

SPECIAL Zoning Board of Appeals minutes
Sheffield Lake, Ohio
May 4, 2016

The special meeting of the Zoning Board of Appeals was held Wednesday, May 4, 2016. Chairperson Diana Jancura called the meeting to order at 6:40 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Tatter, Radeff, Kovach
Absent: Reilly and Harper (excused)
Attending: Applicant Josh Siebenhar and Partner

Chairperson Jancura advised this special meeting of the Zoning Board of Appeals was scheduled specifically for Mr. Josh Siebenhar for his project on Pleasantview; Great Lakes Storage and the need for a variance.

*Motion by Tatter/Second by Radeff to UNTABLE Josh Siebenhar Great Lakes Storage. Yeas All.

Chairperson Jancura swore in Mr. Josh Siebenhar for testimony.

Josh Siebenhar, 4357 E Lake Road to build condo storage units on Pleasantview Avenue.

Chairperson Jancura advised Mr. Siebenhar is seeking a variance from compliance with Sheffield Lake ordinance code 1139.06c which requires a 15 foot set off from the back of his property. So he needs a 5-foot variance, he is seeking a setback of 10 feet. But in all other sections he is in compliance. There was a couple of questions about what was going on, that he bought a bunch of parcels and they are all going to be basically put together. He went to Planning already and had them combined so there are no other issues going on other than this 5 feet.

Chairperson Jancura explained in order to grant your variance you need to have a finding of practical difficulty which is set forth by the Ohio Supreme Court.

Question/Answer period for Duncan vs Middlefield standards: establishing evidence of standing for practical difficulty for granting a variance.

Chairperson Jancura asked will the property yield a reasonable return and can there be a beneficial use of the property without the variance? Mr. Siebenhar answered no.

Chairperson Jancura asked is the variance substantial or large? Mr. Siebenhar answered define substantial, 5 feet in the big scope of the property I don't think it is substantial.

Chairperson Jancura asked will the essential character of the neighborhood be substantially altered or adjoining properties suffer a substantial detriment as a result of the granting of the variance? Mr. Siebenhar answered no.

Chairperson Jancura asked would the variance adversely affect the delivery of governmental services such as; water, sewer, garbage and safety? Mr. Siebenhar answered no.

Chairperson Jancura asked did you purchase the property with the knowledge of the zoning restriction? Mr. Siebenhar answered no.

Chairperson Jancura asked would your predicament feasibly be resolved through some other method other than a variance? Mr. Siebenhar answered no.

Chairperson Jancura asked is the spirit and intent behind a zoning requirement observed and substantial justice done by granting the variance in your opinion? Mr. Siebenhar answered yes.

Member Tatter stated I don't know the procedures for going before the Building Inspector and then the Board of Zoning Appeals but were your plans in place and presented to the Building Inspector? Mr. Siebenhar answered yes. Member Tatter continued and then he told you you needed to go to the Board, is he the one that told you you had to go to the Zoning Board to have the zoning changed? Mr. Siebenhar answered when we purchased the land it was zoned residential and it was the only block of parcels in that whole area that is residential. Everything else is zoned Industrial or Commercial, so we were under the impression that they were. They weren't so that is why we had the parcels changed and when we did change it over to B4, I already had the Architectural prints made and took them to the city and said here is the idea that we want to do and here is why the rezoning would be necessary because you can't build it on residential. The Law Director said well you need to go to B4 based on your prints which is what we did and the prints at the time were a 10-foot setback which is what our understanding of it was and he recommended based on the prints that we go to B4 so we did. Then our Engineers after all the prints done realized actually in Sheffield Lake B4 zone is 15 feet so that is why we had to apply for a variance. After all the prints and Architect were done I think there is 20 pages of engineer prints are done. Chairperson Jancura advised but it is my understanding from the Planning Commission as I had spoken with them, that there are no changes. That what is submitted to us is what has been submitted to them. So everything is the same there, no changes whatsoever. Member Tatter stated right I was just trying to find out if he purchased the property knowing that there may be a change in setback requirements? Mr. Siebenhar answered no I didn't have any idea and partly to my fault, I thought it was 10-foot sides and rear and front was 25-feet but I was 5-feet off in the back. Mr. Radeff had no questions.

CITIZENS COMMENTARY: None.

*Motion by Tatter/Second by Radeff to close testimony session. Yeas All.

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After a brief discussion of the Board, Chairperson Jancura advised a finding of practical difficulty has been established. *Motion by Tatter/Second by Radeff to approve the variance. Yeas All – Radeff, Tatter and Jancura.

MEETING ADJOURNED: With no further business before this board, *Motion by Tatter/Second by Radeff to adjourn at 6:45 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 Special Zoning Board of Appeals meeting of May 4, 2016.

PRESIDENT OF COUNCIL

Rick Rosso