

Zoning Board of Appeals
Sheffield Lake, Ohio
August 16, 2018

The meeting of the Zoning Board of Appeals was held Thursday, August 16, 2018. Chairperson Jancura called the meeting to order at 7 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Reilly, Harper, Wright, Radeff

Absent: Tatter (excused)

Attending: Applicants and/or Abutting Property Owners

Minutes: May 17, 2018 - *Motion by Harper/Second by Reilly to approve the minutes as presented. Yeas All.

CORRESPONDENCE: **None.**

Council Representative Radeff report: Councilman Radeff advised Council is currently on August break, so there is not much new going on. Yesterday, we did have Planning Commission and they are still finalizing the Master Plan. I know Member Wright had thought of hopefully having that done by late October. Member Wright corrected November. Tonight, I did bring some data regarding lot setbacks and other things which I can talk about. Chairperson Jancura advised why don't we hold until item 9 under new business as I have some stuff that I would like to talk about.

Planning Commission Member Wright: Chairperson Jancura advised we have written a revision of the Master Plan, each member of the Commission was given an assignment of certain sections of the Master Plan to revise according to the new data that we collected with the community survey. A number of us had brought our submission and we reviewed them and made suggestions of some changes. We left the meeting last night with the task to continue reviewing and at the next meeting we will make suggestions as to further revision and I think by October's meeting we should be able to put a rough draft of the entire thing together and comment on that and then in November we should be able to wrap it up. I also have something to talk about in new business because one of my sections in the plan is zoning, so I would like to hand out the little excerpt from the Master Plan and just get this Board's thoughts on what to do about that section in the new Master Plan.

PRESENTATIONS:

Bob & Rose Ann Spirko, 769 West Shore Blvd., variance for 24-foot to build a covered front porch. Chairperson Jancura swore in applicants and contractor for testimony; Owners Bob & Rose Ann Spirko, 769 West Shore Blvd., and Contractor Nick Yarham, Northern Hammerworks, LLC, 266 Belmar Blvd., Avon Lake.

Chairperson Jancura advised your application is to build a new front porch onto your existing house. You are seeking a variance from compliance which Sheffield Lake code 1133.07 (a) (1) which requires all front yards have a depth of at least 50-feet. You are seeking a 24-foot variance to the required 50-feet to build a covered front porch 26-feet from the right of way. Mr. Spirko stated I think the original structure is only 35-foot. Contractor Yarham stated I am surprised that it is 50-feet with the original structure only 35-feet. Mrs. Spirko stated we have a pretty large front yard from other streets.

Chairperson Jancura stated I am not sure if you are aware but in order for you to meet the requirement, under Ohio law for granting a variance we ask a series of questions and some of them you have already provided the answer for under your application which go to will the variance directly affect government services. So, these are the kind of questions that need to meet the standards that need to be satisfied in order for our Board to determine in an objective way whether you have met a practical difficulty.

Chairperson Jancura asked what is your intended purpose of the porch?

Contractor Yarham answered they would like to hang out with the neighbors on the front porch. However, it is really hot in the afternoon and is almost unbearable in the front and it would also shield the front of the house. *Chairperson Jancura* advised why not just get a retractable awning that would not require all this building? It would be significantly cheaper and still provide shade and cover from the sun and from rain? Contractor Yarham explained I don't think a retractable would even be possible because the gutter is only about this high and if you were to try one of those it would be sagging way down. Mrs. Spirko stated to be truthful I think that porch would be far more attractive and would look like the original part of the structure of our house and it would be a lot better than us sitting in our garage which we do pretty much every morning. If you drive past our house any time between 6 or 7 in the morning to 10 in the morning, you can find us with anywhere from 2 people up to sometimes 10 sitting in the driveway. So, it would be nicer to have the porch. *Chairperson Jancura* asked why not add onto the back of your home, have a deck back there and the covering of the back of house? Mrs. Spirko stated it's boring. Mr. Spirko stated I always looked at a backyard patio as verbatim; hoards more friends than papers. *Chairperson Jancura* asked how long have you been hanging out in your garage? Mr. Spirko answered a lot of years. Mrs. Spirko answered he has been retired for 5 years and before that it was just on the weekends. Right at our garage door, we are all lined up. Contractor Yarham explained this would be a very attractive structure that would go with the house, it would look like it was built with the home. *Chairperson Jancura* asked is there any reason why on the porch – how wide is it going to be on the front? Contractor Yarham answered 19-feet and the pad is already there. *Chairperson Jancura* stated okay, so you are going to use the existing pad. Contractor Yarham stated it is a

