

Sheffield Lake Zoning Board of Appeals Minutes  
Held February 15, 2024

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, February 15, 2024 at 7:00pm with Chairman Heckert presiding.

ROLL CALL:

Present: Heckert, Harper, Piskura, Springborn, Mayor Radeff, Building Inspector Melbar, Law Director Graves, Council Representative Debottis.

Absent: Siebenhar

Attending: Applicants, citizens

APPROVAL OF MINUTES:

January 18, 2024. \*Motion by Harper/Second by Piskura to approve the minutes with any noted corrections. Roll Call: Heckert, Harper, Piskura, Springborn. Yeas All.

Correspondence: None

Council Representative DeBottis report: None.

Planning Commission Member Siebenhar report: 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 #24SFL-VAR001

Kids Academy Nursery LLC/Jesus Rodriguez, 4120 East Lake Rd. requesting to install a 25ft by 25ft fenced in play area.

Mr. Rodriguez states to open up the type of daycare we need, there is not a playground in the area that is designed for infants specifically. We want to be able to provide that for the community. We partnered with the plaza to extend an indoor playground area in addition to that. This is primarily for toddlers. Mrs. Rodriguez says it is childcare law that we have to have some outdoor play and this is the closest place for us. The state doesn't require anything specific in there, just to have enough space for them to play. Chairman Heckert asks this play area, are we talking a permanent structure, semi-permanent? Mr. Rodriguez replies semi-permanent. When I spoke to a licensed specialist and showed her the pictures, she said you really don't have to have much, just bring a few balls and little items. The goal is for them to be outside and have space to run and play and have fresh air. Member Harper asks are you dropping posts into the ground? Mr. Rodriguez replies yeah, we have to. Member Harper says so it's not a semi-permanent, it's a permanent structure pretty much. Mrs. Rodriguez says the fence, yes. They were talking about the inside items we put. Chairman Heckert says that is

what I was asking about, inside the fence. Member Piskura says a lot of this is due to regulations from the state and I'm not familiar with those, specifically childcare. Is it necessary to have a fence around that? Mr. Rodriguez replies yes, the idea is an open fence with a barrier. Law Director Graves says you have to have this play area in order to have a daycare. Looking at the factor of will this property be put to any economically viable use without the variance, this property would not be. Do you have any objection to putting a sunset on this? In other words, this variance would expire at a certain date in the future. Mrs. Rodriguez replies no. Mr. Rodriguez responds that's what he (landlord) wants.

\*Motion by Harper/Second by Piskura to approve the variance as presented.

ROLL CALL: Harper, Piskura, Springborn, Heckert. Yeas All.

Variance approved

### **Case #24SFL-VAR002**

*Tim & Francine Miller, 135 Pembridge Ct.* requesting relief from minimum setback requirements. The request is to be 12ft. closer.

Lengthy discussion on application with the following key points:

Andrea Martin, 1037 Serenity Lane, Wooster, OH says I have given you an aerial view of the neighborhood with some setback notes, current survey and the front elevation of the home. We found that the stakes used to set the corners of the home were not set by the professional surveyor. As soon as this happened and we received notice, we stopped all work. The foundation is in, the lumbar has been delivered and installation of framing has started. We are requesting this variance because there is no easy way to move this existing structure. Without the approval of this variance, there will be significant financial burden.

*Firman Erb, 176 Water St., Fredericksburg, OH* states the type of development in the area allows for the construction of homes in the curvature of the roads and cul-de-sacs. Most of the homes aren't squared up with each other. We did a little investigating in the area and there are a few other homes that protrude into that 35ft. setback as well. Member Harper asks were all necessary permits pulled for the building of this house? Building Inspector Melbar replies yes, all permits were pulled and TOPO was approved. Member Harper asks were there any prints submitted that had the setback they are currently at and denied? Building Inspector Melbar replies no. Member Harper asks who is going to incur the costs if we have to move the structure? Ms. Martin replies probably mostly the builder, but the lot costs are due to the home owner.

*Tim Miller, 858 Sun Haven Dr. Medina, OH* says the reason we wanted to move up here and we are so excited, is our grandchildren.

*Francine Miller, 858 Sun Haven Dr.* states this was a shock to us. Mr. Miller says we did everything we were told to do and I don't know where the mistake happened. Our house actually fits better, it's the garage that is the part sticking out too far. It only gives me enough room for my car and truck. With the mistake, it actually gives some neighbors more room. I can't lose anymore money on this house, I'm at the max. I still feel the character of the neighborhood is maintained. This lot was open for 20 years, nobody would buy it. We are improving that lot.

*Crystal Wiewel, 115 Pembridge Ct.* states I am the next-door neighbor and I wanted to say that lot is a really weird shape. We built 22 years ago and the house plan we had couldn't fit on that lot and we couldn't get a variance. We were excited somebody finally bought it and are going to have a ranch. I think this will be an improvement to the neighborhood.

*Rainer Wiewel, 115 Pembridge Ct.* says we don't have a problem with the driveway. I saw everything that has gone on in that lot since they started building. His truck would have been extended over the potential sidewalk that is going to be there. I saw the stakes go in the ground and I didn't see any inspector come out. About a week after they started the excavation, every day there was somebody out measuring the lot, stakes, etc. To hear they didn't realize the house was off, I have a hard time believing that. I'm not against the variance, but if you are going to apply laws, apply them all the way straight across.

*Gregory Sites, 136 Latimer Ct.* says we are across the street. It did seem to be like they were going a little fast in terms of excavating. No one has done anything with that lot. We are not against the variance either, we think it would be good to fill it.

*Stan Zub, 130 Latimer Ct.* states my question is I build a house and years later that has an addition put on, they build a porch, at what point does the inspector inspect what was put on that property? Do they reinspect? Then it's nonconforming. Law Director Graves replies this would not be a nonconformity. If the variance were granted, it would merely reduce the front setback. I built a porch and had a surveyor come out and had to have a builder come in and shorten the porch. I had to be in conformance with what you guys requested. When do they continue to inspect? I hope he gets the variation.

Mr. Erb states when I pulled into the driveway, we don't have the gravel all the way up the driveway so I wasn't able to pull all the way up. From the sidewalk to the house is 22.5ft. There is room for a vehicle. We would like to ask for approval to put a concrete drive pad to the left side of the house. We talked to the owners about that and it would allow him to pull up his pickup there. Law Director Graves responds that isn't part of the application tonight, that would have to be submitted to the building dept.

Building Inspector Melbar states we require a footer inspection, a footer location inspection and a footer elevation inspection. I perform the forming of the footers. Bramhall Engineering comes out and that is where everything is decided of yes, that is where it's supposed to be. The builders generally do not want to wait for Bramhall. At that point, it is at their own peril. Then you work in the rest of the inspections once the basement walls are up. There is an approved engineer topo that happens before everything, that is the first thing that comes to my office. Member Harper asks did we go out and inspect the footer? Building Inspector Melbar replies yes. Member Harper asks would that be our negligence of not knowing that it was where it was supposed to be before the walls were poured? Law Director Graves replies no, they poured before the inspection and then realized they had deviated from the plans. Building Inspector Melbar states Bramhall's inspection is not like a building inspection. All my inspections are basically state inspections. Law Director Graves asks to clarify, the plans that came in showed the house at the appropriate 35ft. setback and at some point, that would have required an inspection by Bramhall as to whether where it was laid out is where it was supposed to be, correct. Building Inspector Melbar replies once it's excavated and the footers

are formed, that is when you check your elevation. There is no inspection for the pins when they layout the house on the property. They are building to an approved, engineered topo. *Crystal Wiewel* says I think if the plans would have been put the 12ft. back that it needed to be, it would be encroaching on our lot and the other neighbor and there would have been that problem.

*Tim Miller* states the house would have been angled a little different. Everything would have still fit.

Internal Discussion:

Member Harper says if they were going out and doing all these measurements before they did all this pouring, how did nobody pick up on it? It feels like forgiveness instead of permission, in my opinion. There has to be accountability. This was a set of plans that were submitted and approved and it was supposed to be built to this set of plans. Member Piskura says if we go based off the factor of does it change the character of the neighborhood, no because you already have three other houses that are being displayed that don't.

\*Motion by Piskura/Second by Springborn to approve the variance as requested.

ROLL CALL: Piskura, Springborn, Heckert.

Nay-Harper

Variance Approved.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Mayor Radeff says I am currently working on updating the master plan. I have a survey getting put together that hopefully we can get a really good result from. There is a portion in there that talks about housing and any recommendations on reviews. One part says should we look into zoning laws for size and setbacks, etc. If anything comes to mind, bring it to my attention. Law Director Graves states the annual American Planning Association Cleveland Zoning Workshop will take place on April 26, 2024. It is very informative. If anyone wishes to attend, let me or the clerk know.

**CITIZENS COMMENTARY:** None.

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Harper/Second by Piskura to adjourn at 8:04 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 February 15, 2024.

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CHAIRPERSON

*Joseph Heckert*

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PRESIDENT OF COUNCIL

*Rick Rosso*