

Minutes of the Zoning Board of Appeals
Sheffield Lake, Ohio
April 21, 2016

The regular meeting of the Zoning Board of Appeals was held Thursday, April 21, 2016. Mr. Antonio Jancura called the meeting to order at 7 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Tatter, Harper, Reilly, Kovach
Absent: Radeff (excused)
Attending: Councilperson Gee, Mr. Antonio Jancura, Applicants

MINUTES: February 21, 2016 - *Motion by Jancura/Second by Tatter to approve the minutes of February 21, 2016 meeting as presented. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS:

Sue Reinhardt, 4365 Lake Road. Chairperson Jancura swore in applicant Sue Reinhardt for testimony. Chairperson Jancura swore in William Bobel 803 West 6th Court, Lorain. Chairperson Jancura asked Mr. Bobel what is your relationship to Ms. Reinhardt? Mr. Bobel answered Ms. Reinhardt has contracted me, I am the owner and President of Bobel Construction/mechanical and general contractor. Chairperson Jancura advised in your application you are seeking an exception Sheffield Lake housing code 1133.073 regarding side yards. The statute requires that every building have 2 side yards, the combined widths of both to be not less than 30 feet, the lessor of them to be not less than 10 feet in width. Upon your application you have requested a 5-foot variance since the side yard on the east side of the property was only 7-feet. So you need a 3-foot variance for that east side yard and a 5-foot variance exempting you from the 30-foot combined yard. So you are actually getting 2 variances; one is from the 30-foot minimum combined yard and the other is a 3-foot from the minimum 10-foot side yard.

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

Chairperson Jancura asked will the property be a reasonable return or can there be a beneficial use of the property without the variance being granted? Ms. Reinhardt answered yes.

Chairperson Jancura asked is the variance substantial, is it a big variance or a smaller variance?

Ms. Reinhardt answered a smaller variance.

Chairperson Jancura asked would the variance cause a substantial alteration in the neighborhood or cause substantial detriment to your adjoining properties? Ms. Reinhardt answered no.

Chairperson Jancura asked would the variance effect the delivery of government services such as; fire, ems or refuse? Ms. Reinhardt answered no.

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

Chairperson Jancura asked could your problem be solved in a manner other than the granting of the variance? Ms. Reinhardt answered no.

Chairperson Jancura asked would the granting of your variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting of the variance? Ms. Reinhardt answered yes by improving it.

Chairperson Jancura asked in your opinion is the general welfare of the community be preserved? Ms. Reinhardt answered yes.

Chairperson Jancura asked in terms of the practicalities, you are seeking to add an addition to your existing house and we do have pictures of what is going to happen there. She continued is this property rental property or is it for your personal use? Ms. Reinhardt answered personal use.

Chairperson Jancura asked in generally speaking, what will you use the addition for? Ms. Reinhardt answered the one room is the great room, so it is going to be bigger because right now I have got a chair that is in front of the doorway and it is blocking the doorway. I want to make it bigger so I can put the furniture in it and then I want to use it as my utility which is out in the garage and as I am getting older I want the utility room inside the house so that is going to go in there. Then I am moving a half bath over there and then my office will also be over there.

Chairperson Jancura stated we have pictures of the backyard here, so that would be gone? Contractor Bobel answered correct. Ms. Reinhardt advised except for the remaining whatever that is left on this side of the house. When it is all done we are going to do like a little walkway. Chairperson Jancura asked but you are going to remove like the sink and the grill? Contractor Bobel answered that sink and grill will be relocated to the back part. Ms. Reinhardt added it will not be up against the house anymore which to me is a danger.

Chairperson Jancura asked if the variance is denied what will you do? Ms.

Reinhardt answered cry. Chairperson Jancura asked would you proceed with the new construction or will you abandon the project? Ms. Reinhardt answered I can't go without it? Chairperson Jancura stated you still could build but you would just have to make it smaller to comply with the law? Ms. Reinhardt answered I don't

think it can go any smaller then what it is. Chairperson Jancura stated so practically speaking you would more than likely not proceed with the new construction. Ms.

