

Sheffield Lake Zoning Board of Appeals Minutes
Held September 17, 2020

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, September 17, 2020 at 7:15 pm in Council Chambers with Chairwoman Jancura presiding.

ROLL CALL:

Present: Jancura, Reilly, Harper, Tatter, Building Inspector Melbar, Law Director Graves, Council Representative Erdei.

Absent: Mayor Bring

Attending: Applicant.

APPROVAL OF MINUTES: July 16, 2020. *Motion by Harper/Second by Reilly to approve the minutes with noted corrections.

Correspondence: None

Council Representative Erdei report: Councilman Erdei reports we referred the Morrow project back to the planning commission.

Planning Commission Member Siebenhar report: Absent. Law Director Graves reports Paul Morrow who owns the property directly to the west of the Perch, has proposed a plan to consolidate the existing lots and tear down a couple of the existing single-family homes in the front, and build townhouses there and another large single-family home in the back. They are proposing it be zoned R-2. Originally, they proceeded under an original rezoning request. Because this rezoning is so closely tied to approval of their development plan, in conversations with council, the mayor, the applicant and their legal counsel we came to the conclusion that it would be better presented as a request for limited use rezoning under chapter 1119. The first time the planning commission heard it is deemed that was the approval of the preliminary plan. Council already had a public hearing. Last night was a review of the comprehensive detailed plan. The determination of planning commission was that they wanted to see more detailed drawings. The main thing absent in the drawings they have is the delineation of where the utilities would be, storm sewer, sanitary sewer, water, etc. That is important. They will come back with that information at the October meeting. Then planning would make a recommendation to go back to council for approval of the rezoning contingent on that plan. There would then be a site plan review. There are still a lot of steps that have to happen. Member Reilly asks what about the lady that lives in the middle? Will she be an R-1 zone surrounded by apartment complexes? Law Director Graves replies that is their proposal, yes. Planning Commission did address that specifically. It is an issue to be addressed. She does not want to sell her house. She is happy there and she is not happy with this plan.

OATH ADMINISTERED

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

CASE#20SFL-VAR008

Kent Reiber, Pleasantview Dr., proposing multiple variances.

Attorney R.J. Budway, 124 Middle Ave Suite 400 Elyria, OH 44035, representing applicant. Mr. Budway states last year we applied to change the zoning of these 3 parcels. They are off of Pleasantview Dr. It's a little dead-end road that runs parallel to Abbe Rd. on the east. It is all pretty much industrial/commercial use except for one residential house. The three lots are a little under ¼ acre. There are no trees, it is just an empty piece of land. He started a fence which he got approval from the building department to do back when it was residential. It was realized you really can't put a 6 ft. wire fence on it the way it was zoned. So, we had it rezoned and now it's industrial. However, now it is under the one-acre usage requirement. The fence he is going to put on would not really have any setbacks, it would be pretty close to the boundary. The eastern boundary already has a fence from an automotive shop/junkyard. Across the street is Mr. Bray's garage with all his vehicles and boats, etc. At the beginning, on the west side of Pleasantview I noticed a small shop, Cambria Automotive, it looks like that lot is about the same size as Mr. Reiber's. It has a steel building on it; my client and I provided a drawing and it is going to have a pole barn on it so he can take all the vehicles and wood and store it in the pole barn for security reasons and then there would be a 6ft. fence around it on three sides because he doesn't need the eastern side fence. When he bought these lots, the plan was always to put up a pole barn to sell and store wood. Looking at the street there is one small residence, everything else is industrial. There is no other possible use for this land. It is not on a thoroughfare. There is hardly any traffic and the road is barely two lanes. It's nestled against another industrial lot. We are asking for variances so he can use this for the purpose of storing vehicles and wood. Chairwoman Jancura asks what is the height of the proposed building? Mr. Budway replies it is a one-story building that I believe is going to be a pitched roof of 25 ft. at the peak. Chairwoman Jancura replies so he does meet the maximum building height of 45 ft. You state Mr. Reiber is going to store vehicles and wood inside the structure so can you articulate why he would like to have a fence? Mr. Budway replies both Mr. Reiber and his partner are police officers and I think that after 20+ years of dealing with theft, that it just provides security. Mr. Bray has one across the street for his vehicles and there is another down the road. They are not unsightly. Chairwoman Jancura asks do you know if Mr. Reiber was aware of the lot restrictions when he purchased it? He was aware of the zoning, but in terms of the one acre, etc. Mr. Budway replies I am going to say he wasn't aware. He got a good deal on those three lots and he assumed they were industrial. When I came onto the project about a year ago, I talked to Law Director Graves and the county to find out about what it was actually classified and that's when we realized it was residential. He would tell you no, he did not realize that. He has already made the transaction and there is no other possible use for this land. Chairwoman Jancura states obviously you are

aware of the Duncan Vs. Middlefield standards in finding a practical difficulty, you can't create your own practical difficulty. He can get other uses for it; he can get a building that's smaller. One variance he is asking for is a 300% change. Minimum building and parking setbacks: 60 ft. is required and 15 ft. is available. Rear setbacks 75ft. is required and he is proposing 15 ft. side and 15ft. rear setback. He can build a smaller barn; he doesn't need to build the size he is looking for. We can't rule there is a practical difficulty when he himself is creating the practical difficulty. Mr. Budway replies he wants a building big enough to store all the vehicles in it. Chairwoman Jancura asks what vehicles would they be? Mr. Budway replies I believe a pickup truck, a trailer, I think I saw a dump truck and he would also like to store wood. Chairwoman Jancura asks is there a business operating out of this proposed storage? Why would you have a dump truck if you're not in business? Mr. Budway replies I don't know why he has a dump truck. He would be better suited to answer that. The building is basically a big garage. Chairwoman Jancura states if he is storing wood in a building and it catches fire, this wood is going to encourage it to burn down. Being in the middle of the woods, it would be easily spread. Mr. Budway replies I do not believe there is going to be another structure close to him. Chairwoman Jancura states if you are going to be storing wood, that means it is going to be dry and easily combustible. In essence you are kind of creating an environment where you could set fire to a wooded area. Mr. Budway replies if I build a wood home, it can catch on fire, aluminum siding can ignite and catch other buildings adjacent to it on fire. There is always a fire hazard. Lowe's stores wood inside for people to buy, so does Carter Lumber, etc. Chairwoman Jancura states not far away from this small industrial zone are residential zones. If something were to go wrong because I'm storing wood in this building, there are no proposals that you are going to have firewalls around or other safety measures in place. I think I would have less difficulty with having this where it's at. Especially if you are not going to have the setbacks that you should. Mr. Budway replies that is a legitimate concern and essentially the only thing we have provided is a hand drawn design of the building. He does have a vendor who has proposed a plan and if we can come back to the next meeting, I can have him bring that plan and address it with fire. As a police officer for the city, he doesn't want to deal with his building causing ten other buildings to burn down. I think that is a fair criticism of what we have provided to you and I would like to come back with plans. I would think he should put a fire system in there. Chairwoman Jancura replies I think the board as a whole would feel much better if we had schematics. Give us an architectural layout of the proposed building, fence lines and maybe have your client come to the meeting so we can ask a few more questions. Law Director Graves states the reason the applicant is not here tonight is because he is actually on duty right now as a patrolman otherwise, he would be here. Member Harper states and maybe even dimensions from where that structure is going to be from the adjacent structure. There is a home north to it and isn't this going to be on the north side of the property? Mr. Budway replies yes, the building will be on the north side. There is a thick patch of bushes where his property line is to where the residential home is then about 40-50ft. We can get an accurate measure. Chairwoman Jancura states I think we are going to table this application and resume it next meeting. Member Reilly states I'm not sure I agree with that. Chairwoman Jancura replies council for Mr. Reiber has

said he will request a tabling, is that correct? Mr. Budway replies yes. Member Reilly states as far as I'm concerned this is all fairly irrelevant despite what he comes back with. In my opinion, the hardship was created when planning commission and council rezoned the property. It seems to me that these limitations are based on industrial parcels which are intended to be much larger. They seem to be intended for something along the lines of a factory, etc. When they rezoned this item, it doesn't seem any of these are feasible for any small property like this. Therefore, it seems that the planning commission in rezoning this, created this problem. Chairwoman Jancura replies they only rezoned it in 2019 and the lot regulations were from 2017, 1149. He needs a wide variety of variances. Member Reilly replies that's true, but again the variances are rather specific to a small lot. I don't see a fire hazard in particular in this building; my neighbor stores wood in their house and it's only 5 ft. away from mine. Chairwoman Jancura states we don't have the schematics of the building, so we don't know if he has extra firewalls because he is going to be storing wood in there. Member Reilly asks is that required? Chairwoman Jancura replies we need to know more about the building. Member Tatter states if the applicant has requested that we table it, we should not have more discussion on it. We should allow the applicant to table it and grant the request for extension. Unrecognized member asks in your presentation you indicated the applicant was putting up a 6 ft. fence, but your requirement for the variance is for an 8 ft. fence. Do you want to correct that? Building Inspector Melbar replies it is an 8 ft. fence.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Reilly/Second by Harper to adjourn at 7:43 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

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 September 17, 2020.

CHAIRPERSON

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso