

Zoning Board of Appeals
Sheffield Lake, Ohio
September 20, 2018

The meeting of the Zoning Board of Appeals was held Thursday, September 20, 2018. Chairperson Jancura called the meeting to order at 7:03 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Reilly, Harper, Wright, Radeff
Absent: Tatter (excused)
Attending: Applicants and/or Abutting Property Owner

Minutes: August 16, 2018 - *Motion by Harper/Second by Reilly to approve the minutes as presented. Yeas All.

CORRESPONDENCE: None.

Council Representative Radeff report: Councilman Radeff advised we have our Council meeting next week and there wasn't anything pressing or relative to Zoning. The one thing that I did mention to the Planning Commission is that we are going to start doing our own Building Department instead of contracting out to SAFEbuilt. So, that is in the process right now and I know we have 120-day window to do that, but we already have some people lined up so that we can get that going. It will be much better having somebody here pretty much every day and be able to move onto property maintenance.

Planning Commission Member Wright: Member Wright advised the Planning Commission continues to work on the revised Master Plan for the city. At this point, previously to our last meeting we had divided up the Master Plan into sections and the members were revising their own particular sections. So, yesterday we just had a commentary on those revisions and we all are going home with more homework with further revisions. We plan on putting it together into one complete document next meeting and revising from there. The hope is that we have a new Master Plan completed by year's end. Chairperson Jancura advised I worked on the spot zoning and language with him to say, if something was spot zoned for residential and then it wasn't used for it anymore, it was supposed to revert back to residential, but we made sure that that didn't happen if all the other lots around it went to residential. So, it wasn't an automatic conversion to what it was before it was spot zoned. So many times, your area becomes your new zone, so to speak and so it is not spot zoned anymore, it is an actual zone because I think that was Matt that that was a concern with.

PRESENTATIONS:

317 Thelma, build a new front porch w/roof and wheelchair ramp. Chairperson Jancura advised if the applicant or his or her designated representative could please

come to the podium. Chairperson Jancura swore subjects in for testimony. Mr. Greg Bodenski; Contractor advised he would be representing the applicant Ruby Hendrickson. Chairperson Jancura relayed for verification, you would be seeking compliance with 1133.07(a)(1) requiring a 50-foot front yard. Member Harper will start the discussion as he believes you don't need a variance for as large as you applied for. Member Harper explained what you have now is 35-feet, which I think some of these numbers might be wrong. The sidewalk; I highly doubt the sidewalk is 5-feet, it is probably 3-1/2. Contractor Bodenski advised it is, I did all the measuring myself. Member Harper stated that is unusual, but great and so, in reality, what you are looking for is you have 27-feet to the sidewalk and another 5 and we will call that 32 and do another 12 is 44. So, you are really only looking for a 6-foot variance which is in your favor. You are not looking for a 23 foot. I was also looking at, front yard means a yard across the full width of the lot extending from the front wall. Remember we were talking before that maybe it was the eave, but it is actually the front wall to the end of lot line. So, you are really only looking for a 6-foot variance. Contractor Bodenski advised what we are going to do and the reason we are doing this is Ruby is 89 years old and obviously, she is going to live the rest of her life there. She has no other access to get out of her house without assistance. So, what we are going to do is make it out there where she can get out of her front door, you know have the deck flush with the door jam or the threshold. She kind of refuses right now to get into a wheelchair, she's very cute. So, if she can get out there on that porch, then what we are going to do is, an existing gable on the roof of the house/a reverse gable and that is just flush with the fascia board on the front, the gutter board. Well, what we want to do is to extend that out which it is roughly 16-feet from side to side the property lines, but we will put a roof over that to match all of her existing soffit into a new soffit underneath. She can sit out there, whether it is raining or whatever weather. We are going to put a wheelchair ramp down to the driveway, she that she will be able to utilize that. She will have much more mobility. Chairperson Jancura asked how old is Ruby? Contractor Bodenski answered 89. Chairperson Jancura asked does she use a walker? Contractor Bodenski answered yes. Chairperson Jancura asked did she have a stroke or is it old age? Contractor Bodenski answered, I am not really sure. Chairperson Jancura swore in Michael Hendrickson for testimony. Mr. Hendrickson advised I am her second son. Chairperson Jancura asked your mom's medical condition? Mr. Hendrickson answered she has had a stroke last year and she had a mini stroke a little while ago but she is doing okay. You had better get out of her way when she is walking through with that walker, she will run you over. Chairperson Jancura stated, but this will make her much more accessible in terms of getting in and out of the house and safer so that she doesn't have to navigate stairs. Contractor Bodenski stated she is a slow walker. Chairperson Jancura asked does she still drive? Mr. Hendrickson answered no, I still go and get

her groceries and take her to the doctor. She basically wanted a front porch so that she could sit outside, she is isolated inside that house. Chairperson Jancura asked is there a back porch? Mr. Hendrickson answered there is, but she hardly ever goes out there. Chairperson Jancura asked is it wheelchair accessible? Mr. Hendrickson answered no. Contractor Bodenski added and there is no roof over it. Chairperson Jancura stated so it is just a deck, not a porch. Contractor Bodenski stated from there, I don't even think she has access to the driveway from there. So, this wheelchair ramp in the front is going to make it easy to go and out to the driveway. Mr. Hendrickson advised I also got letters from all of the neighbors approving it. Chairperson Jancura stated yes, we have them from just about everyone and thank you very much, I really appreciate that and it does help. Contractor Bodenski advised she is getting all high-end materials which he explained. I think it is going to add value to her home and probably to the neighborhood. We do not have landscape plans at this time, put it all in there and landscape it up real nice. It will be beautiful and I have been a contractor for 30-years. Chairperson Jancura stated it sounds like it is a single floor, ranch.

DISCUSSION OF THE BOARD: Chairperson Jancura stated Mr. Reilly you don't have much to discuss, especially since we are only talking about 6-feet. There is definitely a medical need, it makes the house safer for her and you have a good contractor and the practical difficulty is a slam dunk. *Motion by Harper/Second by Reilly to approve the variance of 6-feet. **ROLL CALL FOR APPROVAL:** Yeas All – Jancura, Reilly, Wright, Harper.

OLD BUSINESS: None.

NEW BUSINESS: Proposed ordinance language; Chairperson Jancura stated so what I gave you, where we were talking about the yards and making the yards friendlier and trying to accommodate smaller lots and larger lots and then kind of everything that goes from there. As I put together, you have a little like chart or draft, this is going to touch all sorts of stuff. We are going to be leaving the 1100's and we are going to be able to deal with 1300's too. So, these numbers are literally just proposed ideas. So, in the middle is your standard lots greater than 9000 square foot or frontage greater than 90 feet is what we currently have. Then on the left I propose lots less than 9000 square feet and I got the 9000 square feet because we have an ordinance about that. It talks about when you have a really small lot, the city kind of considered 9000 square feet a small lot. So, I started there, but we can take the discussion up, is 9000 square feet really that small or should we make it something else? Member Harper stated well, if we just go off of the one that we just did which was only 5000 square feet. I mean most of the lots, as I was going through. I went individual lots where I actually went the city website and most of these lots are 5000 square feet, actually I would say about 7000 square foot lots. Member Reilly stated, we have an awful lot here that are 6000 or 3000 square foot

lots. Chairperson Jancura advised here we go, minimum floor area and combined side lots of smaller, 1133.09 which she read. So, the city has said this is a small lot, but I think that we should go even smaller. I am thinking 5000 square feet because a fair amount of lots of the city in general. We don't have Dennis but it is usually 35 feet wide and usually 100 feet deep is kind of the standard when the city was plotted out and divided it up to be. I think a fair amount of people have 7000 square feet, so it would be 2 – 35's so that is 7000 square feet which is nothing at all. But I think that is a good start. So, 7000 square feet, you should be considered to have a small lot. So, we are going to change this, so it would be less than 7000 square feet and then we are going to have lots greater than 7000. That is going to be the new small lot because we have a lot of these small little lots and small houses are now okay. So, we will now go into front yards, so right now we have 50 feet measured from the front wall of structure to lot line. Member Wright asked which terminates where, center of the street or sidewalk. I was under the impression that it was edge of the street. Member Harper stated it really doesn't go into specific and I looked all through here. Chairperson Jancura stated it is not under definitions? Well, you know what, here is the thing the Board is allowed to promulgate our own rules, correct Rocky? What we do is make recommendations to Ordinance and then Ordinance says okay, Zoning would like this since we are the ones that have to work with these ordinances and interpret and apply them. I think we should say look, there is ambiguity. Council doesn't know there is ambiguity, but being on Zoning, we need to say this needs to be made clear so that it is very black and white because even in definitions lot line isn't anywhere here. Member Reilly asked would Mr. Graves know that? Chairperson Jancura stated I could look into that. Member Wright advised Scott kind of perked my ears up last night when he defined lot line as from the center of the street. Representative Radeff concurred yes, but I thought it was to the edge of the street. Member Harper stated I thought so too. Chairperson Jancura stated when you look at your deed, the metes and bounds of where your land is, it literally goes to the middle of the street, but the city gets a permanent easement for the street but you own up to the street. Chairperson Jancura stated so we need a definition measuring from. Representative Radeff stated like there are certain streets that we just don't pave. Member Reilly stated well, paved or unpaved, the city would have a surveyed record of that. Chairperson Jancura stated so, we could always define it as the lot line shall be determined by where the easement of the right-of-way begins. Member Wright stated I tend to think that is how these things were written up which is why 50 feet makes a little more sense now. Chairperson Jancura stated if we make it measured to the beginning of the easement that constitutes a right-of-way as a city street. So, we could make it based upon the measurement just to the street. Then my next question is should we say anything about sidewalks. So, if you have a sidewalk in your front yard, I guess it is considered just part of your front yard. But you are not

permitted to build too close to it. Member Reilly stated you are not permitted to obstruct a tree lawn. Member Wright stated sidewalks and tree lawns are considered easements of the city. Chairperson Jancura advised I am going to get **lot line definitions**. Member Harper stated I think if we are going to and I don't want to say rewrite it, if we are going to actually redefine it, I think we should make it simple and easy for anyone to understand. I am sure we could throw the word "easement" in there but if they are going to go looking to see if they need a variance and they see easement, now they have to do all this digging. Chairperson Jancura stated, we will use the legal term easement and then we will put "street". We will make it very user friendly, but I think that we definitely need to consider lots without sidewalks. So, I am going to get various samples of lot line definitions. She continued so **side yards**, currently we have 2 yards with a combined width of not less than 15 feet, the smaller of which is not less than 5 feet. Matt – is 5 feet too small of a side yard. Member Harper stated the only thing with that that we need to consider is emergency services, but at the same time a gurney is less than 3 feet wide, but you might need gentlemen on both sides or ladies on both sides of the gurney, so I think maybe we should change it to 6 feet or a minimum of 6 feet. Member Reilly stated that is the purpose of the requirement of two yards combined to ensure that one yard has access for emergency personnel. Member Harper stated, but if there is a fence, that blows all of that out of the water. Member Reilly suggested a gate. Member Harper stated it doesn't say anything in there about a gate. Maybe put to at least one side or the other. Chairperson Jancura stated then we have mentioned egress and ingress. Chairperson Jancura asked Kay, can you let us know what is the minimum width that the Fire Department needs to get a gurney in for access for like a back yard. Representative Radeff advised I am just confused, are you saying 15 feet, not less than 15 feet between houses. Chairperson Jancura answered two yards combined can't be less than 15 feet. Representative Radeff stated so you are going to have 10 feet between houses. Member Reilly added to one side or the other. There was a brief discussion of the smaller of which is not less than that we are going to allow/discussion was on 6 feet. Member Harper broke it down, if you are looking at my house and the smallest is 5 feet, on the left side, I have 5 feet and my neighbor has 5 feet then you are going to have no less than 10 feet between dwellings. Chairperson Jancura stated I like the 6 feet only because with the 6 feet we don't run into the minimum distance between buildings because right now it is not less than 12 feet from another building. So, if we keep the smallest yard of not less than 6 feet, we can just change the minimum distance between buildings for a small lot to be that same 6 feet from another building. That way people aren't messed with now I need a variance, I am looking to make everything uniform. Representative Radeff stated I don't even remember in the time that I have been here, a variance for any more than 8 feet. Member Harper recalled a man came in a little while ago and asked for like 4 or 5 feet as he

wanted to put an addition on his garage. Member Reilly stated so would that change the minimum distance between buildings? Chairperson Jancura advised when we are talking about our small lots, we are going to make sure that the measurement for the small lot is going to be the same distance that is going to be the minimum distance between buildings for small lots. Just to make everything nice and easy. There was a brief discussion on the minimum distance to minimize the damage to the other home. Chairperson Jancura stated this is to encourage people to build on these small lots. She advised we are going to put in the small lots ordinance that you must have a firewall. So, this is really going to apply to new buildings. Member Harper stated most structures now, I think I only have 11 feet from my house to the neighboring house. Typically, what we are proposing anyways is going to make everything uniform anyhow, and it will look uniform to begin with and like she said to make it easier to build on these lots that are going vacant. We really need to do something about all these vacant lots and if we can make it easier for them to build on it and I think it is all the better. Chairperson Jancura continued with **rear yards**, with attached garage with not less than 30 feet from the back wall of the structure. Member Harper advised it just says rear line of the building. I think we should just keep it the same as the front. Chairperson Jancura stated with a detached rear yard is on the same lot not less than 35 feet. So, my proposal for the small lots is with an attached garage, the rear yard is not less than 10 feet and with a detached garage is not less than 15 feet. Member Harper asked does that mean if somebody wanted to tear their garage down and put it in the back of their lot, they couldn't put it on the back lot line. Chairperson Jancura stated I have a detached garage and it is right on the lot line. Member Harper stated the tracks are right behind me. Representative Radeff stated on Greenwood at the end of the streets is woods and then the garage is right on the line facing the woods, which I have no idea how you would get a car in there because there is not a driveway. Member Reilly stated I don't believe the restriction applies to the garage, I believe the garage itself can be within 3 feet of the property line. It is the detached, the yard itself that must be 35 feet back from the house. It is detached that is 35 feet and if attached you only get 30 feet. Chairperson Jancura stated are we alright to have smaller rear yards. Member Harper stated the typical yard is 35 X 100 and typical width of the house is around 26 feet and we are looking at 25 feet for frontage so that is 50 or probably 51 and 49 feet from rear of house to rear of yard. Another 26 X 26 for garage which is 2/1-2, which is 25 feet approximately 23 feet from back of garage if it is attached. This wouldn't matter because you couldn't do attached on a 35 anyway. Chairperson Jancura stated, we get a lot of variance for rear yard which is why I think we would be okay to make the rear yard smaller. So, what if we would say not less than 20 feet. Member Harper stated that is with an attached garage so it wouldn't matter because chances are with a lot that size you would have to go detached anyways because you are only going to have

enough room for a driveway to get to the back of the lot anyways. Representative Radeff clarified so you are saying the line to the detached would be 20 feet? Chairperson Jancura stated no, from the back of the house to the line would be no less than 20 feet. Member Harper explained so any other words, if you are going maximum back yard, if you are going to build a house and you are trying to get the maximum out of your back yard which is what most people are doing anyways. You are going to build your house front of structure 25 foot off the lot line and then round a 26-foot house that is going to give you 49 feet from back of the structure. There was a brief discussion on attached and detached garages. Chairperson Jancura stated so lots greater than 7000 with a detached or no garage for right now is not less than 35 feet of a rear yard, we want to knock that down to 25 feet. She continued for our small lots with an attached garage, I have not less than 10 feet of a rear yard. That is pretty small but is that too small? Member Harper stated, let's go back to detached, not less than 15 feet measured from the rear wall of structure to the front wall of the garage? Chairperson Jancura answered no, this is literally the distance from the back of the house and the lot line. But if your garage is attached to your house that makes a bigger back yard, if detached and assume that you are going to use some of that back yard. So, we are just talking about the distance between the house and the lot line, a true back yard. I am going to start going through the ordinances and cleaning up the language and give it a lot more clarity because this is a long time coming and it is going to take a really long time. So, not less than 15 feet, is that okay for a detached garage with a small lot? Member Wright asked why can't it exceed the height of a garage? Chairperson Jancura answered that is our code. Garages; houses with not less than 7000 square feet, not less than 50 feet from the front line or established setback line or attached to a dwelling. So, that is the current language for a private garage which the Board reviewed definition of a private garage. Chairperson Jancura explained I have 2 private garages; my attached 1 car garage and my detached 2-car garage. Member Harper stated I think those numbers are good where they are at. They are saying established setback line from front line which would be from the front wall of the house. Chairperson Jancura advised these definitions are in line with the front yard definitions. She continued cannot occupy more than 30 percent of the rear yard for our large lots. Member Harper stated we might have to change that to 50. Right now, we are just talking 30 percent of the rear yard, we are not even talking total property. Chairperson Jancura stated I think we should ditch the rear yard and say not less than 30 percent of the total buildable lot. Let's say not more than 30 percent of total square footage of the lot. Let's let people have, the bigger garage, it can't be tall, but it can be big. They still have to have not less than 12 feet from another building. Member Harper to work on swimming pools.

CITIZENS COMMENTARY: None.

ZBA September 20, 2018

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by Reilly to adjourn at 8 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 September 20, 2018.

CHAIRPERSON

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso