

Zoning Board of Appeals
Sheffield Lake, Ohio
July 20, 2017

The meeting of the Zoning Board of Appeals was held Thursday, July 20, 2017. Chairperson Jancura called the meeting to order at 7 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Tatter, Harper, Reilly, Kovach

Absent: Mr. Radeff (excused)

Attending: Applicants and/or Representative, Concerned Citizens

Minutes: June 22, 2017 - *Motion by Reilly/Second by Harper to approve the minutes with so noted correction. Chairperson Jancura noted one correction, page 5, 4th line down, Chairperson Jancura noted should state “if she doesn’t deviate and if she does indeed build the second house then we may deny that one”. Yeas All.

CORRESPONDENCE: **None.**

PRESENTATIONS: *Chairperson Jancura swore in subjects for testimony.*

Frank Oakley, 781 Idlewood – TABLED - *Motion by Reilly/Second by Harper to un-table. Yeas All.

Chairperson Jancura opened the floor for discussion and advised there were a couple of issues with the application. The first one being there was not a proper applicant since the property is owned by an LLC and Mr. Weinburg wasn’t present at the last meeting and he didn’t have a proper designation of a power of attorney. So, he has submitted a power of attorney, but I am going to get real technical, technically this is not a formal power of attorney form for a corporation. This is one individual granting power of attorney to another. So, this thing is off the internet and really general, yada, yada, yada. That being said, there is an indemnification clause under 9; third parties, the principal agrees that any third party receiving a copy of this will indemnify and be held harmless in any and all claims that may be put forth in reference to this durable power of attorney. So, I am going to say that is fine, good enough for us so that you don’t have to come back in August to have you do it again.

Frank Oakley, 781 Idlewood, representing his Father who is the owner of MNL, LLC. Chairperson Jancura swore him in for testimony.

Chairperson Jancura stated so you are seeking a variance for non-compliance with Sheffield Lake ordinance 1133.07(e) which states that rear yards shall not be less than 35 feet in depth if a garage is attached to the house. His proposal is for new construction where he will demolish the current house and put the garage where the current house is and erect a new house and garage. Member Harper stated so the whole entire house is coming down. Mr. Weinburg answered the whole house,

the whole garage. Member Harper stated, okay because what I am looking at it and on here it shows the existing house and existing garage with a new garage attached to it. Mr. Weinburg answered we are using the same foundation. Member Harper stated that's it, so it is just the existing foundation? Mr. Weinburg answered yes. Chairperson Jancura asked so, the new garage will be where the old house was? Mr. Weinburg answered no, if you look...the existing house, there is 40 feet of the existing house and then there is 12-foot of the existing garage. So, basically the 24 and the 12 are being combined as a bigger garage. So, the house is the same size and it is going to stay the same size. I mean it is going to be a 2 - story, it will be higher than what it is now, but we are not expanding out width or length. So, that is staying the same and the only thing we need a variance for a bigger garage. Member Harper advised because it is coming too close to the rear. Mr. Weinburg advised it is only a 3-foot variance. Chairperson Jancura corrected no, it is a 20-foot variance because your blueprints submitted are 10-feet from the back of your garage to the property line and rear yards need to be 30 feet. So, you are asking for 20-feet. Mr. Weinburg explained no, that is not the rear of the yard because it is actually Ferndale...or not Ferndale but the side street. That is where I was told by the Building Inspector that that is the front of the house. Chairperson Jancura advised the front of your house is on Oliver, so you abut your neighbor. Member Harper advised yes, the rear of your yard and you only have 10-feet. Member Reilly noted, all the houses on Ferndale actually butt up to side streets. So, the rear yard is actually what the by-passer would see as the side yard. Chairperson Jancura showed Mr. Weinburg per the drawing, there is your rear yard, you abut your back yard. It doesn't matter where your house is, that is your rear yard and that is why you need 20-feet. So, may I ask how many cars are in your family? Mr. Weinburg answered right now there is 4 cars in our family. However, that is really not the whole reason, I have a piano company. I buy and sale piano's and I have a piano truck that is over 20-feet long and it's a straight truck. Anytime, I park the truck there, I get in trouble with the cops. It is not that it is a bad looking truck, other people might think it is an eyesore. I want to be able to take that and I have a 33-foot boat, so I want to be able to put the boat, truck and the cars inside the garage. I don't want there to be any problems with getting tickets all the time and saying well, this has to be on concrete or whatever. I am done with that, I have a big enough garage that I can put everything in so that there is no problems or issues. Chairperson Jancura asked so will you park your piano truck inside the garage? Mr. Weinburg answered yes, all of my vehicles in the garage. Chairperson Jancura asked so how many vehicles will you have total and how big is the piano truck? Mr. Weinburg answered it is I would say about 20-feet. Member Harper asked it has got the cab over Fuso front-end? Mr. Weinburg answered yes, you know it huh? He continued so I have that and then I have the boat and I don't plan on keeping 4 cars, probably just 2 cars. Member Reilly stated the area of the existing