new pad that was just put in. So, it would just be covered with 2 posts on either corner for support. It will completely open, no screens, no walls, no windows. Chairperson Jancura stated a true porch.

Chairperson Jancura stated Mr. Harper is our official builder and the schematics seem to comply with what we are used to. We really require more formal schematics. They are pretty rough in terms of what we require.

Member Harper advised just a sketch is all you have provided. But I am looking at the front of the house and he is absolutely right, literally the top of the window framing meets the soffit. So, you couldn't put any type of a retractable awning and I have seen that same structure of what they are trying to build actually as a front porch as my neighbor did it 2-doors down and it actually does make the house more appealing. You know my feelings on stuff like this and I don't see a problem with it. Personally, from a builder's point of view but then again, we have to follow the laws in place.

*Motion by Harper/Second by Wright to close the presentation. Yeas All.

DISCUSSION OF THE BOARD:

Chairperson Jancura advised I did walk by the house this afternoon and they do have a backyard that could support the deck. *Member Harper* advised if I would have to do a rough guess compared to where the patio is now, it is looking at about 25-feet. *Chairperson Jancura* advised with those lots, it is kind of standard 100-foot depth and that is always kind of an issue. She advised I have a neighbor that has a porch very close and they complain that the house is now noisy because it is closer, and I looked up the purpose of a front yard and part of it was for privacy and the second part of it was for safety. So, that people who lose control of their cars wouldn't plow into the house and the porch is going to be the house for all intent purposes. So, now you are cutting down their front yard and their safety zone by half. *Member Harper* stated I don't mean to interrupt but not necessarily half, it is really only 8-foot, so technically on a 35-foot and taking 8-foot which is 20%.

Chairperson Jancura stated well, I think the variance application is unclear.

Member Harper stated the problem is they only 34-foot of frontage to begin with and that is why it is technically a 26-foot variance because really they are only asking to build an 8-foot porch. *Chairperson Jancura* stated that is still only a 26-foot buffer and that is close. *Member Harper* stated that is probably because of the eave. *Chairperson Jancura* advised I walked down the street and nobody else has a porch like this. My street on Sunset does, people have put them on but the houses set further back. I agree it does make the house look nicer but definitely more neighbor friendly. *Member Reilly* stated as far as safety, I am sure it would be far safer to have a porch there. I mean right now, a careening vehicle is going to have to just cover a couple of feet of open concrete then a standing structure.

Chairperson Jancura stated yes but if they sat in the backyard it would be safer.

Member Reilly stated yes but that also defeats the purpose of the porch and it is a function of the front yard. In a more traditional society everyone would have a porch like that, you know 50 years ago. Chairperson Jancura asked Mr. & Mrs. Spirko, I see you have a mobile home in the driveway. Mr. & Mrs. Spirko advised it is not there anymore. Member Harper asked what do they need for the backyard? Chairperson Jancura advised rear yard with an attached garage is not less than 30-feet. Member Harper stated so either way, no matter where they build they are going to need a variance. If you are going to look at it in the way of cost, they have already poured the pad. So, that is the only thing that I am looking at right now is no matter what they do, they can't go left or right. They literally 8-feet on the right side of the house and they have about 4-feet on the other and in the back yard they have about 25-feet. So, no matter what they do they are going to be looking for a variance and I mean that is one thing to take into account. Chairperson Jancura advised they can always put a nice table and an umbrella up that they can take down in the winter. Mr. Spirko advised that is what we are trying to avoid. Chairperson Jancura advised you cannot speak during our discussion.

*Motion by Wright/Second by Harper to approve the variance as presented.

