

Zoning Board of Appeals
Sheffield Lake, Ohio
August 17, 2017

The meeting of the Zoning Board of Appeals was held Thursday, August 17, 2017. Chairperson Jancura called the meeting to order at 7:05 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Reilly, Kovach, Radeff, Mayor Bring

Absent: Members Tatter and Harper (excused)

Attending: Applicants and/or Representative, Concerned Citizens

Minutes: July 20, 2017 - *Motion by Radeff/Second by Reilly to approve the minutes as presented. Yeas All.

CORRESPONDENCE: None.

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

Authorized Presenter Brad Rauscher Jr., 293 Thelma Drive for the address 669 Rowelyn and was sworn in for testimony. Chairperson Jancura confirmed that this application is requesting a variance from compliance with Sheffield Lake code 1133.07 requiring a 30-foot rear yard in which you are requesting a 23-foot, 6-inch variance in order to build an addition 6-feet, 8-inches from the property line. You are also requesting relief from the 50-foot front yard requirement since on the street have a 50-foot frontage. Does that sound correct? Mr. Rauscher answered correct. Chairperson Jancura advised we have the blue print and I have a couple of questions. *Chairperson Jancura* asked are you aware the application contained a statement that nothing behind you could be built. But are you aware that the lots that are behind you are owned by individuals. Mr. Rauscher answered correct and we are in the process of acquiring more right now. Chairperson Jancura asked do you know which one you are trying to purchase? Mr. Rauscher answered the one from Mr. Grunda, that is one we are in the process of acquiring and the other one we are still trying to figure out who owns it. Chairperson Jancura answered Julia Whalen. Mr. Rauscher answered yes and she is dead. So we are trying to get it and just find out where we have to go. Chairperson Jancura asked if I may ask, what are the purposes of the addition? Mr. Rauscher explained it will a mother-in-law suite for my Mother. Chairperson Jancura asked why is she not able to live on her own anymore? Mr. Rauscher answered she sold her house and my Dad has cancer and she can't take care of him. So, it will be more practical for those two to co-exist. Chairperson Jancura stated it looks like you do have a builder? Mr. Rauscher answered we are working with one but I don't think there is anything final about who is doing it. Chairperson Jancura advised you do have a proper blueprint and thank you very much. Mr. Rauscher advised I think the dotted line is the existing which is really pretty much where the end of the garage is and will be the end of the addition. Chairperson Jancura concurred yes, the existing garage is where the addition will be. She continued my concern with granting the variance is that you are seriously encroaching towards this waterway, the creek behind it. Mr. Rauscher asked more so then what is there now? Chairperson Jancura stated it is just getting closer to it, to the best of your knowledge has that ever flooded or been some kind of issue? Mr. Rauscher answered never anything like that, it is pretty low. Member Radeff asked I am still trying to figure out which is the addition, to be honest? Mr. Rauscher explained where the

addition will go via the blueprint. He explained we are actually moving the garage closer to the road. The Board reviewed blueprint and details, Chairperson Jancura asked is this the only configuration that allows you to suit your needs in terms of where the new living space will be situated because kind of what we always look is kind of the site plan? Can you rearrange the buildings or reconfigure the buildings in such a way that you wouldn't need this much of a variance because this is a pretty substantial variance? So, have you spoken with the builder that this is the way it has to be or do you have an option of...well, we could flip it but if we flip it we would have to do all these other things in terms of electrical or plumbing, etc. Mr. Rauscher stated I don't think there is a lot of other options due to where the house and how it is situated on the lot right now. Chairperson Jancura asked did you request this configuration or is this what the builder came up with or the contractor came up with? Mr. Rauscher answered the architect because we talked to him about what we wanted and this how he drew it up. Chairperson Jancura asked did you guys talk about pricing, is it less expensive to do it this way because you are using existing wiring and plumbing? So, was it more of an economic benefit? Mr. Rauscher answered no, none of the existing plumbing or wiring will be used but the only thing is we decided to keep it a single story because we don't want steps for their later years. That was the only thing that I could think of that could have been an option but isn't.

Member Radeff stated assuming there aren't any houses to the right or the left or there is a huge space there correct? Mr. Rauscher stated yes, from where this would be we kind of stacked it out and I can drive my truck through there.

Member Reilly asked with the other lot being vacant could you get a large vehicle behind the new addition, if you needed to? Mr. Reilly advised so in the event of an emergency, they would have no trouble continuing over the field? Mr. Rauscher answered right.

Chairperson Jancura asked is it reasonable that you are probably going to end up purchasing the 2 lots behind you? Mr. Rauscher answered yes, we are adamant about trying to get them now. Chairperson Jancura stated since they are landlocked, why wouldn't they sell them. There is nothing else to do with these. Mr. Rauscher answered we are in the process of buying one of those now.

*Motion by Reilly/Second by Radeff to close the presentation. Yeas All.

Board Discussion: Chairperson Jancura stated the fact that he is intent on purchasing the two lots behind him gives me much more relief because it is a big variance and Member Radeff agreed. Chairperson Jancura stated so he owns those two lots behind him, you are good to go. Chairperson Jancura opened the floor for any statements or comments from any concerned citizens or abetting or abutting property owners for this matter that would like to come to the podium to make any statements? No voices were heard.

*Motion by Reilly/Second by Radeff to approve the variance as presented which will also include the 50-foot front yard requirements since everybody on the street has that. In addition to his 23-foot, 6-inch rear yard since there is an attached garage.

ROLL CALL FOR APPROVAL OF BOTH VARIANCES AS REQUESTED: Yeas All – Radeff, Reilly, Jancura.

John Weinberg, 786 Oakwood – TABLED - *Motion by Reilly/Second by Radeff to UNTABLE the Weinberg application for discussion. Yeas All.

Chairperson Jancura recalled we needed not only a completed application but more importantly an accurate drawing of the property because from my last recollection and from the notes of the meeting, there was an inaccuracy in the size of the lot and the drawing of the size of the lot.

John Weinberg, 786 Oakwood was sworn in for testimony by Chairperson Jancura. She continued I have the old drawing and I think you represented that the length was 100 feet and I think Mr. Harper helped measure and found out that this is 118-1/2. So, you are really only asking for 2-1/2 feet of a variance, not 20 as you were originally going for. So, it is the exact same proposal but the correction in the dimensions of the lot itself. Does that sound correct? Mr. Weinberg answered yes. Chairperson Jancura continued so, I know that we asked you lots of questions about what you were going to be doing with the property, so we are not going to go there again. This is just that we were not comfortable with 28-1/2 feet of a variance. I think the Board in general because we were a full house last month was much more comfortable with....Member Radeff stated you were not a full house last month. Chairperson Jancura apologized and stated you were not here last month but continued, we were much more comfortable with the 2-feet which is being requested now because we have 118-1/2. Member Reilly stated this is much better. Chairperson Jancura continued correct, you are no longer asking for the 20-foot because you have the frontage. Mr. Weinberg advised if you look it is actually 118-1/2 feet plus 8.91, that is the total. Chairperson Jancura stated even better. Mr. Weinberg stated he said for me to make sure that I pointed that out and make sure that I let her know that this is what it is because that is the corner obviously. Chairperson Jancura stated so, all total you have 127.41 feet as your depth. Chairperson Jancura shared the previous measurements that Mr. Weinberg was dealing with which made his prior variance request huge and Member Harper recalculated that measurement which was considerably bigger then what had previously been measured. Mr. Weinberger thanked Mr. Harper for all of the time and recalculating that he did via the county dimensions and what was depicted on his previous proposal. He stated I think he spent about a half hour to 45 minutes going back over all of the measurements and I really appreciated it. Chairperson Jancura concurred he is a really good guy. She reviewed previous request which is very different now that it has been remeasured. She stated Mr. Weinberg, you know you still need the 10-feet, did you have the Building Inspector come back out? Mr. Weinberg answered yes, I didn't have the Building Inspector come back out but I had the Architect come out and redo everything. Chairperson Jancura stated so we have an accurate measurement now, the 118-1/2 plus the 8.91 so you have 127 but you are still needing the 20-foot variance which doesn't make any sense. You should need less. Member Reilly stated this is the new area here, so now they only need about 9-feet. The Board reviewed drawing and dimensions with Mr. Weinberg and questioned now it is to here on the drawing? Mr. Weinberg stated remember, we were going to have the garage be 36 X 36 and Matt said don't do that and he said shorten it by 6-feet and they shouldn't have a problem with it. So that is what the red line is showing the old. Chairperson Jancura stated now you have 21.41 feet, so you should need 9.6-foot variance which is a big difference

especially since you now gave us the correct dimensions. Mr. Weinberg stated you were right from the beginning that the dimensions were wrong. Chairperson Jancura answered well we were looking on the county map and I said look you have 118-feet and that is where Matt got exactly how big your lot was because the county has your 118 and also your 8.91. So, that is your full width and now you only want 9.6 feet for a variance.

*Motion by Reilly/Second by Radeff to close discussions on presentation. Yeas All.

*Motion by Reilly/Second by Radeff to approve as newly presented.

ROLL CALL TO APPROVE FOR A 9.6 FOOT REARYARD VARIANCE BASED ON THE NEW DRAWING: Yeas All – Radeff, Reilly, Jancura.

OLD BUSINESS: August Training meeting. Chairperson Jancura advised Clerk with this training, we do not need this training period transcribed which consist of legal standards of proof, preponderance of the evidence, clear and convincing evidence and beyond a reasonable doubt as is attached to these minutes.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Reilly/Second by Radeff to adjourn at 8:15 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 the Zoning Board 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 August 17, 2017.

PRESIDENT OF COUNCIL
Rick Rosso