garage would be converted into a new house? Mr. Weinburg answered, correct. Chairperson Jancura asked do you conduct business out of this residence? Mr. Weinburg answered, I don't do anything out of the residence because everything has been torn out, you see the ground. Chairperson Jancura asked I mean when everything is built, will you run your piano company out of this? Mr. Weinburg answered, I have a warehouse where I keep everything in Sheffield Village. I mean I will store my vehicle there, but I am not going to operate a business. Chairperson Jancura asked well, why not park the truck there? Mr. Weinburg answered they won't allow it. If I would have any piano's that I would have to restring or something like that, I would like to do it in the garage. I would like to have the capability, I don't have anything right now as it is. I would like to have a shop where I can do repairs and restring and things like that and not have to pay \$300 or \$400 a month in Sheffield Village and to keep stuff in one spot would be fantastic. Chairperson Jancura asked do you dock the boat during the summer? Mr. Weinburg answered yes, it is at Emerald Marina. Chairperson Jancura asked so, it is just winter storage? Mr. Weinburg answered yes, winter storage. Chairperson Jancura asked is there a reason why you can't find somewhere else to dock the boat in the winter, why do you have to have it at your house? Mr. Weinburg answered, I usually do all the maintenance on it and a lot of places don't allow you to do the maintenance in the winter time, it basically just stores it. You can't in there and you can't buff it, you know, you can't do anything that you want to do until summer time. I normally do stuff over the winter time in order to prep it for summer time. Chairperson Jancura asked how old is your boat? Mr. Weinburg answered 1989, constant maintenance. Chairperson Jancura asked is there a way since this is new construction, is there a way that you can situate the building so that you would have more than just 10-feet in the back? Mr. Weinburg answered there really isn't because we are going to use the existing foundation of the house and if we don't use the existing foundation then we would have to move it over. Member Reilly advised you would have to re-route all the sewer lines, water, etc. Mr. Weinburg stated the way it is now all we would have to do is build. Member Harper advised it would be a total rebuild. Mr. Weinburg concurred it really wouldn't be feasible if I was to do that. Chairperson Jancura asked is there a fence between your backyard neighbor and you? Mr. Weinburg answered yes there is, there is a fence but not the whole way though, like just up to the garage. Member Reilly advised there is a bunch of brush too, I just live down the street. Member Harper asked so you do plan on living in it? Mr. Weinburg answered absolutely. Chairperson Jancura asked, you are aware that your building permit is only good for a year? Member Reilly advised he could extend that. Chairperson Jancura stated you would have to come to us and say why you haven't been able to complete it within a year, just so you know. Mr. Weinburg stated, but I didn't get the building permit yet? Chairperson Jancura explained, but when it does, when the

building permit is issued you have a year to build your building. Mr. Weinburg answered, I plan on having the whole frame up this year before snow fall. Chairperson Jancura explained the time limit for building. Member Harper asked are you doing all the work yourself? Mr. Weinburg answered yes.

Board Discussion:

Member Tatter advised the concern is the size of the garage, the reason for the variance request is I think based almost entirely on the size of the garage. He continued 36 foot X 25 foot and the reason for that size of the garage is because his storage space in Sheffield Village doesn't allow storage of a vehicle and it seems like just because another community wouldn't allow him to store his vehicle there. I don't see where a 36 X 25 garage is what is normal for the neighborhood. A 2-car garage is maybe normal, which is what is there and they are 20 X 22 or 24 at the most. I don't see where a practical difficulty for everyday family living would exist if he didn't have the piano truck. As far as his boat goes, he could put a concrete pad out there without a variance even if he called it a patio. He could park his boat on that concrete pad and not be in violation of any Sheffield Lake laws in regulation that I know of. So, my problem is with the neighborhood itself, residential neighborhood having a 25 X 36 foot garage that is a requirement because of the individual circumstances of the person asking for the variance. Chairperson Jancura stated I would agree as I have a detached 2-1/2 car garage and an attached 1-car garage that he is creating, is his own white elephant so to speak. This is a huge garage and for a car guy in Sheffield Lake, it is great, but he really is building this to accommodate his business and the 10-feet is substantial. When you talk about the variance being substantial, it really is. If this was 5-feet or even 10-feet, but this is 20-feet, this is a lot. His lot is not large so you are putting a lot of structure on a small lot and that is not what we want to do. These lots are small, so I don't really think it goes to the spirit and intent of the variance. I know we really do try to be as accommodating as we possibly can but I think this is just too much. He can still build his garage, cut a few feet off and not have to have the 20-feet. If he would come to us with a 10-foot variance, I think that would be a little bit more palatable, but 20-feet and being just 10-feet off his neighbor is a lot and having this big garage. His garage is almost as big as his house and being on the corner you see it. Member Reilly stated, but it does blend in, I mean with the normal run of the houses. There are quite a few houses that have the extended garages. My own neighbor, I have got a little tiny house, but he put up a house that dwarfs mine in the shade. So, as far as the visuals go it looks much better if it was done this way than anything else. I think the 10-feet are six of one and half dozen of another. I don't think it will affect the look of the place pretty much because I go by there every day and there is brush on the side there and 10-feet is enough to get some medical people back there. One of his main concerns is not the fact he needs to store inside, it is more the fact that he wants to get them off the sidewalk because

that is a problem there. It is constantly just vehicles blocking the sidewalk; boats, cars, trucks wherever you go. He could stick it all on the sidewalk or stick it on the patio, but I don't know that that would look any better. Chairperson Jancura stated you are not allowed to block the sidewalk, I believe the Police will ticket you if you block the sidewalk. You can get away with it for like a party, but you can't do it chronically. Member Reilly stated his house is the way it is, this would be a nice way to increase the value. No, I would not have a problem if he came back and said I want half the size of it, but given his special circumstance and the actual location and how this would fit into this little corner, it looks quite nice.

Chairperson Jancura advised, but I think he could make the garage smaller and as Ken said put the boat outside and not have to have such a big garage because what happens is once we grant this variance, he could fill the garage and put the boat outside. Then he has got a really, really crowded yard because we can't stop that. Once we grant the variance, we grant the variance. Member Reilly asked would you be willing to come back and lop some off? Mr. Weinburg answered no, there is living space above the garage. It is not just a whole garage, I have it there because there is going to be living space over the garage. It is not just we are having a 36-foot garage because I want a huge garage, there is living space above it and that is why it is there. Member Harper advised well that wasn't explained. Mr. Weinburg stated I tried to and you told me to be quiet and I wanted to just let you guys talk. Member Harper asked so how many square feet is this house going to end up being with the living space above the garage and the house itself? Mr. Weinburg answered, I don't know yet, I honestly can't tell you because the Building Inspector said go get the variance and we will figure it out. We could probably figure it out now. Member Harper stated so you got 24×40 , $52 \times 20 = 1040$ and then another 1040 above. So, you are looking at over 3000 square feet by the time this is done. Member Reilly asked how much do you think it will raise the value of the property? Mr. Weinburg answered more than what it is worth now because right now it is not worth very much because of what is on it. I had an option to build in North Royalton next to my mom and dad and everything is already there. But I am coming here and I want to be able to do the things that I can do there and still have it here because I love Sheffield, it is a great community. I am not in here just to flip the house. I just got married or I am getting married on Saturday to my wife who is just here from Vietnam since February and we need a place to stay. It is all nice that I live with Mommy and Daddy right now, but I need a place of my own and that is the urgency, I want to get in the house and have a place to live and we plan on having kids. The way it is right now, with a 2-bedroom house just isn't going to cut it. Chairperson Jancura advised if we deny it you can still build the house the way you want to, you just can't build your garage the way you want to. Mr. Weinburg stated I will think about building in North Royalton then. Member Tatter advised I still maintain that the practical difficulty is

created by the applicant, I maintain that he is creating his own practical difficulty. I think that a 3000-square foot house and a 35 X 25 garage is certainly not in line with what the neighborhood standards are. Chairperson Jancura advised I also have problems with 20-feet. Member Harper asked how many people are going to be living in the house? Mr. Weinburg answered me, my wife, my 2 kids and hopefully babies on the way. Her mom and dad are coming here, so it would be 6 and her sister is 7 and possibly her brother so it would be 8. Member Harper stated information like that helps and you say that you are going to build 3400 square foot house and there is only 4 of you living in it, then you can't really say that we really need that space above the garage. Mr. Weinberg stated that was the whole reason also because we are trying to figure out the best way because it is a small lot compared to where we live now in North Royalton because it is really small and that was the only way we could utilize this space. You know, kill 2 birds with 1 stone; have a place to put the vehicles and then have living space above it. So, that way we have everything we need. I think the value would definitely be increased, it is sure better than what is on there now. Member Reilly stated I would have to tend to agree, I think he has a good case. Maybe the part of the garage is of his own making, but he has come up with a very innovative solution. It looks good and it will increase the value of the house and surrounding properties. Member Harper stated I would agree, but my biggest concern is the same thing as hers, 20-feet is a huge variance, that is big. Chairperson Jancura echoed that is a lot, more than half of what is required really gets into that lot bite-off. If it would be hey, I have 5 teenagers and we have cars and my commercial truck and my boat I want them to be included. Member Harper concurred it helps to understand that there is a possibility that there is going to be 8 people in there. Member Reilly stated it sounds like he is going to end up with just the total automobiles anyways. I still see that this would be an advantage to the neighborhood. At least as far as property values and all of that goes. There is limited practical hardship as far as the garage goes. Chairperson Jancura stated he could still build the garage, but a little smaller. Mr. Weinburg stated I was told and if you see on the page 4 if you are looking at the drawing...he is showing and there has to be a minimum of 10-foot right? Chairperson Jancura advised no, he is showing that there is 10-feet, the minimum is 35. Mr. Weinburg advised I was told the minimum was 10-feet. What I was told that I am getting... Member Harper stated that would be on a side yard. Member Tatter concurred and advised he is probably looking at it as a side lot. However, your lot does not front on Ferndale. Mr. Weinburg stated when I had this done, I was told well you are only seeking a 3-foot variance because you see the north side of the house is 7-feet from the property line to the end of the garage. He said you are only requesting a 3-foot variance because there is 10-feet... in essence he said there is 10-feet because the front of the house is facing Oliver so the back of it would still have the 10-feet. Chairperson Jancura advised within your own

application you have the owner is requesting a 25-foot variance which we now know is a 20-foot variance to construct a new house with an attached garage 10-feet from the west property line. It needs to be not less than 30-feet because it is an attached garage, 35-feet are when the garage is not attached. Mr. Weinburg stated so if we didn't attach it? Chairperson Jancura answered it would have to be bigger, so no we don't want to go there. For you to comply you would have to lop off the back of the garage. Member Harper stated I am looking at this drawing here, are these numbers correct because it is saying that that lot should be 118-feet deep, but according to this it is only 100-feet on your plans. Where is that other 18-feet? Chairperson Jancura concurred according to the auditor you have 118.5-feet from tip to toe. Member Harper stated from front to back and yet your drawing has only 100-feet. Chairperson Jancura stated so, if your schematics are wrong, you may very well have 18 more feet. You would need 10 and if you really do indeed have 18.5 more feet, you would have 28.5-feet, so you would need 1.5-feet which is much better. Chairperson Jancura stated this needs to be really accurate and I think the guy who is doing this for you is not really accurate because this is what we go off of and it says you have 118.5-feet. Member Harper stated it also indicates that you have 80-feet the other way. Chairperson Jancura stated and it is only 40 that you have. Member Reilly stated I am wondering if this guy is including the sidewalk and street. Chairperson Jancura pointed out this on Oliver, it says 80 and it is only 40, so even this isn't right. That is 40-feet, that is not 80-feet. Member Harper stated I think it will benefit you if you figure out what is going on here because in my eyes I don't see the practical difficulty right now. If you can get a better idea of exactly how much space you are going to have there, it is only going to help you right now. Chairperson Jancura advised if you are asking for less than 10-feet, then your argument is very plausible, but what we are having a hard time with is the substantial greatness, it is a lot. But if you are only asking for 2 or 3 feet, you would have very good grounds. It is the size of the variance that we are having an issue with and I think this drawing is inaccurate. Mr. Weinburg stated you could be very well right. Member Tatter asked could there be an exception for the front setback since he is using the existing foundation? I mean there are a few extra questions here that we are starting to create? Chairperson Jancura stated, we are only taking this application into consideration, but we can also give him... you are going to have to come back. Member Tatter could you tell him what he needs to address. Member Tatter advised there is also a front yard variance and I believe that is typically 50-foot, but if you are using the existing foundation and it is not 50-foot, then there may be an exception or a variance that has been granted in the past. So, you may be able to have that waived or grandfathered in but I don't know. Until we get the questions answered which honestly, is your responsibility to provide the information to us that can answer all these questions. Personally, I don't see how we could approve this request for variance as it stands now that we

