

Sheffield Lake Zoning Board of Appeals Minutes
Held June 20, 2019

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, June 20, 2019 at 7:05 P.M. in Council Chambers with Chairperson Jancura presiding.

ROLL CALL:

Present: Jancura, Reilly, Harper, Sibenhar, Radeff, Law Director Graves,
Building Inspector Melbar

Absent: Tatter(excused)

Attending: Applicants

*Law Director Graves states I had the occasion to review the charter and in regard to the parkboard, zoning and planning commission, various members of the administration are listed as ex-officio members of the board. There are places in the code where members are ex-officio non-voting members, there is no designation behind these titles in this portion of the charter. Pursuant to Robert's rules of order, ex-officio member means that whoever holds that official office, is a member of the board. It is not a certain name, it is whoever holds that office. Ex-officio members have all the same voting rights and count toward quorum as the other appointed members of the board. My recommendation is henceforth, the building inspector, director of public service be counted as voting members of this board and towards a quorum. Chairperson Jancura states we bring this up because Mr. Harper was not here for the last meeting, so given the appeal by a neighbor of Ms. Ledyard, we will have Mr. Reilly and Mr. Melbar do the motion to approve the minutes since they were present.

APPROVAL OF MINUTES: May 16, 2019 - *Motion by Reilly/Second by Melbar to approve the minutes as presented and revised. Yeas All.

Council Representative Radeff report: We had Worksession Tuesday where we reviewed the Master plan that's still in process, and I know we are going to have a joint meeting with planning commission. Also, Law director Graves mentioned the city is looking into hiring someone to look at and update our zoning code. If it's approved by council, that is something we will be getting done.

Planning Commission Member Sibenhar:
report: **None. No meeting.**

OATH ADMINISTERED

As provided in 1353.37 of the Sheffield Lake Building Code, procedure at hearings, an oath was administered by Chairperson Jancura to all members of the audience who would be speaking at this meeting.

CASE#19SFL-VAR004

William Lundberg, 253 Cove Beach, request for enlargement.

Chairperson Jancura Swore William Lundberg in. Chairperson Jancura states so you are asking for a variance for compliance with Sheffield Lake housing code 1153.05, which states that a non-conforming building may be enlarged, extended, reconstructed or structurally altered to no more than 10% increase in the cubic footage of such non-conforming building or use. Only 10% expansion should be allowed. Law director Graves states correction, that should read only 1 10% expansion should be allowed. It's a 1 time. Chairperson Jancura responds thank you, so it is a one time 10% expansion shall be allowed. You are proposing a 15% increase to the cubic footage. And the variance is a 5% request. Correct? So, note that this property is non-conforming. Meaning it predates ordinances that are currently in place. 1st question, who is going to do the build? Mr. Lundberg states I will, I am also a contractor. I have my own company, Lakeside Home Renovations. Chairperson Jancura asks why is the addition needed? Mr. Lundberg replies the house is old and the way the house is laid out makes it not very valuable. It would increase the value and curb appeal of the home. It is my residence and it will continue to be my residence. Chairperson Jancura states can you articulate more? In order to grant a variance, the board has to find that there is a practical difficulty. That you have a practical difficulty with the beneficial usage of the property. If you could explain what your intentions are and why you need it at this time. Mr. Lundberg replies that the house is tight and uncomfortable, so they want to make it flow better. The addition will be used for 2 bedrooms. Currently there are kind of 2. A queen fits in 1 and a twin in the other. The addition will hopefully fit a king and queen comfortably. Chairperson Jancura asks so you are adding approximately how much square footage? There's 18 foot width, 540 square foot. So it will be a considerable addition. Why not sell this house and just move into a bigger house? Mr. Lundberg replies at it's current condition it has no value, well not that it doesn't have any value, but it doesn't have the value it should have, because it's an original cottage to Sheffield Lake. It needs many updates in order to get the value back up. Chairperson Jancura asks is this right on the water? Mr. Lundberg replies no, it is down Cove Beach Rd. Chairperson Jancura asks how long have you owned this property? Mr. Lundberg replies I have owned it since 2000, but I was born in it, we have had it since 1973. Chairperson Jancura responds, wow, so it's a family home? So it has much more than just economic value, it has memories and sentimental value. Any other questions? Committee member Reilly asks are you considering spending the next 20 years or so in the home? Mr. Lundberg responds

with that's why I'm doing this, I would like to die in this home. That's why I want to keep it a ranch and I'm not building up. Committee member Reilly asks and now how difficult is it for someone with health issues to get around the home? If they had a walker or a wheelchair? Mr. Lundberg replies it would be impossible, narrow doorways, floorplan is miserable. The addition will allow me to open the floor plan and make it more comfortable. Chairperson Jancura asks do you live here alone? Mr. Lundberg replies no, I'm married and have 2 children living at home still. Chairperson Jancura asks anyone else? No? Do I have a motion to close the presentation?

CLOSE PRESENTATION: *Motion by Reilly/Second by Harper to close presentation. Yeas All.

Committee has internal discussion. Chairperson Jancura says it is a non-conforming original cottage that he has been in it since 1973, he is just looking to make it user friendly and add bedrooms. Committee member Reilly states I agree and it fits right in, doesn't cause any problems. Chairperson Jancura says it's going from a queen bed to a king bed, that's the standard nowadays for 2 people. Member Sibenhar anything to add? Committee member Sibenhar says no, I wish more people would improve their houses. Law Director Graves asks Inspector Melbar to the best of your knowledge, notice was sent out to all the adjoining/adjacent/abutting property owners, correct? Inspector Melbar responds Yes. Law Director Graves asks and none of them are here to oppose this, correct? Inspector Melbar says no one is here. Chairperson Jancura asks do I have a motion to close the discussion?

*Motion by Reilly/Second by Harper to close the discussion. Yeas All.

*Motion by Reilly/Second by Harper to approve the variance as requested.

ROLL CALL FOR APPROVAL: Yeas All

Case #19SFL-VAR005

Daniel and Robin Skoh, 709 West Dr, request to build a new garage.

Chairperson Jancura swears the parties in and asks you are requesting a variance for compliance with Sheffield Lake housing code 1133.07d. Which states no building shall be erected at a distance of less than 12 feet from another building. You are proposing a building that is 5 feet 6 inches from the existing house. Your variance is for 6 feet 6 inches. You have been advised of the fire rating within the code for the distance from another building, correct? Both parties answer yes. Chairperson Jancura asks who will do the build? Mr. Skoh replies we will be the contractors hiring the builders. Chairperson Jancura asks so, you will be your own general and you will get subcontractors to do the actual build? Do you have any experience doing that? Mr. Skoh replies yes and yes. I am an elevator inspector with the city of Cleveland for 27 years. I know commercial buildings pretty much top to bottom. Residential I have done electrical, carpentry, plumbing on the side for many years. My brother in laws are roofers and house contractors as well. They

