in her backyard which she very well could and would not need any kind of variance. Member Rinderknecht stated the landowner is entitled to view even the landowner of this property, north and south. The hardship I would think would be to destroy her view at the expense of the variance. The landowner has the right to the view; north and south or in line with their property and without the variance to hardship that she is facing is to self-inflict upon herself putting this shed in the flower garden and as a result destroying her own view. Chairperson Jancura added alternative value of her own property because she now has a shed where the lake view used to be. I think she would be changing the beneficial use of the property if she had to put the shed in her back yard if the variance is not granted. Member Pavkovich advised I just agree with ruining the lake view is a hardship. If I lived there I wouldn't want to look at my shed, I would want to look at the lake.

*Motion by Rinderknecht/Second by Pavkovich that a hardship is found and the submitted variance is approved as presented. Yeas All – Rinderknecht, Pavkovich, Jancura.

OLD BUSINESS: None.

NEW BUSINESS:

- A) Revision of Building Department Application.
- B) Other

MEETING ADJOURNED: With no further business before this board, *Motion by Rinderknecht/Second by Pavkovich to adjourn at 7:55 pm. Yeas All.

Zoning 04172013

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

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 April 17, 2013.

CHAIRMAN OF COMMITTEE

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso

and/or

COUNCIL PRO TEM

Eric S Elliott