

Zoning Board of Appeals
Sheffield Lake, Ohio
March 16, 2017

The meeting of the Zoning Board of Appeals was held Thursday, March 16, 2017. Acting Chairman Ken Tatter called the meeting to order at 7 PM.

ROLL CALL OF MEMBERS:

Present: Tatter, Reilly, Harper, Kovach
Absent: Jancura and Radeff (excused)
Attending: Mayor Bring, Law Director Graves

Minutes: February 16, 2016 - *Motion by Harper/ Second by Reilly to approve the minutes. Yeas All.

CORRESPONDENCE: None.

PRESENTATIONS: *Law Director Graves swore in subjects for testimony.*

Acting Chairman Tatter explained your application before this Board is to request a side yard variance, that is considered a use variance and it is jurisdictional. Law Director Graves corrected area variance. Acting Chairman Tatter corrected area variance and it is considered jurisdictional in nature.

Ben Centifanti, 879 Hollywood – Mr. Centifanti explained my daughter is a disabled veteran and MS and the VA has offered to help us pay to put an addition onto the house for a handicap bathroom access because she is in a wheelchair now and the only bathroom that we have is real small and when she gets out of her wheelchair to go to the bathroom she falls. There is no room for her to take a shower in there, so they want to make a handicap accessible bathroom and make her bedroom a little bit bigger so she can get around in the wheelchair. Acting Chairman Tatter advised there are a certain number of questions that we are required to ask and they are the same as the ones that you answered on your application. Law Director Graves recommended that the answers that he has given be part of the record and this is his opportunity to review them and highlight them and supplement the answers that he has already provided to the Board. But that he should absolutely address the factors which come from the case Duncan versus Middlefield to establish practical difficulties which necessitate the variance. Acting Chairman Tatter stated you have explained in the question; the property will or not will yield a reasonable return. You have answered probably not with the cost. Mr. Centifanti answered right. Acting Chairman Tatter continued the variance is substantial or insubstantial because which you have explained on here already where you told the Board of your daughter's handicap. The next question was the

essential character of the neighborhood would or would not be substantially altered or adjoining properties would or would not suffer a substantial detriment as a result of the variance. Mr. Centifanti explained we are the last house on a dead-end street where that Forestlawn Ditch or whatever runs alongside our house and I own the lot behind us. Acting Chairman Tatter clarified Forestlawn being a street that is not developed but on paper. Mr. Centifanti answered right and I own the lot behind us and it is going to be on the south side of the house. Acting Chairman Tatter clarified adjoining the paper street. Mr. Centifanti answered right. Acting Chairman Tatter continued the variance would or would not adversely affect the delivery of governmental services. Mr. Centifanti answered no. Acting Chairman Tatter continued the applicant purchased the property with or without the knowledge of the zoning restriction. Mr. Centifanti answered no. Acting Chairman Tatter continued the applicant's predicament feasible or cannot be resolved through some method other than a variance. Mr. Centifanti answered no. Acting Chairman Tatter continued the spirit and intent behind the zoning requirement would or would not be observed and substantial justice done or not done by granting the variance because? Mr. Centifanti answered it would make it easier for my daughter, it would give her another exit out of the house in the case of an emergency because they are going to put a doorway and a handicap ramp to put out in the front there. So, it would be more safety related too. Acting Chairman Tatter advised these are the questions that we are required to ask and you have answered and verified them. No other questions were heard from the Board. Law Director Graves stated just so the Board is clear, I did speak with the Building Inspector about this. In the back of the packet where he outlines the variance that is being requested, the page where he kind of delineates what they are looking for, he says that the total required is 35 feet but it is only 30. I think we had the same issue last month and I talked to him the other day and he knows now that it is only 30 feet with neither side being less than 10. So, they are going to have over 20 feet on the one side, so the variance on the south side where they are only going to have 6 feet. So, really it is one variance that they are looking for, which is a 4-foot variance on the south side. Acting Chairman Tatter stated the street that is on paper I believe that also is the boundary between Sheffield Lake and Sheffield Village right? Law Director Graves answered, I think so. Acting Chairman Tatter concluded there would be no chance of a house being put on the same side of the street or on that street? Law Director Graves answered right. Acting Chairman Tatter stated so the variance is almost and it isn't, but almost a moot point. Mr. Centifanti stated originally that the builder wanted to go out 8-feet and the Building Inspector turned it down, so he modified it to go 15-foot. Acting Chairman Tatter asked when you purchased the house was your daughter disabled? Mr. Centifanti answered no. Acting Chairman Tatter stated so there was no reason for you to anticipate this having to happen. Mr. Centifanti answered no and explained she was in the Army

when she started having symptoms of MS and it was like another 10 years for her to be diagnosed with it. Mrs. Centifanti advised I was sworn in to testify and she is Sarah's mother and advised Sarah is deteriorating kind of rapidly and is in the hospital now and she cannot get around in the house the way it is setup. We have done all that we can do, we have extended doorways and put wooden floors down and ripped carpeting up so that she can motivate in her wheelchair better. She is now permanently in a wheelchair. They want us to get a lift so we can transport her in and out of bed, in and out of her chair and we need room for that which the VA has offered to provide us with that as she is at 100%. Member Reilly asked they have upgraded her to 100% so that now she is entitled to this, you know the addition onto the house? Mrs. Centifanti answered yes and her children lives with us also. Acting Chairman Tatter stated you live in a split level which is multi-level design house? Mrs. Centifanti answered yes, well it has stairs that she cannot climb. Mr. Centifanti added she has no access to the bathroom. *Motion by Reilly/Second by Harper to approve the request. Yeas All. Acting Chairman Tatter added the variance is approved for 4-foot side yard which is exactly what you proposed.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Reilly/Second by Harper to adjourn at 7:10 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

CHAIRPERSON
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 March 16, 2017.

PRESIDENT OF COUNCIL
Rick Rosso