may be the ones building it. Chairperson Jancura asks is there an existing garage? Mr. Skoh replies no. Chairperson Jancura asks how many drivers are in your house? And how many cars are there? Mr. Skoh replies 2 and 3 cars plus a motorcycle. Chairperson Jancura asks in general, what will the garage be used for? Mrs. Skoh replies basically storage. Our house is small and it was born in the 50's. It only has a shed that is packed to the gills. We have been putting a lot of work into this house. We added a driveway, there is already a garage pad and we just have nowhere to put anything. So anytime Dan needs to do an oil change or anything we have to wait for nice weather or pay for it. We have put a lot of work into it. Mr. Skoh says it is the size of a 1 ½ car garage so there would be storage for one of the vehicles, motorcycle. Right now without the walls, I can fit 2 vehicles in there. (Inaudible) There will also be upstairs storage, non-livable loft. Chairperson Jancura says from your back lot line to the proposed corner of the garage, there is 36 feet, why not push the garage back to meet required distance? Law Director Graves says to clarify, code requires 30 feet of rear yard setback, so he could go 6 feet farther and take the distance between to 11ft 6in. Mr. Skoh replies (inaudible). We have been designing the backyard since 2017. Our intent would be to attach the upstairs and make it livable, to make the home into 3 bedrooms. Chairperson Jancura asks if we were to deny the variance and say push it back, would you still build the garage? Mr. Skoh replies no, because how of how we laid it out. Mrs. Skoh states this was approved by the previous inspector. Law Director Graves states I think it is worth pointing out, Mr. Skoh, you have an existing foundation that's already poured for this garage correct? And a driveway you have poured? And you poured that in reliance on the affirmation of the previous inspector that this was up to code, correct? Mr. Skoh replies yes. Law Director Graves states I just want to make the board aware the former inspector approved this so they went ahead and poured this, then Mr. Melbar said wait, it has to be 12 feet away. So they have done a lot in reliance upon the other inspector, so it is relevant as far as practical difficulty. Chairperson Jancura states thank you, that changes everything. The lot that butts up to your backyard, is there another house or is it an empty lot? Mrs. Skoh replies there are houses all around, we are totally fenced in. Chairperson Jancura states so you do have a backyard neighbor so to speak. So if you were to set your garage farther back, you may be encroaching on their back yard. Are there any questions? No? Do we have a motion to close the presentation?

CLOSE PRESENTATION: *Motion by Reilly/Second by Harper to close presentation.

Internal discussion. Chairperson Jancura states based on the fact that they relied on the former inspector's approval of the lane of the pouring of the pad, had that not been the case, I would have said move the garage back, but since they went through and relied on the other inspector, that for me shows your practical difficulty. Member Reilly states he agrees. Chairperson Jancura states garages are

necessary. You don't build a house without a garage nowadays. It's 1 ½ car, they still have a good size backyard. Member Reilly asks what about the side yard? Inspector Melbar replies it's a detached garage so 3 feet is all that's required. Law Director Graves asks Inspector Melbar to the best of your knowledge, notice was sent out to all the adjoining/adjacent/abutting property owners, correct? Inspector Melbar responds Yes. Law Director Graves asks and none of them are here to oppose this, correct? Inspector Melbar says no they are not. Chairperson Jancura asks is there a motion to close the discussion?

*Motion by Reilly/Second by Harper to close the discussion.

*Motion by Reilly/Second by Harper to approve the variance as requested. Yeas All.

OLD BUSINESS: Proposed ordinance changes, city council is going to start looking at housing codes and start making it coherent and user friendly. Law Director Graves states the administration had a meeting with a consultant who is working with Avon Lake in updating their zoning code and comprehensive land use plan. She has provided us with a proposal, and I need to ask for a few more details, but the general consensus is we will be moving forward. Also, the variance that was granted at last meeting for Ms. Ledyard's garage, the neighbor who did appear and voiced his opposition, did file a notice of appeal of that decision with the Lorain County Common Pleas court. The next step is for us to prepare a complete transcript of all documents and evidence that were submitted to the board and then we will give a briefing schedule. I will be defending the actions of the board in granting that variance. The revised code requires that the board prepare conclusions of fact supporting their decision that practical difficulty did exist based on a preponderance of reliable probative and credible evidence. I have prepared conclusions of fact for your review and ask you look at them. Any members present at that meeting consider adopting them tonight. Chairperson Jancura states Mr. Reilly, I and Mr. Melbar will take a few minutes to review. We have reviewed the conclusions of fact.

*Motion to adopt the conclusions of fact by Reilly/Second by Melbar. All yeas.

NEW BUSINESS: No meeting in July.

CITIZENS COMMENTARY: **None.**

MEETING ADJOURNED: With no further business before this board, *Motion by Reilly/Second by Sibenhar to adjourn at 7:36 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

CHAIRPERSON

Brandy Randolph

I, Brandy Randolph, 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 May 16, 2019.

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso