

Sheffield Lake Zoning Board of Appeals Minutes
Held June 16, 2022

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, June 16, 2022 at 7:00pm in Council Chambers with Chairman DeBottis presiding.

ROLL CALL:

Present: DeBottis, Piskura, Heckert, Building Inspector Melbar, Law Director Graves, Council Representative Erdei.

Absent: Harper, Siebenhar, Mayor Bring.

Attending: Applicant

APPROVAL OF MINUTES:

May 19, 2022. *Motion by Heckert/Second by Piskura to approve the minutes with any noted corrections. Yeas All.

Correspondence: None

Council Representative Erdei report: Representative Erdei has no report.

Planning Commission Member Siebenhar report: Member Siebenhar is excused.

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#22SFL-VAR005

Paul & Patti Endrei, 4755 Park Dr. requesting an area variance to allow a front yard fence.

Paul Endrei, 4755 Park Dr. states when we moved to Sheffield Lake two years ago, we were excited about the beautiful lake and saw that as a major appeal. The side yard view is anything but beautiful. Our neighbors, the Gowers told us we know it looks like West Virginia, but we will get it cleaned up. Unfortunately, it did not get better, it got worse. Last year they cut down a major tree and put the logs at the side encroaching on our property and actually on our property. I came to the city and let them know and Law Director graves said get a survey and get pins in the ground. We had a surveyor come and put in the pins and at that point, the logs were moved. Our house was a foreclosure and a lot of work needed to be done. We would like to have some privacy. We are living next to visual pollution. We would like to be able to enjoy our yard and the flowers we've planted.

Patti Endrei, 4755 Park Dr. says the biggest thing is the visual pollution. It is right up against our property line and it's rude. He hung a string up separating our yards. We would just like to enjoy our property that we have put money into.

Ron Polish, Northeast Ohio Fence states they requested a 6ft. high vinyl fence, then came back and requested a price on a 5ft. high fence. It stands up to 85mph winds without stiffeners, but we are adding them.

Mr. Endrei says I think this is more than an issue of visual pollution, it is an issue of privacy. When Ron came over, Mrs. Gower immediately came out and started videotaping and asking what he was doing here.

Chairman DeBottis says we are looking at two variances here, one for the height of the fence and one for the fence to surpass spacing requirements. Building Inspector Melbar says it is three variances. They are no fence shall be permitted in the front yard, decorative fencing shall be 50% open, and front yard fences shall not exceed 36in. The definition of a front yard is from the front edge of a house, forward. Mr. Endrei replies the majority is in the front yard, but about 20ft. would be in the side yard. Chairman DeBottis asks is there a permit for the neighbor to have a fence put up that will encompass the rear? Building Inspector Melbar replies yes, but I don't believe the whole back yard.

Law Director Graves asks the neighbors to the west, their house sits significantly farther south. In Sheffield Lake code, a side yard fence can be set right on the property line. If those neighbors made the same application for a fence in the same spot, it would be in the rear yard. So, it's a question of who applies. If the neighbors to the west apply, it is in their rear yard, but the neighbors to the east, it would be their front yard. Fence would be in the same location.

Laura Gower, 4751 Lake Rd. states our property is also on Park Dr. The proposed fence is alongside our back garage which is where our garden goes. We do not want a board on board fence there because it blocks the sun. Also, there is a mound of dirt there 3ft. tall so if he puts a 5ft. fence there, it is really like an 8ft. fence. We are in a property line dispute and are in litigation. It has not been agreed upon yet, so we object to any fence there right now. When they moved in, it was a mess from the previous owner, they had to clean it up and actually destroyed our property. We were under construction to fix it and he halted our construction guy with threats and bullying. We haven't been able to finish it. We would like to put up a fence at some point but would like to finish our construction first. I have pictures of where he sprayed chemicals on our lawn, etc. The property line was 1ft. to the east and is now somehow 1ft. to the west. We immediately complied, but our surveyor has not been able to come out yet. Law Director Graves asks how tall of a fence are you allowed to have in your side yard? Building Inspector Melbar replies 6ft. Law Director Graves states the proposal is not simply to run a fence on the property line, it's also to bring it over 11ft. across the front.

Internal Discussion

*Motion by Piskura/Second by Heckert to deny the variance based on the Duncan Factors.

ROLL CALL: Piskura, Heckert, DeBottis. Yeas All.

Variance denied.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by DeBottis/Second by Piskura 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.

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 June 16, 2022.

CHAIRPERSON

Romolo DeBottis

PRESIDENT OF COUNCIL

Rick Rosso