

Minutes of the Zoning Board of Appeals
Sheffield Lake, Ohio
October 15, 2014

The regular meeting of the Zoning Board of Appeals was held Wednesday, October 15, 2014. Chairperson Jancura called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Melbar, Reilly, Kovach, Building Inspector Wiblin

Absent: Tatter (excused)

Attending: Mayor Bring, Law Director Graves

MINUTES: April 16, 2014 - *Motion by Melbar/Second by Reilly to approve the minutes of April 16, 2014 meeting as presented. Yeas All.

CORRESPONDENCE: **None.**

Chairperson Jancura advised for the essence of time if anyone here intends on making any statements before this Board we need to swear you in but to save time, at this time I will do a general swear in of people who are going to make statements. So if you intend to make a statement before the Board if you could please stand at this time. Chairperson Jancura swore in those people who intend to make statements to the Board.

PRESENTATIONS: *Building Inspector Wiblin to present applicants.*

Thomas and Hazel England, 826 West Drive – Chairperson Jancura stated if applicants and representatives could please step to the podium where she swore them in for statements. Building Inspector Wiblin advised on this property, I had written down the wrong ordinance for this property step-back and it does need to be corrected to R1 zoning is 1133.07 to the side yard instead of 1137.07. That is one correction on my part. The side yard variance for an attached garage needs to be 10 feet from the property line and they are asking for this usage to be 4 feet from the property line because of the attached garage attaching to the current home. They have given construction information and all kinds of pictures, photographs and diagrams and they also had a letter from a neighbor next door who says she has no problem with it being that close to her property line. Chairperson Jancura advised Mr. and Mrs. England in the event that you have never applied for a variance before, you need to present evidence to the Board that you have a finding of practical difficulty in the denial of the variance. So what that means is we are going to ask you a series of questions that goes to our finding of a

practical difficulty. So while some of the questions may seem a little odd that is the reason for some of the questions that we will be asking tonight.

Chairperson Jancura asked will your property yield a reasonable return or can be there a beneficial use of the property without the granting of the variance? She explained so if we deny your variance and you can't build your garage as you would like, can you still enjoy your property or get a reasonable return upon sell? Mrs. England answered no we can't.

Chairperson Jancura asked why is the garage important? Mrs. England answered because of our age and the snow and everything and we both still work. So getting up in the morning and cleaning vehicles off to go to work. If we don't build the garage where we want it we will lose all of our windows on that side of the house also.

Chairperson Jancura asked do you currently have a garage? Mrs. England answered no.

Chairperson Jancura asked how many vehicles do you have? Mrs. England answered 3.

Chairperson Jancura asked would the variance cause any substantial alteration in your neighborhood? So would having a garage on your property stick out or be an eye sore in any way; non-conforming with the rest of your neighbors, do they have garages. Mrs. England answered yes.

Chairperson Jancura asked would building the garage effect any delivery of government services; garage collection or EMS or any intrusion or inability for any one first responders to access your property? Mrs. England answered no.

Chairperson Jancura asked did you know that there was any kind of restriction on building a garage when you bought the property? Mrs. England answered no we didn't.

Chairperson Jancura asked do you think the granting of the variance would preserve the spirit and intent of what a zoning variance is? She explained a variance is basically an excuse to not conform with the Sheffield Lake zoning ordinances, so do you think that the granting of the variance which is put into place for people who have a logical reason for why they cannot comply. Do you think by us allowing you to build your garage which is not in conformity with current laws would be detrimental or any other way harm the city? Mrs. England answered no.

Chairperson Jancura asked do you think the general welfare of the community is being preserved by the fact that you are going to build your garage non-conforming to the current laws? Mrs. England answered yes.

Law Director Graves asked on question a on your application which states are there any special conditions or circumstances peculiar to the land – you indicate that it is a corner lot, can you elaborate on why the fact that it is a corner lot would necessitate the 6 foot variance? Mrs. England answered it is because of the way the house is laid out, that is the only place you can connect the garage to the house.

Law Director Graves stated but you are not asking for permission to build a garage, you are asking for permission to build it only 4 foot off the property line. Mrs. England answered yes. Law Director Graves continued so why does the fact that it is a corner lot necessitate you building it only 4 foot off the property line? Mrs. England answered because of the location of the house next to the other property. If we don't build it where we are asking to then we will lose all windows on that side of the house. If we have to move it down to the 10 feet and we will have to move the central air system and everything also. Law Director Graves stated that really doesn't have anything to do with a corner lot. I was just confused as to why you say it is a corner lot. Could you move the garage forward so it is in fact 10 foot off the property line, is that possible to conform with the code? Mrs. England answered the only way we can do that is if we do lose everything on that side of the house. Law Director Graves asked what do you mean lose everything on the side of the house? Mrs. England answered the windows on that side. Law Director Graves stated you would lose the window? Mrs. England answered yes. Actually we would lose the dining room window and the kitchen window. Law Director Graves stated in looking at the diagram and I drove past it that there was just 1 window there, is there 2 windows there? Male stated there is a dining room window and the back door will inside the garage so they will lose that dining room window but if the garage gets moved further forward they will also lose the kitchen window so they won't have any windows in the common area on that side of the house. Law Director Graves stated I just want to make that point clear that they are just looking for a 6 foot variance and I think that the only issue here is that they would lose a window.

Chairperson Jancura stated in terms of the proposed garage, if we deny the variance and you have to make the garage smaller. What does that do in terms of your ability to store your vehicles in the garage? Mrs. England answered we won't be able to store them. Chairperson Jancura stated so it has to be as proposed in order to be able to store your vehicles? Law Director Graves advised it doesn't need to be smaller, they could move it forward – it would be the same size, it would then take away some of the windows. But they could move it forward and have the same size.

A male explained I believe I could explain their position better. The minimum amount of garage that they are requesting is typical for the size of the vehicles that they have, one of which I believe is a large truck. The point is not so much that they could not move the garage forward to avoid the variance but that would considerably increase the costs and the hardship of doing that. You would lose that other window plus another basement window and given the spacing of their home on the lot and the agreement of their neighbor I don't see any real alternative other than spending an extra \$5000.00 to \$10,000.00 for unsuitable arrangement which would really satisfy no one. May I also mention that I have no connection with

them I just happen to walk past their house on a more or less a daily basis so I am familiar with the land of their property.

*Motion by Reilly/Second by Melbar to grant the variance as presented so there will be a 6 foot variance on the side yard to allow for the building of a garage.

ROLL CALL FOR APPROVAL: Jancura, Reilly, Melbar.

Lonny Hanchosky, 4412 Edgewater Drive – Building Inspector Wiblin advised all the lots are very small; 35 X 103 foot lot and he wishes to build a garage in the back. It is a non-conforming lot but because of building the new garage – I have consider the R1 zoning code; percentage of lot coverage 1133.06, rear yardage 1133.07 and the side yard 1133.09. Even though the side yard is existing and the rear yard already has a shed there which doesn't mean anything additional but they would tear that down. On the plan they would be building a new garage plus a second story for additional storage.

Member Reilly asked what are you going to do with the electric meter? Mr. Hanchosky answered that will actually be moved further south. It is already on the outside of the house – on same corner but back farther. Member Reilly asked so back where the shed would be? Mr. Hanchosky answered yes. Everyone around there is built right up to their lines because the lots are so small. Architect for Mr. Hanchosky advised there is no basement and they do have that big area across the way but that is public land. This way the cars would be inside instead of outside and any storage would be there inside instead of whatever you have to keep in the yard.

Chairperson Jancura asked are there other garages in your neighborhood, so the building of this garage will alter the nature of the neighborhood? Mr. Hanchosky answered 90% of the people on the street have garages.

Chairperson Jancura asked do you currently have a garage? Mr. Hanchosky answered no.

Chairperson Jancura asked what will you be parking in your garage? Mr. Hanchosky answered 1 vehicle and the other vehicle would remain outside and some of the garage would be used for storage; a freezer, air compressor, yard tools, lawn mower, garbage cans. The biggest thing is in the winter my wife gets up and goes out to work and it is blowing down there and it is slippery, icy. It is pretty brutal down there.

Chairperson Jancura asked you had mentioned that the buildings are in close proximity; will EMS, first responders, garbage removal in any way be effected by building of the garage? Mr. Hanchosky answered no.

Chairperson Jancura asked did you know of the restriction on building the garage when you bought the property? Mr. Hanchosky answered no when we bought it we didn't have the intention of building a garage at that point.

Chairperson Jancura asked will the general welfare of the community be preserved if you build your garage? Mr. Hanchosky answered I think it would improve the area.

Chairperson Jancura clarified this is not a non-conforming – this is just a regular R1. Building Inspector Wiblin concurred and explained with non-conforming exist and construction of 1153 they are allowed to build an additional 10% if they have a fire or something. But since this is new construction adding to it, that is why I put it under R1 zoning at 1133.06. The lot coverage is going to be more than 35% of the coverage but the rear yard is supposed to be 30 feet, that rear yard isn't 30 feet right now. So the rear yard with the attached garage will now be 3 feet so I put that on the variance – a little bit over 3 feet actually but the side yard also is 2.6 feet and it is supposed to be 10 foot but the house already has that existing line. So to me you can't count that because it already has that existing line but the new garage is going to be built on that existing line also. So I put that down just to cover everything. Chairperson Jancura asked the last thing is 1133.07, is it 113.09? Building Inspector Wiblin concurred. Chairperson Jancura clarified so we are granting a variance for rear yard, side yard and overall percentage but 2 of these already exist. Building Inspector Wiblin answered yes and added I didn't calculate percentage of lot coverage exactly but it may be over percentage of lot coverage already because those lots are so small.

Law Director Graves stated I think the best to approach this is as an existing non-conforming use which under 1153.05 you are allowed a 1 time enlarged extended reconstruct altered to no more than a 10% increase in cubic footage. This would exceed a 10% increase so perhaps the clear way to approach this would a variance from the allowable 10% increase in overall expansion.

Abutting property owners commentary –

Sue Sazima stated I have no objection to an addition being put on the house, that it is going to improve the neighborhood. It is going to up the value of the home and I do not have any issues with that whatsoever. My concern is there has already been one addition put on the house and I have had extensive conversations with Mr. Graves and Mr. Wiblin about the water problem that has been created in my home. Their yard has been raised 8 inches and that is with the city's measurements. I have tried to have discussions with the homeowners and it does not work out. Last year I did take out a permit and had a drain put between the 2 houses and at that time my contractor talked to them. I offered at my full expense to have all their gutters tied into my storm drain to alleviate the water. We would get up to 1-1/2 foot of water. When the snow was plowed during the winter it was plowed up to the back of my house which was about 8 feet high, this big snow mound – so when it would melt we had a big pool. Now my home I was told and cited by the city, I believe that was approximately 5 years ago because I did not have gutters on my home. When we purchase the home my Mother and I did extensive renovations on it. The

gutters were going to be done in the spring and I was cited because they had stated that it was the water from my house since I didn't have gutters flooded their house. The Inspector came out and my neighbor got caught in the crossfire and had to bulldoze his house and there was more animosity in the neighborhood. So I want to know when it is going to be corrected with the new construction that these gutters that are draining out onto the soil, their property is 8 inches higher and I put in a drain and it is working well but now with more construction where is all this water going to go? I checked with Mr. Wiblin when Wendy was with the city, she came out and I have been told repeatedly that these gutters have to be tied into the storm drain and here we are years later and nothing has been resolved. Chairperson Jancura clarified this is for the existing structure correct? Ms. Sazima answered yes and the new one. She explained the front of the house that level was not changed, it is the area where this new garage is going to be built. When they dug everything out there was this huge mound of dirt that was then leveled so I have 8 inches which pitches all the water directly in my house. You know I have extended the olive branch and I offered to have this all connected to the storm sewer. I had Mr. Wiblin out about the issue. I would have paid for everything to have this water problem alleviated. But the gutters are still – all the water especially when we have had these heavy rains the water is just shooting out the gutters into my house. A brief examination of prints showed Sazima home and area of water draining. She explained the grade wasn't changed the way the original house is which is the lower structure.

Chairperson Jancura requested applicant Hanchosky for explanation of draining concern. Mr. Hanchosky stated I would like to know where she comes up with this 8 inch raise of elevation. Ms. Sazima advised Mr. Wiblin measured. Building Inspector Wiblin corrected I did not measure that, that was when I was off of work and Steve was here and Wendy has been gone for 3 years. Mr. Hanchosky stated I would just like to see documentation of that, of history of it because I have pictures showing her gutters overflowing onto the ground. I have pictures, I have video – this was all discussed before and I was never approached about tapping into her line. I was never approached by her at all. Back to the addition, less water will be running her way because it would only be half the garage/half the addition and I have water coming from behind me and to the west of me draining onto me/flowing towards her because she is downhill. We are not on level property there, so where she comes up with these elevations I would like to see before I get accused of doing things un-properly. This has been an on-going issue with her water, she turned a garage into a bedroom and I don't think there was ever a permit taken on that and I don't think there is the right codes on fire proofing on the inside of the house. Mr. Hanchosky stated what I could do is take that gutter and stretch it out closer to the lake, what I will do is I will take a 6 inch pipe tie it into that and lay it on top the ground and flow it out towards the lake. That is not going

to resolve her problem but that is what I will do. There is water running on my property from all directions; from the south and the west and it flows downhill and she happens to live on a hill. Her house is built to where there is no way for that water to go around it, it is trapped up against her house. Chairperson Jancura stated this is a common problem in our area – people getting flooded. Ms. Sazima stated my drain tiles are connected to the storm sewers though. Mr. Hanchosky stated but it doesn't help when your gutters are overflowing and they can't handle it. Ms. Sazima stated I have now a gutter company under contract, they come out twice a year and they clean my gutters and they jet the downspouts out. Mr. Hanchosky stated you shouldn't have a problem then. Member Reilly asked what is problem with just tying your gutters on that side of the house into her drainage. Mr. Hanchosky stated I don't want to be responsible for dumping too much water in there and having it back up. Member Reilly stated it seems like it wouldn't make too much difference would it? I know there is a lot of animosity here but obviously she has already got a drainage problem and whether it or not it started as a result of his first addition or not, we have no documentation to show. But when you put a garage up there that is going to take out a lot more of absorption area. Mr. Hanchosky stated I am not going to be adding any more water to this, I will be taking half the water off of the other side of the house. Member Reilly stated I have been there and in that 4 foot area between your houses there is going to be a lot of water shuffling through there and it is not going to be good for either of you. So can the Building Inspector tell me which of these possibilities sounds the best, whether or not he takes his line and runs it out towards the street or whether or not connects into her drain. A best option in this? Building Inspector Wiblin answered the ordinance says you are supposed to contain your own water. I mean existing construction is completely different then new construction, the new garage he needs to contain. But anybody that has a problem with water drainage between the 2 neighbors, they both need to contain the water on themselves. The Service Director and City Engineer get involved but not really me with storm drainage. The simple common sense thing to do is even if you had 4 inches between the 2 houses then tie your downspouts and run them out as close to Edgewater as you can and let it gradually go out to the lake. That is what I would suggest if the new gutters come towards that property, pick up all your downspouts and do them all at one time and take them all out to the street and away from the property. To me that is the simple thing to do while we are doing this new garage. Mr. Hanchosky stated I don't have any problem bringing my downspout down and tying it into a pipe above ground and having it flow towards Edgewater. I have no problem doing that. Building Inspector Wiblin stated it can't be a nuisance so it would have to be underground. Mr. Hanchosky stated if it is underground, that is fine too. The only way I can do it underground is if I go all the way out to the lake because if I go underground by the time I get out to the front of the house it would only be a foot

down. Building Inspector Wiblin stated all you have to do is have 1% grade, as long as you have 1% grade then you always have to remember you have 4 inches of pipe though too. Mr. Hanchosky stated underground I to have something to tie into on that road. Member Reilly stated she says she is tied into a storm sewer. Ms. Sazima stated yes it is right at the property line on the south side of the street. Chairperson Jancura asked Mr. Hanchosky is that something you could tie into? Building Inspector Wiblin stated I can check with Pat tomorrow in the Road Department, Pat knows where all the storm drains are. Mr. Hanchosky stated if it out there I am more than willing to tie into it. There is a drain there but I just don't know if it can handle both houses. Building Inspector Wiblin stated it should because I know that the city just put that new line right in the ditch area right there where the dip is. If your neighbors are pitched towards you, you pick up some of their water too. Home Depots and Lowes sells little catch boxes, you can put spider veins to a couple of different areas and catch everybody's water. It is simple to do but while you are doing new construction, now is the time to do it. If it is approved, I will put it in my notes that all drains on that side have to be taken care of and taken out to the storm drain and I will get Pat involved with the Road Department and it will be done. Mr. Hanchosky stated I only have one gutter on that side that comes down out of the ground and it doesn't go towards her house. It is all the way out to the front by her desk. It is the problems in the back of her house where it is flooding and I don't have any water going to the back of her house. Building Inspector Wiblin stated if your garage goes back there the one thing that you can do is tie that new gutter onto and run it all the way out – it is only 103 feet, it is not going to be that much. Then you can put an extra drain back there, like I said Home Depot sells those little boxes so you can tie everything in. It is simple, it is not that hard to do and you will solve everybody's problem. If this helps between 2 neighbors then I am all for it. Mr. Hanchosky stated hey I will have less water on my property. The addition that is on there already gets water from all around, from the west and south. Building Inspector Wiblin stated that may help everybody so I will just put that in my notes and we will take care of it. For just a few hundred dollars everybody's problems is going to be taken care of, very, very, very minimal. Chairperson Jancura asked Mr. Hanchosky is that acceptable to you? Ms. Sazima stated it is acceptable, I have no problem with the addition and improving a neighborhood I just don't want water. Chairperson Jancura stated it sounds like Mr. Hanchosky is open to at least trying to remedy, we don't know if it will totally fix the problem but it goes a long way to at least diverting water away.

*Motion by Reilly/Second by Melbar to approve the variance under a non-conforming (1153.05) with the contingency that Mr. Hanchosky will work with the Roads Department to divert as much water as possible from his new garage and his neighbor's property towards the lake.

ROLL CALL FOR APPROVAL: Yeas All – Melbar, Reilly, Jancura.
Chairperson Jancura thanked participants in getting drainage which is a deal in Sheffield Lake.

OLD BUSINESS:

Revision of Building Department Application – Chairperson Jancura advised Mr. Reilly has very nicely taken it upon himself to snazzy up for us. It is the basic form that I gave to you all but he put the City’s crest on it. After a brief review, everyone approved form. Chairperson Jancura stated the only other thing I am going to add to it is I am going to give our applicants the standards for an area variance and for a use variance so applicants will have a better understanding of why we ask all these questions. Purchase agreements if applicable, authorization for property access, etc., so we have this nice package. She advised I also added an application number so it wouldn’t go by last names anymore for confidentiality purposes. Law Director Graves stated it seems to me that 2 pages – a lot of information is redundant, could we just consolidate it. There was a brief review/discussion on application form. *Motion by Reilly/Second by Melbar to approve the new application form as proposed. Yeas All.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Reilly/Second by Melbar to adjourn at 7:45 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 15, 2014.

PRESIDENT OF COUNCIL
Rick Rosso

and/or

COUNCIL PRO TEM
Alan Smith