Reinhardt answered not only that but the new construction too would make the house look more cohesive on the outside. There will be more curb appeal to it

because I have a 3 car garage on this side and then you have the house and right now it looks like it is more garage then it is house so putting this little extra over here is going to make it have better curb appeal and nicer. Contractor Bobel added much more symmetric to the way it is designed and the way it should be.

Chairperson Jancura added when finished do you think it would blend in more with the surrounding houses? Contractor Bobel answered yes and I do have a drawing from an Architect who Ms. Reinhardt had hired. We are going to have actual drawings submitted to the Building Department and stamped and then stamped prints. Member Harper asked so you are adding the 8 feet on and continuing the roof line from the existing? Contractor Bobel answered correct. There was a brief discussion/review on design and work of proposed addition. Ms. Reinhardt stated probably about 15 years ago my Grandmother lived in Westlake and she was in her 80's and she went out to the garage and she couldn't get back in the house as she had a heart-attack. So it would be nice to have all this stuff inside. Chairperson Jancura concurred another safety issue for that.

Member Tatter asked the setback distance, there is different figures in the application that you submitted that the Building Inspector has and then in the sizes and the variance must be granted and you must adhere to the variance exactly to the inch technically if it is granted. First of all are you doing anything on the west side? Contractor Bobel answered no. Member Tatter answered okay so that is remaining 18 foot. Contractor Bobel answered yes. Member Tatter continued on your application you had set a variance for both east and west side but you had and I am assuming then thought it was the 30 foot/25 foot that you would have to do something on the west. Contractor Bobel answered yes. Member Tatter stated okay so that stays the same. He continued then you said on the east side of the property and this is what you submitted leaving a 9-foot side setback and there is 15 foot there. So if you had a 9-foot setback you would only have a 6-foot addition. But I believe I read in here where the addition is going to be 8-foot? Contractor Bobel stated correct it is 8-foot. Member Tatter clarified so it is going to be 8-foot leaving a 7-foot? Also keep in mind too that these are copies of copies so they are hard to read, a 7 could look like a 9 but I want to clarify it for the record. Contractor Bobel answered 7-foot should be the correct amount. Member Harper stated there is 7-foot on the schematic as well. Chairperson Jancura explained what we are talking about is you filled out the application on this front page that ask what do you need? Ms. Reinhardt answered yes. Chairperson Jancura advised that was a little different then what the Building Inspector put down. So we go by what the Building Inspector tells us that this is what you need and if he is wrong then we take that it up with him. Member Tatter stated you would say 8 ½ foot actually, isn't it; is that 8.6. Contractor Bobel approached Board with drawings and he has 8.0, so it should be 8.0. Member Tatter explained what I am trying to do is clarify exactly what you are asking for down to the inch. Contractor Bobel clarified then this would be 8.0

down to the inch. Member Tatter clarified as an extension and then a remaining 7-foot side yard? Contractor Bobel answered correct. Member Tatter clarified which will then require a 3-foot variance for the side yard which is what you stated. After review of drawings, it reads 8W meaning width but appears on copy as 8.6. Member Reilly advised I have no questions, you just need an 8-foot bump-out with continuation of the roof line. I agree with making it look a lot more symmetrical. Have all the neighbors been notified? Chairperson Jancura answered yes we presume that all neighbors have been notified. Ms. Reinhardt stated no I have talked to them myself.

Chairperson Jancura advised I think they have met the standards of the practical difficulty. We know the house is right on the lake and the non-conforming zones are funky and she is trying to make the best use of her small house within the confines of the yard. I don't think the 3-feet is a big huge thing. Member Tatter stated there is no detriment. Chairperson Jancura continued with the 5-foot exception from the 30-feet is not substantial either so that the granting of the variance isn't going to harm the neighborhood or impede government services. Member Tatter stated they have 18-feet on the other side. Chairperson Jancura continued it would be beneficial to the overall use of the house and make it more curb friendly when she does want to sell it, this would be a better selling to have more house. Ms. Reinhardt commented I am going to die there.

*Motion by Harper/Second by Tatter to approve the variances as noted. Yeas All – Tatter, Reilly, Harper, Jancura. Member Harper asked I was just curious about the existing cottage, was that there before you built the house? Contractor Bobel advised that has been grandfathered in years ago. Ms. Reinhardt advised that was an old garage where the old driveway to go back to it. It was just an old garage and I didn't want to take the garage down so we put French doors on it and made it look like a little house, it is a sea shed.

Josh Siebenhar – Chairperson Jancura advised this is on our agenda but the applicant is not here. Member Tatter advised if he took the time for the rezoning change and appear before the Zoning Board, I would think that he would be here unless there is extenuating circumstances.

TABLE – Tatter, Reilly, Harper, Jancura. Chairperson Jancura advised we are going to TABLE until May 2016.

Mr. Shearer – Chairperson Jancura stated would it alright with everybody if we meet in 2 weeks to address Mr. Siebenhar and Mr. Shearer's applications. Member Tatter stated we would have to get the full packet. Member Reilly stated for me it is only May 4th. Chairperson Jancura stated if Mr. Shearer can't get it for then we push to the week of May 9th. I will tell Mr. Shearer he has got to get schematics as he thinks his application is done and it is not and I am not sure that Suzanne has conveyed that to him. We need particulars, dimensions of the build and I don't think he is that kind of guy. Mr. Shearer stated I will give him the variance basics

and then I will get the paperwork to him. Chairperson Jancura stated I will be fine to set a special meeting and I won't charge you the \$125.00 extra because she probably hasn't serve the abutting neighbors anyway. So we just do Shearer and Great Lakes Condo's for a special meeting. There was a brief discussion.

OLD BUSINESS: None.

NEW BUSINESS: Chairperson Jancura asked did everyone receive the current Board contact info sheet? No nays were heard. Chairperson Jancura continued if we need to talk to each other or email each other and that kind of good stuff. I am starting to make cheat sheets I did one for tonight's section 1133.07 yard requirements so I will email this to everybody. You know front yard minimum, depth, exceptions; side yards, rear yards, etc. So when we are dealing with these sections, we can just kind of go to our little cheat sheets. If Shearer doesn't get his stuff together in time I will still call it for Great Lakes because I would like for them to start building and not have to wait a whole month just because of miscommunication. I would like to be as flexible as possible. She advised SAFEbuilt is our new Building Inspector or the company we contracted with and Suzanne Priest is his assistant so she runs basically the Building Inspector's Office and they are on site here downstairs. Super nice go in and meet her. The last thing is the Inspector's sheet that got all blacked out that we couldn't read has been corrected. This will no longer be shaded at all, it has been taken out and said don't use that anymore. I did ask could Jeff print very neatly. But we go by this, that first page of the application is where they kind of scribble stuff. We don't go by that, it is this. Member Reilly stated so they still aren't using all the correct forms, it has been a year to get that right. Chairperson Jancura advised that was the wrong form, Suzanne's application was the wrong application. Suzanne said I am really sorry I pulled the wrong application. In the move there were old applications, so Suzanne and I met so it is the new application that will be used. That doesn't have anything other than the pertinent information we need. It doesn't have abetting and abutting property owners because Suzanne does all that. So we don't need to do were they served, it is presumed when we are meeting that they were served. Otherwise, we wouldn't have a meeting because they wouldn't be on the agenda. Member Reilly stated aren't they supposed to have a little sign in their yard stating that a variance is being proposed for this property. Chairperson Jancura answered only if you can't serve them by mail then you go to the actual property and post it. Now if the certified mail comes back unclaimed then Kay goes to the property and says there is a variance request and she post it at the property. In our special meeting, we are allowed to do at the site property notice so Kay will just go post on the property.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Tatter/Second by Harper to adjourn at 7:35 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

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 21, 2016.

CHAIRMAN OF COMMITTEE

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso