

Sheffield Lake Zoning Board of Appeals Minutes
Held April 22, 2021

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, April 22, 2021 at 7:01 pm in Council Chambers with Acting Chair Reilly presiding.

ROLL CALL:

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

Absent: Jancura, Siebenhar, Mayor Bring.

Attending: Applicants.

APPROVAL OF MINUTES: February 18, 2021. *Motion by Harper/Second by Tatter to approve the minutes with noted corrections. Yeas All.

Correspondence: None

Council Representative Erdei report: Representative Erdei has no report.

Planning Commission Member Siebenhar report: Member Siebenhar is absent.

OATH ADMINISTERED

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

CASE#21SFL-VAR003

Karen Vandemark, 689 Oakwood Ave., variance request for rear lot setback.

Ms. Vandemark (sworn in) states we are going to build a new house on the corner of Oakwood and Ivanhoe and the city requires 30ft. in the backyard. However, with our current design we will only have 26ft. The only people affected are the neighbors to the back and they sent a letter supporting it. We have looked at the design and we don't see anything we can do to improvise it to get (inaudible). Member Tatter asks is it the size of the house that is preventing it from meeting the current standards? Ms. Vandemark replies yes. Member Tatter says a requirement of a variance is that a hardship to the person requesting the variance be in place, can you expound on what you feel your hardship would be? Ms. Vandemark responds we would have to change the size of the house. We would have to make accommodations for additional storage outside the house like either a shed or building that would take up space in the backyard. Law Director Graves asks how many sq. ft. is the house going to be? Ms. Vandemark replies about 1,975. Acting Chair Reilly asks you will be living here the rest of your life, I presume? Ms. Vandemark replies I hope so, yes. Acting Chair Reilly asks do you have any plans for the adjoining lot to the north? Ms. Vandemark replies we are considering selling it. It would be big enough to build a house there, it would be 105 by 100.

Internal Discussion:

Member Tatter asks given the lot size, what is the minimum requirement for square footage on that lot. Building Inspector Melbar responds 1500. Acting Chair Reilly says it seems like a reasonable request, a corner lot that would be difficult given the constraints to make the house narrower. Member Tatter says my opinion is a hardship hasn't been established and granted. It's a minor variance, however, a smaller house would fit all the requirements. We are talking almost a 2,000 sq. ft. house. With lack of a hardship, I'm not sure this is a reasonable request. The house and garage are 88ft. 8in., a pretty long house. It would look as though the house is from porch to porch, 42ft. in depth. That is not a small area. 22ft. is the distance to the street. Acting Chair Reilly asks do you have the actual dimensions of the house, length and width? Ms. Vandemark gives requested info. (lots of sidebar talking, inaudible) Acting Chair Reilly states there seems to be some dispute as to whether a hardship has been established.

*Motion by Tatter/Second by Harper to deny the application due to lack of practical hardship.
ROLL CALL FOR DENIAL: Tatter, Harper.

Nays- Reilly.

Law Director Graves states to take any action, the board would have to be unanimous. Acting Chair Reilly asks so this issue cannot be resolved until we have another member, and it will have to wait until the next meeting? Law Director Graves replies I feel at this point the board has taken no official action because you have failed to get a majority of the membership. Acting Chair Reilly ask she will not have to file again though? Law Director Graves responds it is essentially tabled until the next meeting. Acting Chair Reilly states you may want to consider modifying it or perhaps removing the covered front porch which would allow you to continue without a variance. Building Inspector Melbar says that would not fix the backyard problem. Member Harper states she would still have to pull the house forward. You could get rid of the covered front porch and move the structure forward. Applicant is made aware she can either come back to the next meeting for a new vote or change the plans.

CASE 21SFL-VAR004.

Christopher Young, 431 Parkview Dr., variance for 6ft. privacy fence 3ft. from driveway and privacy fence in secondary front yard.

Mr. Young (sworn in) states our fence right now stops just short of this small portion of yard about 20ft. to the sidewalk. It is something we cannot use effectively. We want to be able to join this with the rest of our backyard. The neighbor across the street from us has their fence the exact same way. We bought this house under the impression we would be able to put this fence up. It wasn't until later we found out that we couldn't. We have also had an excessive amount of damage to our fence, and I have replaced multiple posts. How our house is kind of creates a wind tunnel and it wreaks havoc on the fence. By pushing the fence out, it puts it more behind our house and out of the line of the wind tunnel. I think this is a reasonable solution. Harper speaks but inaudible due to sidebar talking for roughly 2 min. Acting Chair Reilly asks who implied to you that you would have been able to do this? You alluded to someone telling you that as one of the conditions to purchasing the house, was it anybody from the city? Mr. Young replies it was not and I didn't go to the city first upon purchasing it, so by no means am I putting it on the city. After talking to the realtor and personal inspector

everyone said if they have it, it shouldn't be a problem. Acting Chair Reilly asks it's actually both corners, isn't it? Mr. Young replies yes, both corners have them up to the sidewalk. Acting Chair Reilly asks do you want your fence to be approximately where theirs is? Mr. Young replies yes. Acting Chair Reilly asks you won't be going any closer to the sidewalk? Mr. Young responds no. Acting Chair Reilly says one of my major concerns when I got it was sight distance for cross traffic and based on the 2 neighbors, I didn't see that. Mr. Young responds it is something we considered; we didn't want to obstruct any view. It seems like we are far enough back and clearly out of the way of the stop sign. Member Tatter says I noticed you had a trampoline in the yard, do you have small children? Mr. Young replies I do, 3 of them. It is part of the reason we would like that. (board member speaking- inaudible, sidebar talking and noise) Unidentified board member states with the restrictions and easements on the sidewalk it cuts it down a bit, especially around the corner. Member Tatter says based off this it is 100ft. by minimum 97 probably closer to 100, so that would be 9700 sq. ft. I don't think it is a non-conforming lot. Building Inspector Melbar responds it is not a non-conforming lot, it is just a corner lot. Law Director Graves says currently, the code only permits a 3ft. non-enclosing fence in the front yard. You are proposing a 6ft. fence in the secondary front yard? Mr. Young replies yes. Law Director Graves says the second code section you want a variance from is the provision that any fence within 10ft. from the point where a driveway intersects with the sidewalk, requires that it has 75% open space. Am I correct that you want 0 open space? It will be a board-on-board privacy fence? Mr. Young replies yes, the reason being is we do have a dog and small children that we would need a 6ft. privacy fence without gaps to ensure their safety and security. Law Director Graves replies those are significant deviations from the code. The 75% open space is to allow for visibility when backing out of the driveway. Mr. Young responds I understand the concern. If it provides any comfort, we do have cameras on both vehicles to assist with backing up. We are also leaving that gap from the sidewalk. We have already checked it while sitting in our vehicle and we could see fairly clearly down there. We don't want to jeopardize anyone. Law Director Graves asks did you consider a 4ft. fence? Mr. Young replies with the kids and dog, it would not be something we could do for their safety and security. Law Director Graves asks did you consider 50% open? Mr. Young replies it's not that we didn't consider it, it is that with the children back there, we don't want anyone looking at them, etc. for their security. Unidentified Member says in my ward at least, there are dozens of such fences. Law Director Graves states the ordinance is what it is. I don't know the circumstances of the fences you are describing. They could have received variances or predate the code. They could have swimming pools. Mr. Young says that is our intention down the road. Acting Chair Reilly says it seems to be sufficient justification for it and I believe there is a practical hardship given the wind tunnel, children and dog. Law Director Graves states a self-created hardship is not a practical difficulty, it is supposed to be something peculiar with the land. That is what the law is. Acting Chair Reilly asks given the establishment of this fence, are we now looking at 3 variances? Height, distance and setback? Law Director Graves replies no. Member Tatter says just the ordinance as described in the application. There are 2. Acting Chair Reilly asks there is no setback requirement by putting the fence closer to the street? We are not looking at a

setback variance? Law Director Graves replies no, it could be all the way up to the line. Acting Chair Reilly asks was there a fence there to begin with? Mr. Young replies at the 3ft., no. But (inaudible) there was. Acting Chair Reilly asks what type of fence was that? Mr. Young responds it was board on board and was 4ft.

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

Internal Discussion

Member Tatter states if the requirements of the zoning were met, the wind tunnel would be a nonfactor with the 75% opening. As Mr. Graves stated, creation of a problem is not a reason for a variance. Putting up a board-on-board fence will be a creation of a problem. I'm not sure we have a reasonable hardship in that respect. I do understand the hardship of the children and possibly 4ft. A 6ft. vs. a 4ft. fence with small children, will it make that much of a difference as far as creating? Acting Chair Reilly says 4ft. is not a deterrent to a miscreant, the neighbors have no objection. Member Tatter replies there is no neighbor there, there is a street and a sidewalk, the nearest neighbor is about 50ft. away. Member Harper states my problem is the 6ft. fence, it is not open. Nine months ago, we denied almost the same thing for another lady. She wanted a 6ft. fence and we denied her. I don't believe there is a hardship. He should have a shorter fence; I think this is a hazard. Acting Chair Reilly states opening the fence really removes any practical difficulty or hardship. Member Harper asks is your neighbor here who has the fence like this? I'm curious how he got his variance to do it. Mr. Young replies no, they actually did not receive a variance. It was built awhile ago.

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

*Motion by Tatter/Second by Harper to deny the application.

ROLL CALL FOR DENIAL: Tatter, Harper, Reilly.

Variance is not approved.

Mr. Young asks instead of 3ft. to the sidewalk, would it be better if we did 8ft. which would be the full length of a car, so there is full visibility? Mr. Harper asks what is it actually, 10ft., so you would need a 2ft. variance on that? Building Inspector Melbar states the way it reads, you would have to be in the backyard with the fence, which would be 22ft. from the right of way. That is essentially where the old fence was. Law Director Graves says he would still need a variance for the fence in the front yard, even if he wanted 4ft. chain. Now that it has been denied by a majority of the membership, in order to bring it back, the request would have to be substantially modified.

OLD BUSINESS: None.

NEW BUSINESS:

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by Tatter to adjourn at 7:41 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 April 22, 2021.

CHAIRPERSON*Diana Jancura*

PRESIDENT OF COUNCIL*Rick Rosso*