

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

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, July 22, 2021 at 7:03 pm in Council Chambers with Chairwoman Jancura presiding.

ROLL CALL:

Present: Jancura, DeBottis, Harper, Siebenhar, Building Inspector Melbar, Council Representative Erdei, Law Director Graves.

Absent: Tatter Mayor Bring.

Attending: Applicant.

APPROVAL OF MINUTES: June 29, 2021. *Motion by Siebenhar/Second by DeBottis 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 reports there were 3 cases. The first was a referral from council for rezoning 32 vacant lots on Treadway Blvd. from an R-1 residential district to an R-2, that was approved. The second was a lot split and consolidation on the southern end of Community Dr. and that was approved. Last was Mr. Corna/Mr. Morrow's project, the site plan was approved. Before we go further, I need to recuse myself to the audience as I am the neighboring property.

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-VAR007

James Kolleda, 812 Abbe Rd., requesting multiple variances.

Chairwoman Jancura states you have submitted an application for relief from compliance with 4 houses code ordinances: 1149.03(a), 1149.03(c), 1149.04(a) and 1149.04(b)(2). This is going to be new construction, correct? Mr. Kolleda replies yes ma'am. Chairwoman Jancura asks and what is going to be on the lot? What are you going to build? Mr. Kolleda replies a 48x200ft., anyone familiar with the building by Dairy Queen on Walker Rd., the new, gray building? Chairwoman Jancura replies yes. Mr. Kolleda says I got a quote from those people and that made a decision I would go ahead and do it. I got an approval from the State of Ohio about 11 years ago to put the building on that lot. Chairwoman Jancura asks what are you going to do in the building? Mr. Kolleda replies storage. I wanted to make four 50x50 units

with offices, bathrooms, but I didn't want to put the interior walls in until I find people who want in. Chairwoman Jancura asks are you going to run your own business out of the building or are you going to rent it out for somebody else to run a business? Mr. Kolleda responds yes, everybody I was looking to rent to was acceptable, body shops included. Chairwoman Jancura says so, you are not going to run your own business, it is to rent to another business. Mr. Kolleda says in order to do that building, the city sold me half of the right of way on the north end. Chairwoman Jancura asks so you are going to build a building that you will then rent out to another business, and they will do a build out to their specs. Mr. Kolleda replies yes. Chairwoman Jancura says so right now it is just going to be one big building that will end up being built out. Is there anything that made you pick this size of a building? Mr. Kolleda replies money. Chairwoman Jancura asks how does that size of a building relate to Sheffield Lak eon Abbe Rd.? Mr. Kolleda replies all these other buildings are practically setback 10 ft., mine is 10ft., I have 30ft. to the front, etc. I got sewer and water installed and stripped all the trees. Now I am seeing retention basins. I was hoping I would have all my sewers hooked up and water line for this size building. I am in love with this pole barn building because it is more feasible moneywise. Chairwoman Jancura asks do you have any potential tenants at this time? Mr. Kolleda responds I have potentials. Member DeBottis asks did you know when you bought this lot that there were restrictions for this type of building? How long ago did you buy the lot? Mr. Kolleda says 2017 and I was going to use it for myself. Law Director Graves asks you said 2017, but you applied to have this property rezoned in 2004, correct? Mr. Kolleda replies for light industry. Law Director Graves asks did you sell it and buy it back or how did it happen? Mr. Kolleda says I got the one lot from the city, so I had it consolidated. Law Director Graves says so you are seeing the consolidation in 2017. Member DeBottis asks are you going to rent or sell these units? Mr. Kolleda replies rent. Chairwoman Jancura asks if we deny the application, what will you do? Will you build or sell the land? We aren't telling him he can't build; we would just be denying the variances. David Tate, power of attorney for Mr. Kolleda says I would contact a friend of mine who does this and see if Mr. Kolleda has a case. The only thing I have heard him say is the size of the building is an issue. Chairwoman Jancura asks the size of the building is very important to him to get the maximum rent, to get feasible business in there? Mr. Tate says yes. Chairwoman Jancura says as a board, we have options. We can deny the entire application or say we will grant some and not others. So, what I am getting is it is really important for you to have the building proposed, you want the size, etc. That is what you need to get the return on the value that you have put into the land. Size of the building is very important. Chairwoman Jancura asks Mr. Melbar, when we talk about the minimum building setback requirements, the side and rear building setback, is that combined? We are adjacent to a non-residential district. So, is the 25ft. combined? Building Inspector Melbar replies it is 25ft. for each. He has it for 2 spots, but the other side he does not. Chairwoman Jancura says he has a north side setback of 10ft. which should be 25. Then an 11ft. setback on the east which should be 25. Mr. Kolleda says I am 19ft. off the fence on the south. Chairwoman Jancura says for clarification, you would need a 15ft. variance on the north and a 14ft. for the east side setback. Mr. Kolleda says there will be a garage door facing the north and one facing the south. Law Director Graves asks have you considered scaling

down the building? Is this the smallest building you would consider? Mr. Tate says I believe a smaller one was proposed to him that would fit and he was hesitant to do that. He thinks this building is the best for him. Mr. Tate says he wants it more like the neighbor next door.

*Motion by Harper/Second by DeBottis to close the presentation.

Audience members invited to address concerns:

Gus Markou, 1524 Lake Breeze asks what does this have to do with me? Chairwoman Jancura replies you received notice because you are a landowner whose land abuts or somehow connects to Mr. Kolleda's property. By law, we have to give you notice that Mr. Kolleda is asking for a variance.

Mr. Markou asks will there be any trespassing on my property? Chairwoman Jancura responds no. Mr. Markou states I have no problem then.

Josh Siebenhar, 4357 Lake Rd. states my concern is the reduction for variances of landscape area. The whole point of why we need landscape and not. If you look at Pleasantview right now, it's not (inaudible). The ability to cross the street (inaudible) storage condos has no gutters, is 4in. on the road, it just destroys that street. Having that much hard surface, walking into the street (inaudible). There are potholes and it hasn't been paved. The more soft surface, the better. The request that there be no retention basin, especially if you want to put arc welding and body shops in there with drains, we can't have that drain into the lake. That is the point of a retention basin, it all goes in that. A building that size with no retention basin, I had to make a bigger one next door. I think that needs to be considered.

Internal Discussion

Member Harper says I agree with Josh. I think it is too much hard scape. What is the HC signage? A protruding from the building of what looks like 4ft. (inaudible) shouldn't that be part of the frontage? Building Inspector Melbar says we do not have a full set of plans yet, but those are where the entrances are I believe. Member Harper says that should then be including in where the frontage stops, correct? Building Inspector Melbar says probably. Once we get a full set of plans, that is where that would be decided. Member Harper says I think we are looking at way too much amount of footage for variances. Member DeBottis states I agree, too big of a building and too small of a lot. Member Harper says if it was scaled down you could still go forward with 4 units. We are looking at 60ft. of variance, that is awfully large.

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

*Motion by Harper/Second by DeBottis to deny the application in its entirety.

ROLL CALL TO DENY: Harper, DeBottis, Jancura. Yeas All.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by DeBottis 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 July 22, 2021.

CHAIRPERSON

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso