

Zoning Board of Appeals
Sheffield Lake, Ohio
May 17, 2018

The meeting of the Zoning Board of Appeals was held Thursday, May 17, 2018. Chairperson Jancura called the meeting to order at 7:02 PM.

ROLL CALL OF MEMBERS:

Present: Jancura, Reilly, Harper, Radeff

Absent: Tatter, Wright (excused)

Attending: Applicants and/or Abutting Property Owner

Minutes: April 19, 2018 - *Motion by Harper/Second by Reilly to approve the minutes as presented. Yeas All.

CORRESPONDENCE: **None.**

Council Representative Radeff report: Councilman Radeff advised for our next Ordinance meeting, we will be talking about fences in the front yard. We did bring it up at the Worksession for opinions on it. I know that there has been talk about looking at the materials, heights and what percentages it can cover and things like that. So, that will be our next Worksession.

Planning Commission Member Wright: Chairperson Jancura advised from my husband who is Chairman of Planning, they are still working on redoing the Master Plan and right now, they sent out a survey to not everybody in the city but a large number of residents. Kind of like what would you like the city to become. There is everything from they want a Walmart, Marc's, Burger King's, just a wide variety. More commerce and no tax, so that is where they are at right now with tallying the results of the surveys to kind of go forward with redoing the Master Plan with the input from the citizens.

PRESENTATIONS:

Jim and Oksana Bruce, 413 Elm Street, variance for 1-foot front yard set-back.

Chairperson Jancura swore in Jim and Oksana Bruce (owners) for testimony.

Chairperson Jancura clarified you are asking for relief from 1133.07(a) that requires all front yards to be at least 50 feet.

Chairperson Jancura advised you are almost there as you have 49 feet of a front yard, so you are in need of 1 foot. So, we have your original application and your blue prints so we know that this is a new building. We do realize that you have quite a small lot, you are positioned very tightly. I will add that I noticed that at our last meeting because we have the minutes from when we approved that one, that we asked the applicants can you possibly move the house back or can you do this or that? They literally had nowhere to go, you can't put it in the back yard because there is nothing and we have already given them a variance for the rear yard. So,

they literally have nowhere to go in terms of where to put the house. They would have to make the house smaller and I believe we even talked to that issue of cutting a foot off and it just doesn't work. We had a finding of a hardship in March or April meeting. Member Harper asked are they 8-inch or 12-inch leads, your soffits; are they 8-inch or 12-inch? Mr. Bruce answered I don't know. Mrs. Bruce advised our architect was trying to tweak as much as he could. Member Harper advised the eaves, your overhangs because that is what they go off of. It doesn't go up to the face of the house, it goes to where the dwelling hangs over, so it goes to the eave. So, you are literally missing it by an eave. Mr. Bruce answered so, who is the person that you are dealing with? Board answered Jeff Fillar said that we don't need to count that. Member Harper advised because that is what they have it to. Mrs. Bruce advised they are saying that by the code, the eaves don't count. That is fine because you have shown the eaves on the paperwork and you have your dimensions from the eaves. Member Harper stated what I am saying is you have extra room. There was a brief review and discussion on the requirements.

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

DISCUSSION OF THE BOARD: Chairperson Jancura reviewed based on the extensive presentation last time and all of the questions that we asked in terms of resituating the house dimensions. Obviously, we did find a finding of practical difficulty before and this is an even smaller variance which is only 1-foot and they still have 49-feet of a front yard. So, it is a slam dunk finding of practical difficulty as 1-foot is so very small.

*Motion by Reilly/Second by Harper to approve the variance of 1-foot. **ROLL CALL FOR APPROVAL OF A 1-FOOT VARIANCE:** Yeas All – Reilly, Harper, Jancura.