ROLL CALL FOR APPROVAL: Yeas All – Harper, Wright, Reilly, Jancura.

Representative Radeff asked just curious, but is there a ditch on that street too?

Chairperson Jancura answered some of them, it is not uniform, but some have ditches, and some have tile. Member Harper advised on their property, there isn't as it has been backfilled. Representative Radeff advised I thought there was one and I thought a car is not going to get through as a car would come up. Member Harper explained technically, a porch, if a car was to come through and hit that beam first, it would probably save the house.

OLD BUSINESS: None.

NEW BUSINESS:

Proposed ordinance language – Chairperson Jancura advised since Mr. Radeff has submitted and done such a good job but he gave us the language for lot regulations for Avon Lake because we look to them as our cousins to the west. Representative Radeff stated actually, I think there is about 4 different cities here just so you can kind of compare it. So, there is Avon Lake, Bay Village, Rittman because I know they are very similar kind of to Sheffield Lake size wise and also Westlake. The ordinances in Lorain County aren't very easy to read. So, picked the friendlier ones and a few random ones. As you will see, a lot of the cities have different setbacks dependent on what district they are in, obviously like Avon Lake has 4 different residential districts. Then Avon Lake I kind of like because they have setbacks by streets, so if you are Avon Beldon or Lear your setback is different which would make sense because of the highly traveled areas. I just wanted to give a couple of different options of how other people do it so, you guys

decide what you want to do. Another thing, just to consider too is Avon Lake you can see some the sizes on front lots only have to be 20. If you look at Rittman, some of the side yards are only 6 as opposed to 20, just to show that we are not at the smallest possible. Member Harper asked do we have anything in the way of percentage of structure on size of land. Chairperson Jancura answered oh yes. Member Harper asked what is that? Chairperson Jancura advised there is like a maximum, like the building can't be more then. She advised percentage of lot coverage; all structures including accessory buildings shall not cover more than 35% of the area of the lot. So, we have a fair amount of people that blow this thing up all the time. Member Harper advised perfect case in point, these people right here probably have at least 40% of their covered up. I think what we really need to do and it is kind of difficult to set different levels but perfect case in point, there are structures are already 35-feet from the road already. I think we need to come up with a nice number in the way of changing of these; our frontage, our side lots, like what Rocky was saying. Chairperson Jancura advised I was thinking of dividing it into smaller square footage, so if you are less then 5000 square feet lot wise then you can have more. So, you can maybe have half covered. Whereas, if you have a bigger lot then maybe you can't have and you would have to stick with that. Member Harper stated we should even do that for the way of the frontages and side yards and everything. Chairperson Jancura stated I have been thinking about this as far as the standards, where I need the help is where is the line going to be; 5000, 7000, what is going to be a reasonable lot size. You know, where you say you are a tiny lot, you are a regular lot? You can have more of your lot covered if you are a tiny lot and you can have lots of your lot covered if you are a bigger lot. I know a lot of the city is built on 35-footers and that is so small. I mean back when the city was growing up nobody had garages because you just park your car in the driveway or gravel driveways. Representative Radeff asked does it say in there when the last setback ordinance was passed? Chairperson Jancura stated in 68 and rear yards less than 30-feet was in 81. The original front yard with that whole uniform setback line has been established was in 1954. Representative Radeff advised I was just curious why they chose 50-feet when it seemed like we were getting less land. Member Reilly advised back then when there was lots of land and they were very, very tiny little cottages. Chairperson Jancura concurred so why would they require 50-feet. Member Reilly stated planning ahead, but they didn't plan far enough ahead. Chairperson Jancura stated you have these small lots, I mean most lots are 100-feet deep and yet you have a minimum front yard of 50-feet. So, that means half of you lot is going to be front yard, what is the point. Member Wright stated especially if you need 30-feet in the back and 50-foot in the front – there is 80-foot right there. Member Harper stated not a whole lot of house. Member Reilly stated typical house back then were built a lot smaller. It was more important to have a large front yard because it gave a more tree-city appearance

and it wasn't until the 60's until you got developers putting as much house as they could on a piece of property that you start to see the change and the major ones were in 61. Then they increased during the 70's and 80's as the bigger and bigger houses got. Now, all the codes that we are seeing all these people come up for are all designed for folks who built their houses way back. My house was built in the 30's and 40's. I mean the new houses coming up will be just fine but we have to keep in mind that all of these little tiny lots were all designed for a very different town and a very different time. You just didn't have a 5000 square foot house going up. Chairperson Jancura stated plus, I think that if we make the code more user friendly and get it out there to let the builders know that we have rewritten the code, so if you these abandoned lot that are just overgrown and doing nothing. So, if we get the word out there that we have rewritten it and that it is user-friendly to build a house on these small lots and you would not have to go through a variance, we are just making it easier. I think it will encourage the independent builders, you know guys that do just a couple of houses here and there to build. I work with Northcoast Developers over on Lake Road and they are like it is such a pain to build here because you got this and this and this and the lots are small and we don't allow tiny houses. The tiny lots where you can't have a tiny house on your lot. Member Harper advised too many things to contend with. Chairperson Jancura advised let's see how we can get this, average size of a lot and where to start drawing this line of small lots versus bigger lots. So, we can start writing the rules for smaller lots and go to bigger lots. It is just going to have to be square footage, I don't see any other way to do it. Member Harper concurred. Member Reilly asked will the rest of the city officials be okay with us basically saying build tiny houses here. Chairperson Jancura stated do you guys actually know our powers, we are codified. We are empowered under 1395.10 of the city code, in and of itself, I am a Lawyer and I write this stuff and I can't even understand a whole bunch of this stuff. We are allowed to rewrite this stuff and granted what happens and Rocky please tell me if I am wrong. So, we propose this language and we would like to change this code and we propose it to ordinance and they review and approve it and they give it up to City Council and they review it and have their 3 readings and then it is adopted and now it is the new thing? But since we are the ones that have to work with this stuff and apply it and we would like it applied uniformly so that our successors apply it the same way we do. For example, I just took what we were in, we were in yards requirements and I literally just retyped it with some headers. So, front (a) front yard and just make a little paragraph, a minimum size of buildable width of corner lot/side yards and add numbers and just make things clearer so somebody can go oh, minimum distance between buildings – oh, that is (d). So, that even the Inspector can just write down his this is that. Representative Radeff stated so, how to pilot that 15 different codes and every single one of them had some sort of graph as opposed to ours that is in sentences. So, especially if you

are not familiar with reading ordinances then you are not going to know if (a) applies or applies to that. That is why every city has some sort of graph that break down R1 lot size, etc. Chairperson Jancura stated if we are going to expect our residents to know what the law is then we should make it clearer of what the law is. Representative Radeff advised I have talked to a couple of other officials and even the Mayor about this and they all agree that there should be some kind of change on this; lot size and things like that. It is definitely something I am hoping for sure anyhow. Chairperson Jancura stated I am thinking in terms of the 1100's which is what we deal with, if it is not material changes then it is really just a matter just a matter of formatting headers and making things user friendly and I think it would just make it better all-around and I doubt that they are going to have issues with we are just going to have different formatting so people can understand what the heck is in here. Member Wright stated this conversation is the first time I am sitting in on this, did this happen before I joined the Board or maybe in the meeting that I missed when this first came up? Member Harper stated this is many meetings ago, we have been talking about it for a while. Chairperson Jancura advised I just kind of took it on with alright where do we even start and I thought let's just start where we always have issues and kind of go from there. There are always the ones we deal with all the time, the beasts; yards, fences, lot sizes, height requirements, let's go to our beast and get those under control. Member Wright asked is the consensus is to just make it more easier for everyone to understand or do we actually want to change some of these requirements to best suit development in the city. Chairperson Jancura answered perhaps, as we go back and looking at formatting. Absolutely, I think now is the time to go back and say hey, does this still work especially because we are the ones that apply this thing. We are the ones living in this nightmare of a world and whether we want to start correcting the problem because I have been on the Board for 15 years that no one has done this. I thought while we are doing the Master Plan, let's get on this because if we are going to change the Master Plan then let's get the code going and maybe it will propel Parks and everything. Let's everybody do this all at once and bring everybody into the new millennium. If you really want to make Sheffield Lake give it as good a reputation as you can as a modern city then let's do all this stuff. Representative Radeff advised we just finished redoing the code for proposal and application for a development, so that we can make it easier because that was the goal. If someone wants to come in and do a development, it is a lot easier process. I think that is the thing in trying to update a lot of these codes. That is where we are at with Ordinance as well, there are some of them that just don't apply. Like we have seen multiple times where they are just coming for a 3-foot variance and it is like well, why don't we just lower the setback by 5-feet then you have less people asking for variances because technically variances are supposed to be very hard to get but if you read a law book they tell they get denied 90% of the time. If you are

going to have this multiple issue coming up then that means maybe the code needs to switch. Chairperson Jancura stated right now the code is tight and the land is small and so we have to be liberal but I mean represented a client to get a variance up in Sandusky. I thought, slam dunk and NO. Member Wright stated the problem is in Sheffield Lake, there is probably not one street that you can't down and not see an empty lot. There is probably an empty lot on every single street and 9 times out of 10 it is empty because it is basically not buildable, you can't build on it. That is terrible and then the next things you know is the person that owns that lot doesn't take care of it and it is overgrown and it just makes areas in the city look bad. Chairperson Jancura advised safety risks, I got a call from people a couple of lots over saying where people are dumping with the grass and now it is dumping everything and the kids hang out back there and God knows what is going on. Member Wright stated so we can make these lots a little easier to build on, I think it do a lot better things for the city. Chairperson Jancura stated people love a tiny house, tiny houses are really nice now. My next house will be tiny house, 400 square feet. Member Harper stated any structure on any piece of land makes more taxes than no structure at all. Representative Radeff explained we have a land bank so a lot of these lots too are when someone gets their house foreclosed on and they just sit there but no one wants to just come in and build a small house but they could see this and say oh I could do this. The land bank tears them down and we don't have any control over that, so the lot is just sitting there. I had one and I spoke to the Mayor who had it mowed. But it was land banked and they took it down but people aren't looking to build the same looking house that was already there. Member Harper stated because everybody is watching HGTV now. Chairperson Jancura stated okay, so we will take it back up in September and I will take it upon myself to go through our nasty ordinances and I am going to start by formatting them and no material changes of the language but just formatting it and maybe adding some captions and spacing and indents and stuff like that to make things clearer. Then we will read all that stuff and then go through for formal changes of does this work anymore. Member Harper stated I am going to start looking into lot sizes and seeing what we have and I will go district by district. Chairperson Jancura advised if you look on the map here you can kind of see how tiny the lots are and R1 which these are all probably 35-footers but whereas when you get over to Ivanhoe and Richelieu and Ferndale you can tell they are bigger. I think the hardest thing is going to be what is going to be considered small. Member Harper stated I mean I don't have that big of a lot, I think it is 50 X 170 deep but only 50-foot wide and with my house and I put a pretty big deck on the back and a pool and a garage. I mean I have literally 40-foot X 50-foot of yard in the backyard. Chairperson Jancura stated the only thing that saves my house is I have an empty lot on the side. Other than that, my backyard is a 2-car detached garage, a shed, pool, deck on the back so I have a lot of house and stuff going on.

Representative Radeff suggested if you call the auditor, they will show you all that stuff.

Member Wright advised I handed this out to everybody of the old Master Plan so the zoning as you can see there is 3 paragraphs at the bottom of the page going onto the top of the next. He continued it is my responsibility to revise this for a more current requirements and whatnot for the Master Plan that we are working on revising it. So, if everyone would read this real quick and the problem is this was adopted in 2001 and this is my 4th zoning meeting. So, my ignorance of the subject is too great for me to really rewrite this on my own and what I am looking for from you guys is if you would just read through this real quick and what recommendations do you have for me to change this. So, it is just the spot zoning and changes. Member Harper read the language of spot zoning should be discouraged after the demolition of any parcel of land which had been spot zoned, that land should resort back to its original zoning. You know the Village had a problem with that exact same thing about 17 years ago. Right on Lake Breeze, it was about 3 houses before the tracks and house was dilapidated and the guy bought the land and he wanted to tear the house down and put a new house up and they told him no because if he tore the house down it would go back to commercial. So, he sat on the land for almost 5 years and almost lost it until and I want to say maybe someone else came in and finally granted it to him. Representative Radeff stated isn't there an issue to right there on Harris on that corner spot? Member Wright answered yes. Representative Radeff stated I think they want to build a house and I think it is zoned for something else. Member Harper stated which I think is ridiculous, if you have a piece of land and there is a house on either side of it but it is zoned commercial and you can't build a house there. They had the same problem, a guy had to build right on Lake Breeze as well and this was probably 10 years ago. That nice house if you are going past the old Lake Breeze swimming pool area, he built that house about 10 years ago on the east side of the road and he had to build it with his business attached to it because it was considered commercial and there is a house on the other side of it. I personally don't agree with that, so something like that I don't agree with. I think that should be taken out. Chairperson Jancura stated I think it should be left in but however, that the land should resort to its original zoning unless the current use of the land is not in conformity with its original zone. So, like in your situation, spot zone was commercial and then got spot zoned and now it is residential. So, I am going to tear down my house and code is going to say oh, you have to go back to commercial so you can't put your house back up. Then I can say but wait a minute though but everybody else is using this as residential property. So, let me still have it as residential and don't let it revert. So, if the current use of the land does not conform with the original zone let it stay what it currently is. Member Wright clarified so maybe after the demolition of any parcel of land which has been spot

zoned, strong consideration should be given to continued non-conforming use of that land. Chairperson Jancura stated the land should revert to its original use unless the surrounding parcels are not being used as the original zoning.

Representative Radeff asked are there a lot of areas like this? Chairperson Jancura answered yes, especially around Abbe, Lake Breeze, 611. Representative Radeff asked how come they didn't think about just making a mixed use zoning?

Chairperson Jancura stated that is what they are supposed to be doing, that is part of the Master Plan is to make mixed-use. Member Harper stated actually that is what a lot of cities are doing now and they are only doing it because a lot of places want to put in apartment buildings, condos and high rises and stuff like that. So, they are rezoning things as mixed-use. Representative Radeff stated yes, I know that is some of the push for Lake Erie. I was talking yesterday, I think it is 67% of Lake Erie is zoned residential only and that is why you can't develop the lake because that is where maybe you want to look into doing some mixed-use. You can obviously limit to maybe some small stuff and you can limit what's in your mixed use but no one has the option for example, one guy approached me to turn his lake house into a restaurant, well that is not a possibility because it is zoned residential. I mean I would like a restaurant on the lake wouldn't you. Board agreed.

Representative Radeff stated he wanted an affordable restaurant on the lake. So, think about looking at the zoning on the lake. You are not taking somebody's house but give somebody the option. So, if somebody comes in and has big bucks and wants to buy 5 houses up and build something right there. Chairperson Jancura stated some of those houses, what is the behemoth going up on just the other side of Avon Lake, that is a behemoth. Member Harper stated yes, and it is all contemporary too. Chairperson Jancura stated it is just ugly. Representative Radeff asked are you talking about the one that people are complaining about the fence? Member Harper stated you are talking the one that has got the galvanized fencing around it. Chairperson Jancura stated in the front yard that is technically legal.

Representative Radeff stated we had talked about it and we are not going to switch the fencing ordinance because it is so tough to, you can't regulate taste and maybe in 20 years everybody wants one of those and I hope not but. Chairperson Jancura stated it is just legal barely but I still think it is ugly. Member Wright stated and then in the changes, I think what we were discussing obviously before I brought this up that we should reconsider parcel allotments and that kind of stuff and also what you were just talking about, the mixed-use zoning should be considered in certain areas of the city. Chairperson Jancura stated allow mixed-use to encourage development of open spaces including the lake. Member Harper advised plain and simple, I think we need more business in Sheffield Lake.

CITIZENS COMMENTARY: None.

ZBA August 16, 2018

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by Reilly to adjourn at 7:50 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 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 16, 2018.

CHAIRPERSON

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso