

Sheffield Lake Zoning Board of Appeals Minutes  
Held Nov. 18, 2021

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, Nov. 18, 2021 at 7:02 pm in Council Chambers with Chairwoman Jancura presiding.

ROLL CALL:

Present: Jancura, DeBottis, Harper, Siebenhar, Tatter, Building Inspector Melbar, Council Representative Erdei.

Absent: Mayor Bring, Law Director Graves.

Attending: Applicants.

APPROVAL OF MINUTES: Sept. 16, 2021. \*Motion by Harper/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 has no report.

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#21SFL-VAR009

Charles Linick, 5000 Hawthorne Ave., requesting a variance of 21ft.

Chairwoman Jancura states you are requesting a variance for compliance with 1133.07(b). Your application deals with a 6ft. privacy fence that is currently existing and you would like to install a 4ft. picket style fence in the same location without having to move it to the required 22ft. from the property line. Is there something wrong with the current fence? Mr. Linick replies it is getting old and needs replaced, it's a bit of an eyesore. I have a dog, so I need to keep a fence. Mr. Tatter asks the building inspector if there was ever a permit or variance issued for the current fence. Building Inspector Melbar replies we could not find a permit. We did lose some items to a flood though. However, there was never a variance. Mr. Tatter asks were you aware of any violation that the fence represented at the time of your purchase? Mr. Linick replies no, I didn't have any idea. The reason I want to keep it where it is, is our yards are very tiny and I would lose about a quarter of my yard. Also, I don't personally like the privacy fence, and this will open up the yard more. There was a front fence that went down the driveway, but I tore that down.

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

Internal Discussion: Chairwoman Jancura says I think this is a common-sense practical difficulty. He would lose a bunch of his yard and he is on a corner. Mr. Tatter says and more than likely has an illegal fence existing.

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

ROLL CALL FOR APPROVAL: Harper, Siebenhar, Tatter, Jancura.

Nays: DeBottis

Variance is approved.

### CASESFL-VAR011

Justin Parkovich, 3554 Lake Rd., requesting a variance of 22ft.

Chairwoman Jancura states I do know Mr. Parkovich, but I don't think it will affect my decision. You are seeking relief from compliance with 1133.07(b). You are proposing a variance of 22ft. You would like to install a 6ft. privacy fence. You have a sidewalk 36ft. to the east of your house. If the fence is kept the required 22ft. from the house, you render a large part of your back yard unusable, correct? Mr. Parkovich replies yeah, it would render about a third of my yard useless. It would also fence out my shed that is currently on the edge of the property. Chairwoman Jancura asks is there a current fence? Mr. Parkovich replies no.

Chairwoman Jancura asks did you have any idea you would be required to have this setback when you purchased the property? Mr. Parkovich replies no, the homeowner directly across also has a corner lot and a privacy fence that is 2ft. off the property and up the sidewalk.

Chairwoman Jancura asks do you have any children or pets that you wouldn't have a sizable yard for? Mr. Parkovich responds yeah, I have 3 dogs. Chairwoman Jancura asks when did you buy the property? Mr. Parkovich replies a month ago. Chairwoman Jancura asks do you think the fence would adversely affect the delivery of any kind of government services, etc.?

Mr. Parkovich responds no. Member DeBottis asks how deep is your yard? Mr. Parkovich replies my yard is .66 acres. The fence I'm proposing is 197ft. long from midway of the house. I don't know the exact length of the property. Member Tatter states I believe it is 300ft. Member DeBottis says you could go back further. Mr. Parkovich says I could, but there is a drainage ditch that goes back into Mariners Watch. Member DeBottis asks how many feet is it from the back of the house to the ditch? Mr. Parkovich replies the ditch is probably 5ft. from where I want to run my fence. So, probably about 195ft. Member Tatter asks why do you feel the property would become unusable without a fence? Mr. Parkovich replies we have 3 dogs that like to run around the yard. Member Tatter says so it would not become unusable, just for your situation? Mr. Parkovich yes. Mr. Tatter asks how old is the house? Mr. Parkovich replies I think it was built in the 1900's. Mr. Tatter asks in your opinion, if this is approved, do you think you would create a visibility problem for traffic? Mr. Parkovich replies the fence wouldn't go up far enough to hinder visibility on the corner. The side street is the backyard that I want to fence in. Building Inspector Melbar says you are allowed to have fences in your side yard up to the front of your house.

