

Zoning Board of Appeals  
Sheffield Lake, Ohio  
November 16, 2017

The meeting of the Zoning Board of Appeals was held Thursday, November 16, 2017. Chairperson Jancura called the meeting to order at 7:05 PM.

**ROLL CALL OF MEMBERS:**

Present: Jancura, Reilly, Wright, Kovach

Absent: Members Tatter and Harper (excused)

Attending: Applicants and/or Representative, Concerned Citizens

**Minutes:** August 17, 2017 - \*Motion by Reilly/Second by Wright to approve the minutes as presented. Yeas All.

**CORRESPONDENCE:** **None.**

**PRESENTATIONS:**

*Chairperson Jancura swore in Larry and Linda Durst for testimony.*

**866 Dunny, request for shed** – Chairperson Jancura advised you are seeking a variance from compliance of Sheffield Lake ordinance 1151.06 (3) which states that no more than two accessory buildings, only one of which shall be an accessory building shall be located on a single zoning lot. The applicant seeks to erect a second shed located on a parcel which already contains an accessory building. The existing shed straddles the property line of the parcel that contains a house and the existing accessory building. The applicant does own parcels contingent and abutting to the parcel with the house known as 018 and 019. There are no structures on 019. Parcel 018 is the parcel that straddles the two parcels, one with the house.

Chairperson Jancura asked how many cars are located on your property? Mr. Durst answered 2. Chairperson Jancura asked how many licensed drivers are in your household? Mr. Durst answered two. Chairperson Jancura asked what will the new shed contain in terms of storage? Mr. Durst answered her things. Mrs. Durst expounded some of the garden things that we put out in the spring and things that we have added for the property several years ago, those things have grown. I now have no place to put them. Chairperson Jancura asked does your house have a basement? Mr. Durst answered no mam, it is a split level. Chairperson Jancura asked why not place the shed on the other parcel so you wouldn't have the house and shed 1 and shed 2 so close and so you wouldn't even need a variance because if you put the new shed on parcel 019 you wouldn't need a variance because you can have the accessory building over there? Mr. Durst stated that was not our understanding because when we went down to the county administrative building, either lot is considered a subplot and he said we would have to get a variance to

build on either one. Chairperson Jancura clarified so, it doesn't matter where you put it, you still need a variance. Mr. Durst answered yes and the reason that we are asking for the variance is they said that we could consolidate the two lots to what we already own and put everything on one plot but you are looking at a \$2500.00 survey. Chairperson Jancura concurred to combine your lots you have to get a survey and you have to go to Planning and ask them to combine your parcels and they have a fee and then you have to come here, it is not cost prohibitive.

Chairperson Jancura continued it seems as if this is a prefabricated shed so, it kind of comes with a package. Mr. Durst answered it is a kit and we are going to build it. Chairperson Jancura asked so you will do it yourself, have you ever built sheds before? Mr. Durst answered yes mam, I have built garages before. Chairperson Jancura asked so when you bought the house, were you aware of any restrictions regarding sheds or placement of sheds? Mr. Durst answered no mam. Chairperson Jancura asked do you believe if we grant the variance that any government services such as; EMS or any emergency services will be altered or inhibited from perhaps putting out a fire? Mr. Durst answered no mam. Chairperson Jancura asked will there be any vehicles or riding mowers and anything be stored in the new shed? Mr. Durst answered no mam. Chairperson Jancura asked what about the existing shed? Mr. Durst answered that is where my stuff is at. Chairperson Jancura asked concerning your neighbors, are there any other multiple sheds in any other yards or surrounding properties? Mr. Durst advised Mr. Stevens has an extra garage on his. Chairperson Jancura asked it looks like your house is surrounded by woods, correct, especially in the back? Mr. Durst answered yes. Chairperson Jancura asked if the variance is denied, what will you do? Mrs. Durst answered cry, I am being honest, I will cry. Chairperson Jancura asked do you feel that your property will be somehow diminished of use and value if it is denied so that you wouldn't get as much enjoyment out of your property? Mrs. Durst answered right, yes.

Chairperson Jancura stated because backyards are a big deal and I do love my lawn ornaments as well.

Member Reilly asked is this shed going to be put on any permanent foundation? Mr. Durst answered no, we are going to lay down the patio blocks. Member Reilly stated so it could be moved with a forklift and a flatbed correct? Mr. Durst answered if we had to. Chairperson Jancura stated I am assuming that that is in compliance with the building instructions themselves that came with the shed. That they don't require you to put it on a cement pad? Mr. Durst answered no, they said it could sit right on the ground if you wanted to. Member Reilly read foundation, 4 X 4 skid runners.

\*Motion by Reilly/Second by Wright to close the presentation. Yeas All.

DISCUSSION OF THE BOARD: Chairperson Jancura advised my biggest question was whether they could put it on the other parcel or move it away but the county says no, it doesn't matter, you still need a variance no matter where you put

it. It kind of makes sense because you have shed 1/shed 2, the garage and everything just flows and since their backyard is surrounded by woods, it is not like they are really going to be an eyesore wise having so much stuff. Member Reilly advised the lot beyond that is even the park. Chairperson Jancura stated not having a basement is a big deal, I don't know what my house would be without a basement. Member Reilly stated very much like mine, very crowded. Chairperson Jancura stated they do because your sheds kind of become your garage and your garage becomes your basement. Sheffield Lake has a fair amount of houses as you would know Mr. Kovach with no basements. Representative Kovach stated all over on slabs. Chairperson Jancura stated I do believe they have established a finding of a practical difficulty, especially when you factor in the costs associated with getting a survey, combining the parcels, going to Planning and saying can I combine the parcels, to get a survey is not insignificant, it is a big cost. Member Wright asked if the variance is approved and it is determined at a later date that the placement of a structure impedes access to service vehicles, what happens? Chairperson Jancura advised once a variance is granted, it is granted, so it runs with the land. If something happens and all of a sudden a fire engine is 5 feet wider than it was, it is grandfathered in. Member Reilly added that is part of our due diligence, to check and make sure that it is not going to interfere with anything. Chairperson Jancura advised to the best of our knowledge right now. We do take into consideration, especially when people have houses that are closer to each other in which she recognized certain scenarios'. Member Wright stated Mr. Reilly I heard Mr. Durst say that earlier you had talked previously, did you visit the property? Member Reilly answered yes, I did, yesterday. Member Wright asked what was your judgement about its placement. Member Reilly stated I think it would be a little bit out of place anywhere else on the property to tell you the truth. It is an aesthetic place for it and causes a minimum of interference with the flow through the backyard. Chairperson Jancura offered a copy of the submitted drawing in which Member Wright advised he has one. Chairperson Jancura stated it makes sense where they are requesting to put it.

\*Motion by Reilly/Second by Wright to approve the variance.

ROLL CALL TO APPROVE THE VARIANCE AS REQUESTED WITH A FINDING OF PRACTICAL DIFFICULTY: Yeas All – Reilly, Wright and Jancura. **VARIANCE GRANTED AS PRESENTED.**

*Chairperson Jancura swore in property owner John Heltzel and contractor Scott Toth for testimony.*

**804 Maplewood, enclose patio to include roof** – Chairperson Jancura advised the applicant seeks a variance from compliance from Sheffield Lake ordinance 1133.07 (e) which states rear yard shall not be less than 30 feet in depth if a garage is attached to the house. The property does have an attached garage, the applicant does seek to cover an existing cement pad upon which a patio is located. It is worth

noting that patios do not qualify as accessory buildings or other structures under 1151.06(e) of our Sheffield Lake ordinances since they are attached to a structure, in this case the house. Patios are not independent buildings and that being said the Chair still feels that it is worth noting that under Sheffield Lake ordinance 1151.06(e) structures such as non-enclosed gazebos and pergolas' are not considered accessory buildings. But shall be limited to the rear yard setback and have a minimum setback of 3 feet from the side yard and 3 feet from the rear yard. Chairperson Jancura asked do you currently use your cement pad as a patio? Mr. Heltzel answered yes. Chairperson Jancura asked what do you do on the patio, in terms of what is there? Mr. Heltzel answered well to use the grill or just sit out there and enjoy the air. Chairperson Jancura asked is it covered it at all or do you have any umbrella's? Mr. Heltzel answered no. Chairperson Jancura asked so why did you now decide to enclose it? Mr. Heltzel answered because when it is pouring down you can still sit out there or still grill or just sit out there enjoying the weather. Chairperson Jancura asked how long has the cement pad been existing? Mr. Heltzel answered to be honest, I don't remember when it was put in. Chairperson Jancura asked how long have you lived on the property? Mr. Heltzel answered since 1984. Chairperson Jancura stated it has been there a good long time. Was it there when you moved in? Mr. Heltzel answered no. Chairperson Jancura stated so shortly thereafter probably. She continued from your drawings, do you believe that any government services would be impeded from the ability to either access the building; EMS or fire by enclosing the patio or covering it? Contractor Toth answered no they would not. Chairperson Jancura answered are there any other covered patios in the neighborhood so to speak, you know within a few streets or neighbors nearby? Contractor Toth answered there is one right across the street, they have a pergola and they have the same lot dimensions approximately. Chairperson Jancura asked I am assuming Mr. Toth as a contractor and a busy contractor at that, I know, you are familiar with putting up patios and what is the requirement and footers and all of the things required under the ordinances? Contractor Toth answered yes, absolutely. Chairperson Jancura stated I did note that the variance is for 15 feet, which is not necessarily insignificant because that is 1/2 of what is required, so you are required to have 30 feet. So, you will now cut your back yard or this area in 1/2. Have you heard any complaints or comments from neighbors, anybody that kind of knows what you are doing. Mr. Heltzel answered no, no one has said anything. Chairperson Jancura stated well they have seen you use it, I mean there is a cement pad there anyway. So, it is not like you are laying down the pad, you have been using it for many, many years anyways. Mr. Heltzel answered yes. Chairperson Jancura continued you haven't had any smoke going into somebody's yard or otherwise impeding on people's back yards. Correct, no problems in the past? Mr. Heltzel answered none that I know of. Member Wright asked is the concrete patio considered the back yard?

Chairperson Jancura answered yes. Member Reilly advised there is a photograph included in our packet, with the back of the house with a much more extensive awning on it. Contractor Toth advised that was to show kind of what we are talking about, that is not existing. I just pulled that off to kind of show what we are doing. That as to show kind of an idea of what we are doing, I just pulled that off the internet to show you. I did include pictures of it now, yes, those and we have taken that down. We are putting the fence up just the same. We are just the posts over to 4 X 6's instead of 4 X 4's. Member Wright asked how long have you had this patio with the open roof on it? Chairperson Jancura asked how long has the fence been up? Mr. Heltzel answered, I don't know, it has been a while. Chairperson Jancura asked more than 5 years? Mr. Heltzel answered yes, I would say. Chairperson Jancura stated because the fence has been up quite a while. Mr. Heltzel stated I am 71 years old, things don't mean anything to me anymore. Member Wright stated I ask simply because this structure has certainly been up for 5 or 7 years? You asked earlier if there has ever been complaints to the city about its continued use and the answer is no. Is there any situation where this work that they are asking to be done would devalue the property at all? Contractor Toth answered it would not devalue the property, if anything it would increase the value as it increases the use of the patio. \*Motion by Reilly/Second by Wright to close the presentation. Yeas All.

**DISCUSSION OF THE BOARD:** Chairperson Jancura advised based on the testimony given and the evidence submitted in their application, especially the cement pad has been there a long, long time. The fence has been up for a long, long time, so to add a roof to it is not such a big deal. No neighbors have complained, we will give them the opportunity to be heard, but I do think that it would definitely add to the house. It is nice to be able to use your patio when it is raining, when it is sunny outside.

\*Motion by Reilly/Second by Wright to approve the variance as requested with a finding of practical difficulty.

**ROLL CALL FOR APPROVAL:** Yeas All – Reilly, Wright and Jancura.

**VARIANCE GRANTED AS PRESENTED.**

**OLD BUSINESS:** Chairperson Jancura explained to new member Wright the BZA Board training which she has several notes and created cheat sheets for better ease of decisions. She advised she would get him a copy. Member Wright was assigned code 1151, accessory buildings and uses. Member Wright asked how are these variances applied for, through the Service Department and forwarded onto you? Chairperson Jancura answered yes, correct. I also made a memo of the practical difficulties which is a whole legal standard of Duncan versus Middlefield. Member Reilly advised they had to reel me for the first couple of years because I didn't know all of the in's and out's and just clog up the works and get people confused and stuff like that. She would just say oh shut up, you don't know what

you are talking about. (Laughter was heard) Chairperson Jancura advised also we are not allowed to discuss an application outside of the meeting. We can ask each other technical questions about protocol or something, like I had emailed Terry that I thought he had lived close to Mr. Heltzel but we can't have under the Sunshine Laws of Ohio, you can't have any discussions about an application outside of the meeting. You can go to the property and talk to the owner as much as you want, especially if it is what is up with that kind of thing. I usually let Terry do that, I run the meeting and make sure all of the protocol is met. Member Wright asked considering that this is going to be my specialty, if I see a variance come through that is about accessory buildings and uses I assume that you guys are going to expect me to go see that property. Chairperson Jancura answered not necessarily, I usually only go to a property when I think it doesn't look right on paper and I want to see it for myself. Member Wright stated I was just considering doing it for educational purposes. Member Reilly stated I always try and talk to the owner if they are there. Member Wright stated if we are not allowed to talk about this stuff, how do we know what everybody is doing or does it matter. Chairperson Jancura answered doesn't matter if multiple people visit. I usually don't visit unless I have a weird question. But I would drive by the house and if I have questions, that is when I knock on the door. Member Wright stated I did that, but there is not much you can tell from the road. Member Reilly advised we have authorization to clabber right in. Chairperson Jancura concurred there is consent to go onto the property, if you don't already have them, Kay has little business cards. Member Wright asked do they have to be home. Member Reilly stated no, that is why she found me wondering in Heltzel's back yard. Chairperson Jancura advised part of the application is consent to go onto the property. If they are home, you just Zoning Board and you can talk to them as much as you want. Member Reilly advised I would always knock first because that is what I would want people to do if they were approaching my property. There was a brief discussion on applications that were before the Board this evening. Chairperson Jancura directed Clerk Kay to copy Chapter 11 for new Member Wright.

**OLD BUSINESS:** BZA Board Training – **REMOVE.**

**NEW BUSINESS:** **None.**

**CITIZENS COMMENTARY:** **None.**

**MEETING ADJOURNED:** With no further business before this board, \*Motion by Reilly/Second by Wright to adjourn at 7:35 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  
*Kay Fantauzzi*

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CHAIRPERSON  
*Diana Jancura*

I, Kay Fantauzzi, 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 November 16, 2017.

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PRESIDENT OF COUNCIL  
*Rick Rosso*