see there is an error in the lot and everything else. Chairperson Jancura advised so we grant your variance and your building permit is approved based on these drawings given to us and if they are wrong, you are not going to get your building permit and you will come back in front of us yet again. So, I highly recommend you go to a quality architect or engineer or surveyor or whatnot. What Mr. Tatter is talking about is 1133.07(a1) is where uniform setback line has been established or observed on one side of a street between 2 intersecting streets or at a distance of 600 feet on either side of the lot in question, basically you don't have to have this front-yard of 50-feet. So, you would fall under that exception. Member Harper stated I see that you have changed this from the last time you were here too. The one you submitted before even though it was kind of... it shows that it is 6-foot past the back of the house and now it is 12-foot, so you added an extra 6-feet all the way across the back of the garage. I mean not that that matters, I am just noticing that you have made it even bigger since the last time you were here. Mr. Weinburg stated maybe he drew differently, but I wasn't making it any bigger. So, you are thinking that he has a hundred feet here and this is just the house because if it is 118-feet. Member Harper asked what I am looking at here, I mean, how big is your boat? Mr. Weinburg answered 33-feet. Member Harper stated not length, width? Mr. Weinburg answered 8.7-feet. Member Harper stated I guarantee that size from the back of your house to the back of your lot is probably correct because I am looking at in reference to the size of your boat compared to the size of the lot that is there and obviously I am not an expert but I am pretty good with sizes and I can guarantee you that that is probably correct. So, something else is off and it is probably not the back of your lot. I don't know if everybody can see what I am talking about. Chairperson Jancura stated yes, because the auditor shows the boat there. Mr. Weinburg stated it does. Member Harper stated so with that being approximately 8-feet, at least about a 1-1/2 feet off the house, that is looking around 35-foot from the back of the house to the lot and 24-foot is the garage that you are putting in is usually a little over 10-feet. I am sure that 10-foot was considered with the eaves because I believe that is how they do isn't it? Chairperson Jancura answered yes. Member Harper stated I would go back and get some better numbers because there are discrepancies' there. Chairperson Jancura advised to save you the money of having to withdraw and revote and you are denied, we are going to table this until you are ready to come back and what I am going to do is have you submit all this stuff and I am going to look at before it is set for the hearing so if something is not set right yet, then we will get it set when we have everything that we need. You should know that in September we are not going to have a meeting because we will not have a quorum because there are 3 of us that are out. Member Harper stated in September I will be gone also and in October I will be in China and Vietnam. Chairperson Jancura advised unfortunately you can't build yet, but you are not denied. *Motion by

Harper/Second by Reilly to TABLE. Yeas All. Member Harper continued don't get me wrong, I believe it will make that street look better and that corner look so much better, but that is a huge variance – 20-feet. Member Tatter advised you might want to check with the county and they will possibly have a survey. Member Harper advised I see what is going on here, that 40-feet are part of one lot and there are 2 lots there. I still don't know about this 118, see what I am saying with the cross section laying all the way across. Mr. Weinberg stated that is going to help right? Member Harper answered that doesn't help with your setbacks. Representative Kovach advised that is just the structure of the neighborhoods, most of the lots and most of the plats are alike. Chairperson Jancura advised like mine, I am on 3 – 70 footers. Representative Kovach advised technically you are on 6 – 35 footers. That is the way it was platted. Mr. Weinburg asked would it make a difference if it was all living space? Member Harper answered no, not with the setbacks. Chairperson Jancura answered it, still says back yards. Member Harper stated now if you change that from 24-foot wide to maybe even a 16 or a 20, that might help quite a bit. Member Tatter stated you might not even need a variance. Member Harper stated I would go back and check your sizes and then take some of that into consideration.

OLD BUSINESS: August Training meeting. Chairperson Jancura advised I am just going to put together, again preponderance of the evidence is our standard. So, you have to establish that and what is that, it is all these legal terms. So, to try to get into our practice of when we are judging things. If there are any other legal terms, I am just going to put some in there. Member Kovach advised if Mr. Weinberg has everything, can he come to August meeting? Chairperson Jancura advised if you have everything together but I will look at it before hearing is set.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by Reilly to adjourn at 7:40 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 July 20, 2017.

PRESIDENT OF COUNCIL
Rick Rosso