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

Member Tatter says I would like to point out the property to the west, directly on the other side does have a 6ft. privacy fence in about the same position. However, that property does have a reason for the fence, and that is the inground pool. Chairwoman Jancura says when you

have dogs and live on a corner, it's pretty reasonable you should have a fence. The practical difficulty of not being able to enjoy his yard as he intended, not having a fence there and finding he couldn't. Mr. Parkovich, if you had known of this ordinance about the fence, would it have changed your mind about buying this house? Mr. Parkovich replies it would have made a substantial impact. We moved from 1.2 acres to essentially cutting our yard in half.

\*Motion by Siebenhar/Second by Tatter to approve the variance.

ROLL CALL FOR APPROVAL: Siebenhar, Tatter, Harper, Jancura.

Nays: DeBottis.

Variance is approved.

### **CASESFL-VAR010**

Josh Siebenhar, 4357 E. Lake Rd., requesting a lot width of 81ft.

Chairwoman Jancura states you are seeking relief from compliance with 1133.05. Mr. Siebenhar says it is actually two parcels. They are pretty big combined but needs the area variance. I only have 81ft. of frontage and you need 90. Virtually no lots have 90ft. to build. It is a corner lot. Chairwoman Jancura asks what will you be building? Mr. Siebenhar replies I would like to bring in a narrow, modern style row home like you see in Tremont. Chairwoman Jancura asks a single-family residence? Mr. Siebenhar responds yes. Member Tatter asks a height variance would not be required with a rooftop deck? Mr. Siebenhar replies no, it's 35ft. of structure. Chairwoman Jancura asks if your variance is denied, what will you do with the property? Mr. Siebenhar responds I will leave it empty, there is nothing else you can do, it is zoned R-1. It is an unbuildable lot as it sits. Chairwoman Jancura asks the lots to the west, are there houses located on those lots? Mr. Siebenhar replies yes. Member Tatter asks the building inspector under the R-1 requirements, is there any use for this property or any structure that could be constructed on it legally without a variance? Building Inspector Melbar replies no, there is not.

\*Motion by Tatter/Second by Harper to close the presentation.

### Internal Discussion

Chairwoman Jancura says that last statement says everything. If we can't give him a variance, he can't build anything on it. It will go vacant. Member Tatter says I want to point out the application says no other variances would be required, however, in the presentation, there may be a height one. Chairwoman Jancura says that would be in the future. Member Tatter asks how is that statement limiting this then? Chairwoman Jancura replies we are not here to address that issue.

\*Motion by DeBottis/Second by Tatter to approve the variance.

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

### **OLD BUSINESS: None.**

**NEW BUSINESS:** Chairwoman Jancura states I did attend the city council meeting about the new code. It is huge but will be a lot clearer. Building Inspector Melbar says it defines everything. There is a section for everything. Chairwoman Jancura says it is clear cut and easy to read and understand. Lastly, Mr. Tatter has decided to step down as a full-time member effective in January. However, the new code does allow for alternate members, so you may be

an alternate in need of a quorum, etc. I will try to get a training manual for the new code and procedure of running a meeting, etc.

**CITIZENS COMMENTARY: None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Harper/Second by Siebenhar to adjourn at 7:33 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 Nov. 18, 2021.

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**CHAIRPERSON**

*Diana Jancura*

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**PRESIDENT OF COUNCIL**

*Rick Rosso*