

Sheffield Lake Zoning Board of Appeals Minutes  
Held January 21, 2021

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, January 21, 2021 at 7:02 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: Applicants and legal counsel.

(Not done on the record)

APPROVAL OF MINUTES: September 17, 2020. \*Motion by Harper/Second by Siebenhar to approve the minutes with noted corrections. (Not done on the record)

Correspondence: None

Council Representative Erdei report: Not on record.

Planning Commission Member Siebenhar report: Not on record.

OATH ADMINISTERED (Not on record)

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.

Chairwoman Jancura states when we last left, we wanted to see the schematics for the building. It looks like we had questions about the fence, because it was placed on the perimeter of the entire lot, correct? We were wondering why can't you place it to be in conformance with the ordinance of where a fence should be. Why did you want the fence all the way around the entire lot? Mr. Reiber replies because there's been a lot of people who take things that don't belong to them. My property is across from a person that I deal with a lot as a police officer. For me not to have a fence to protect my property, that is my security. I am liable to lose my equipment. I have a bobcat. I may leave that outside the building. If I am splitting wood, that will be outside. I have wood there now that has not been split, and I can tell some of it has been taken. Chairwoman Jancura asks so right now, there is no fence? Mr. Reiber replies no, my contractor got an approval for a fence and then I was halted. The only thing there now are fence posts. Member Siebenhar states the blueprints look fine to me. I am very familiar with Pleasantview and the storage condos at the end. It is a very dark, gloomy street. A security fence is by no means over asking for something. It is needed. Member Tatter

states the lot directly north of the applicant's 3 lots, is a vacant, unbuildable lot under the zoning ordinances of the city. At first, I think we felt it was next to a residential property, but it is vacant and not buildable. Law Director Graves asks if you could just reaffirm that you have explored the possibility of acquiring additional property and those efforts were unsuccessful, is that correct? Mr. Reiber responds yes. Chairwoman Jancura states my understanding is that when the new code comes out, this won't be an issue because we will have smaller requirements for industrial lots. Law Director Graves replies I'm not sure what that ultimately would be, but potentially yes. Member Tatter asks nothing is changed with the new blueprints; you still need the same variances? Chairwoman Jancura replies it sounds like the same requests for variances that have been set forth. The only correction would be he is requesting a 6ft. fence along all lines. That goes to the 3ft. in the front yard. Member Harper asks Building Inspector Melbar his opinion. Building Inspector Melbar replies in my opinion, it fits in the area. Member Tatter states we have 8 variances here, how are the setbacks, everyone I reviewed appears to be substantial? We covered the lot acreage, how do the setback requirements for this industrial property meet? It would appear that if we adhere to the setback requirements, he may not even be able to construct the building. Building Inspector Melbar responds he may not be able to pull a truck onto the property. It's small. It meets none of the setbacks. Member Tatter states given the size of the lot and the requested variances, will safety and fire access to the property be minimized or remain the same? Building Inspector Melbar replies it will remain the same. Chairwoman Jancura asks how does that work with a firetruck if it is fenced in? Mr. Reiber replies it depends on the circumstances. Sheffield Village and Avon Lake have a ladder truck. Worst comes to worst, they could always use that. I am 6 miles from our fire dept., and I work here. I would be readily available.

\*Motion by Siebenhar/ Second by Harper to close the discussion.

#### Internal Discussion

Chairwoman Jancura states there is practical difficulty. The lot is so small, it will go completely unused if we don't do this. Member Tatter states the nature of the street, industrial zoning, you would have to combine so many lots with so many people, I think industrial zoning for that individual street may not be appropriate, but that's not our call. Chairwoman Jancura states he did try to bother other lots and wasn't able too. So, you're stuck. This is better than having it just sit there.

\*Motion by Harper/Second by Siebenhar to approve the variances as requested.

ROLL CALL FOR APPROVAL: Reilly, Harper, Siebenhar, Tatter, Jancura. Yeas All.

#### **CASE #21SFL-VAR001**

Hal Seagraves, 4313 E. Lake Rd. requesting variance to allow splitting of the existing conforming parcel, which contains 2 houses, into 2 parcels each containing a house.

Scott Schooler, attorney for applicant and Hal Seagraves recognized.

Chairwoman Jancura states I noticed that the land is technically owned by the Hal Seagraves Trust, and Jeanie Trust. I assume you are the authorized trustees of that trust. Mr. Seagraves replies I am one of them. Law Director Graves states I can confirm he and his wife are the co-trustees. Mr. Schooler states I was requested to bring the information on how wide the lots will be. They will actually be 53ft. each and some odd inches. Law Director Graves states last

night at planning, they reviewed this document which indicated the width of the lot more or less that the building line was 51 ft. Because the frontage is diagonal, the frontage would be slightly more. We asked for precise measurements so this board could determine exact variance necessary. Chairwoman Jancura states according to the diagram you just gave us, one lot would be 53.23ft. and the other would be 53.52ft. Why the request for the split? Mr. Seagraves replies I was diagnosed with cancer over a year ago and had a close call and in looking at what I would leave for the other half of my estate, this is a loose end. Mr. Schooler states I would like to point out that this situation is not something he created. The two houses were there when he bought the property. This would make the property more in conformance with the code. Chairwoman Jancura asks do we know when the houses were built? How far does this go back? Mr. Seagraves responds the eastern house is somewhere in the early 1900's. My understanding is it's the original Jordan homestead. Sometime in the 70's, the house I live in was built. Member Tatter replies I believe it was 80's, late 70's or early 80's. I am familiar with the property and Mr. Jordan. I did not know him prior to 1978 and the house was not finished at that time, it was finished in the early 80's. Chairwoman Jancura asks how long have you lived here? Or owned the property? Mr. Seagraves replies 5 years. Member Tatter asks Mr. Melbar what is the zoning on that lot as it exists now? I think it is a B-3 but am not sure. Building Inspector Melbar replies R-3. Member Tatter asks then the adjoining property with the easement for the pump station and outfall, is that R-2? Building Inspector Melbar replies B-2. Member Tatter asks my question would be to split the lot, does the zoning have to change to R-1? Law Director Graves replies no, the single-family home in R-3 would then take on the status of existing non-conforming home. Single family home on a single-family lot zoned multi-family. Member tatter asks have you explored any other options to possibly not create a non-buildable lot? When I first looked at it, you could change to make it two buildable lots if you changed your diagram, instead of splitting them, with a little more surveying. You could possibly make the equivalent of a flag lot on one and then absorb your house to the.. Mr. Schooler states there is no intention of building anything, there are two existing homes. I am not sure there is really a way to split these that would allow two buildable lots. Member Tatter says you could have a look at my drawing. 51ft. on an area that requires 90ft. is pretty substantial. Mr. Schooler replies my understanding is there is no way to resolve this that results in two parcels that both would have enough frontage to say they are conforming. You are suggesting moving the line over so one lot might be conforming, but the second wouldn't. Member Tatter replies the second lot would be absorbed. You would just be creating a reverse flag lot for the farmhouse. Therefore, you wouldn't need any variances and you would still have buildable lots. I checked county records and you would also have the correct amount of total square footage to meet the R-1 district. Law Director Graves replies R-3. Member Siebenhar states then the other property will be non-conforming. Member Tatter replies it would still be better because you would have only one parcel non-conforming. Chairwoman Jancura states they have this engineered, they have been to planning and are really far in the process. It's not like they are just beginning; to change it all now presents its' own practical difficulties. There is no way you would demolish one of the houses and only have one on the lot so you wouldn't have this problem? Mr. Seagraves replies no, I need a

place to live. Ashley Daniels, tenant of Mr. Seagraves is asked if she intends to continue residing in the house. Ms. Daniels replies yes. The split would not make it from R-3 to Industrial, right? Member Tatter replies no, it has no affect on that. At this time, I do not understand what is the practical difficulty. This was a problem not created by him, but by dividing the lots, you create a problem with two non-buildable, non-conforming lots. I'm not against it, I just don't understand. Chairwoman Jancura replies even if he uses your layout, he still has one non-conforming, so at the end of the day, he will still need variances. This lot has to be split. He can't sell either of these houses or do anything with them without a split. The value of his property is substantially altered if he does not split. That is the practical difficulty. He is really stuck. Law Director Graves states if this goes through, the resulting parcels and homes would then each be existing non-conforming homes by virtue of them being single family homes in an R-3 zoned district. I think that if this goes through, you should seriously consider a rezoning to get these lots to R-1. There could be potential problems down the road. Sometimes you have trouble getting a loan or insurance on those homes. If the home is destroyed, there is no guarantee the home can be rebuilt on that lot under current zoning. Chairwoman Jancura asks is there a reason why the applicant, if he would like to modify his application to include rezoning to be an R-1.. If you would like, we can table this application and you can resubmit it to include rezoning. Mr. Schooler replies we can certainly explore that in the future. We would like a decision for tonight.

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

ROLL CALL FOR APPROVAL: Reilly, Harper, Siebenhar, Tatter, Jancura. Yeas All.

**OLD BUSINESS: None.**

**NEW BUSINESS:** Chairwoman Jancura states when I went to the council meeting in December, they had an invocation and Pledge of Allegiance at the meeting. I wanted to take a survey and see if we would be opposed to having the same at our meetings. Invoking that we use our best judgement, etc. Law Director Graves replies council has been doing it that way for decades. I think certainly the Pledge of Allegiance is not a problem. I think instead of a formal prayer, maybe just a moment of reflection. Mr. Harper states he has no objection. Siebenhar states Pledge of Allegiance would be fine. Reilly states pledge is fine. Chairwoman Jancura states ok, so Pledge of Allegiance and moment of silence. Law Director Graves states we continue to meet via Zoom with our zoning consultant and those meetings are going very well. We are making a lot of progress.

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Harper/Second by Siebenhar to adjourn at 7:45 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.

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**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 January 21, 2021.

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**CHAIRPERSON***Diana Jancura*

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**PRESIDENT OF COUNCIL***Rick Rosso*