

Minutes of the Zoning Board of Appeals  
Sheffield Lake, Ohio  
April 16, 2014

The regular meeting of the Zoning Board of Appeals was held Wednesday, April 16, 2014. Chairperson Jancura called the meeting to order at 7:08 PM.

**ROLL CALL OF MEMBERS:**

Present: Jancura, Tatter, Melbar, Reilly, Kovach  
Absent: Mayor Bring and Building Inspector Wiblin (excused)  
Attending: Law Director Graves

**MINUTES:** August 21, 2013 - \*Motion by Melbar/Second by Tatter to approve the minutes of August 21, 2013 meeting. Yeas All.

**CORRESPONDENCE:** **None.**

**PRESENTATIONS:** **None.**

**OLD BUSINESS:**

**Revision of Building Department Application** – Chairperson Jancura advised I have submitted a draft of variance application. To condense it and give all of us more information and give Mr. Wiblin a place where he can put what kind of variance; front yard, side yard, percentage of lot, his comments, code section, etc. Also where the applicant needs to give us copies of a purchase agreement if that is applicable, a detailed architectural plan or schematic of the structure. We need more information than what is coming in the door at present and then we would adopt this as this is the official form for a variance for lot split. We are looking to condense everything into one, just to make the Service Department's job easier. For our next meeting, look at this and give me input of what you would like to see. She explained the previous form.

**Dollar General** – Chairperson Jancura advised I have the official transcript that was filed with the Lorain County Court of Common Pleas and as a Board I would like us to officially adopt and affirm that what is in my hands and what has been filed with the court is a transcript of all original papers, testimony and evidence of this Board's final decision and its finding of May 15, 2013. Law Director Graves advised you could review and come back for your May meeting for approval to give you time for total review. He updated Board on status of litigation, the group of residents that were opposing approval of that permit, they did end up appealing

your decision to the Common Pleas Court. Motions were filed and briefs were submitted by all parties and Judge Miraldi did rule to affirm this Board's decision in allowing that permit to go forward. Right now we are in the period of time where that group of residents are determining whether to file to appeal that decision to the 9<sup>th</sup> District Court of Appeals but they have not yet filed any notice of appeal. Member Tatter stated just to reiterate, that decision that we made was based on the directions of the Lorain Court. Law Director Graves concurred and stated just by way of history, this Board originally after several hearings did vote to deny the permit. Dearborn Land Investment appealed that decision to the Common Pleas Court and Judge Rothgery ruled that the Board applied the improper standard and remanded it for further proceedings but in so doing Judge Rothgery limited the issues before the Board to whether or not the application meets Sheffield Lake's Planning and Zoning code as it applies to size and location of the building. Judge Rothgery even went farther and did resolve the location issue. His opinion actually says location is not a problem – it is zoned B2, the building can go there. After Judge Rothgery remanded it, really the issue before the Board was size, does the size meet the code and Judge Miraldi affirmed that and the group of residents appealed. The city and Dearborn filed a motion to dismiss the appeal based on lack of standing arguing that those people did not have standing to bring the appeal. Judge Miraldi denied the motion but in his order denying that motion even further limited the issue and said the sole issue before this Court is whether anyone was deprived the right to offer evidence that the building did not meet Sheffield Lake's code. That is the only issue, just was anyone denied the ability to present evidence that it did not meet our code and then briefs were filed and he ruled in the favor of the Board. No one has yet to submit any evidence that the building would not meet our code. In fact as originally presented it met our code and then at the hearing on May 15, 2013 I think they made I think 9 separate concessions many of which were further within the parameters. Chairperson Jancura concurred they made the building smaller. Law Director Graves advised that is the transcript that was filed with the court and there was a question raised as to whether that is a complete record. So if the Board wanted to review that and affirm that is complete transcript of all pages and testimony. Chairperson Jancura advised we will put this under "Old Business" for our next meeting which will give time for review.

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Tatter/Second by Melbar to adjourn at 7:20 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*

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 16, 2014.

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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

*Alan Smith*