Member Harper advised they need to change the language and make it to the base of the structure instead of the eaves. I think it would be so much clearer and less misunderstandings. Chairperson Jancura asked which ordinance are we in? Member Reilly suggested I think for the eaves thing is because a lot of the houses are designed with eaves that overhang. Member Harper advised usually you don't see any more then a 12-inch eave, houses now days depending on who is building the house; nowadays you are seeing 8-inch eaves which is going cheaper. The only time you see the big eaves anymore is usually over a front porch area. Chairperson Jancura added carports in the back yard or something like that. Member Harper advised your basic eaves nowadays are anywhere from 4 to 8 inches or 12-inches on the nicer houses. You don't see them anymore and don't get me wrong, I used to love the 18-inch eave because they used to look nice. But you don't see them anymore unfortunately. Chairperson Jancura advised we will look that up because little do we know, we are well within our right to make request for ordinances, so if we find something and say hey, this is regularly causing confusion. We can make a recommendation to Ordinance to please either rewrite it or we propose

language to them. Member Harper stated even if we change how it is worded and then change the number, you know instead of going 50-foot off of the front of the house including we just make it 51-foot off of the face of the structure. I think it make things a lot easier. Chairperson Jancura stated I will look up the ordinance number and I will put that on the agenda for the next time we meet. Representative Radeff advised I am on Ordinance, so yes it would go there. I kind of talked to the Mayor before with the smaller lots, a lot of times they are having trouble meeting the 30-foot in the back so maybe set a separate size for the smaller lots. Member Harper clarified so maybe go on the square footage of lot and determine a different variance based on square footages. Representative Radeff answered yes, that is what we have seen a lot of in the last 2 years like, "I can only get 25-feet out of this lot because they are combined but it is still not the normal size of a lot". Member Harper concurred I think you are right because I think that is the only way we are going to get people to build on those lots. I think that is a good idea.

Representative Radeff advised if you want to think about that for the next meeting and let me know and I can ask David to write something up and go from there.

Chairperson Jancura asked why don't you give us a proposed language?

Representative Radeff answered okay. So, based on the square footage is what?

Member Harper answered I think that would be your best bet, you know go from so many square foot to so many square foot is this and so on and so forth. I think that is your best way to do it. Chairperson Jancura stated I think that is 1133.06, percentage of lot coverage is that what we are talking or is that something totally different. Maybe 1133.05, required lot area. Member Harper answered yes, in one way and maybe we can put a draft in there to delegate what we are going to have different setbacks for different square foot areas and square footage for lots.

Representative Radeff advised right now a lot of people are buying 2 – 30-foot lots and that is where they have to come to us. I mean it would save time and also save them some money for a variance. Chairperson Jancura advised I know I talked to David one time about can the Building Inspector give a variance for these little ones, less than a foot. But I was told no, he can't and even for these small little things. Chairperson Jancura advised so if there is another ordinance section that we are regularly dealing with because a lot of it has to do with the rear yards and the combined 30-feet. Member Harper added that and the side yards, I would have to say 70% of what we do is side yards. Chairperson Jancura stated so let's take a look at that and see if maybe you want to clean it up so that we can apply that this is regularly in front of us and to be more user friendly, let's change it a bit to give people more wiggle room. So, maybe like these smaller lots we could say it has to be at least 30-feet with no less than 10 except if the lot is X amount of size then it could be smaller. Member Harper asked do we designate that for people who are just building on lots because I was just thinking about this, a man came in and wanted to build his garage off of the side of the house and I think he needed so

many feet for a side yard and say he wanted 5 or 6 feet. Now, should we designate that new language for people who are just building? Chairperson Jancura stated that is all something that we should talk about. I mean, should it be just the house or should include accessory building. I am a little bit more apt to say the house but we should talk about it obviously. Member Harper stated or if we even designate it to just livable space. Chairperson Jancura concurred yes, maybe that would be the best idea to really designate it that this is not for accessory buildings.

OLD BUSINESS: None.

NEW BUSINESS: Proposed ordinance language. (ADD)

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Harper/Second by Reilly to adjourn at 7:20 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

Kay Fantauzzi

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 May 17, 2018.

CHAIRPERSON

Diana Jancura

PRESIDENT OF COUNCIL

Rick Rosso