

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

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, August 15, 2024 at 7:01pm with Chairman Heckert presiding.

ROLL CALL:

Present: Heckert, Springborn, Kemble, Law Director Graves.

Absent: Piskura, Lanzer, Council Representative Petrucci.

Attending: Applicants

APPROVAL OF MINUTES:

July 25, 2024. Chairman Heckert hearing no corrections or objections concludes the minutes are approved.

Correspondence: None

Council Representative Petrucci report: Excused.

Planning Commission Member Springborn report: N/A

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-VAR005

Romolo & Katherine DeBottis, 868 Lake Breeze Rd. requesting a 2ft. variance to install a 6ft. rear yard chain link fence.

Mr. DeBottis says we have an existing 6ft. privacy fence made out of cedar that borders the entire back yard of the property. The fence is 31 years old and that's why it needs to be replaced. On the very back end which faces Roberts St., we chose to have it chain link so we could see the other end of the property. We have large dogs and like to see what type of foot traffic goes through there and just to have a general overview of the back part of the property. We contracted for a new fence this year with Crest Fence. He came out and measured and saw the old, existing fence and we went with vinyl to replace the wooden fence and we also requested we would like to have the 6ft. chain link in the rear. We have one dog that's a jumper and I don't think she could jump over a 4ft. fence, but if there's people walking through, etc. She gets pretty excited and starts jumping pretty high. I don't want those people to get nervous. He drew up the plans, we gave him a deposit and he ordered the fencing. Unfortunately, when he turned in the application, he advised us he was told we had to have a 4ft. chain link fence in the rear. That would cause us a problem with the dogs and the aesthetic. We have 6ft. everywhere else. Since he ordered it, to reorder it would push us way

behind. I'm here to ask if we can keep the same standards as what we had, 6ft. in the rear. I think it is approximately 50-60ft. total and the rest of it will be a high-quality vinyl fence. We are spending \$21,000 to have the fence put in and if we have to reorder this chain link part of it, it will be an additional \$1,500. The posts we are putting in, normally with a vinyl fence there are no metal posts, but we paid an additional \$3,000 to have metal posts to stabilize the fence and they will all be covered with vinyl. If you do consider this, they will begin putting in the fence next week. Mrs. DeBottis says when we have that in the back, I like to be able to see because there's kids on Roberts and they like to play in my yard, so I like to keep track of what they are doing. If I put the vinyl fence, I won't be able to see what they are doing. Law Director Graves asks have you spoken to your neighbors about any of this? Mr. DeBottis replies as soon as they got the letter, they called and asked if they needed to be here and I said it's up to you and they said they had no problem with it. I told them if you want to come, you are more than welcome to come and if not, they are basically gonna take the testimony without you being here. No one objected to the fence.

*Motion by Springborn/Second by Kemble to approve the application.

Member Springborn says since it was already a 6ft. chain link fence and the surrounding neighbors had no issue with an updated 6ft. fence, I see that the factors have been met. I don't see any issue with just replacing an older 6ft. fence with a brand new one. It was already there and they are updating it to make the surrounding area nicer. Member Kemble agrees.

Chairman Heckert says I appreciate the desire to have a higher fence for partially public safety as well so the dog can't potentially jump over. I agree with Member Springborn.

ROLL CALL: Springborn, Kemble, Heckert, Yeas All.

Case #24SFL-VAR006 and #24SFL-VAR007

Todd Dunkle, 809 Alameda Ave. requesting a variance to install a 6ft. wooden fence in the front yard and to install a front yard pool.

Law Director Graves states I suggest not doing these in the order presented. #007 is the variance for the pool and if they don't get the pool, they won't get the fence. Mr. Dunkle says I own two separate partials; 809 Alameda is one and the property I wanna put the fence on is a separate parcel right next to my home, on the corner. My backyard does not have enough square footage to put up a pool. I wanted to utilize that partial that doesn't have a fence on it to put my pool. The pool fence would actually sit back in line with my backyard fence now and it's just gonna continue the same line. It's not any farther forward than it is now, it's gonna be in the same area. It's aesthetically in line with the other fences that are meeting it, including my neighbor behind me. I've talked to my neighbors and they are all okay with it.

Member Springborn asks your fence is going to come along the back of your house, go up Ferndale and end at the back of your house? Mr. Dunkle responds there is fencing in the back of my property that goes all the way from my property to the neighbor's property. Using their fence, I am putting two sides, the front and the side connected to my fence I have now and doing an L shape. It's just boxing it in basically. I don't have any other room to put it.

Member Kemble asks your neighbors are ok with the fencing, are they ok with the reasoning for the fencing about putting a pool up? Mr. Dunkle replies yes, I've talked to them personally. Member Kemble asks are there any other properties nearby that have pools in the

front yard as well? Mr. Dunkle responds yes. Law Director Graves asks did you consider a smaller pool that would fit in your rear yard? Mr. Dunkle replies there is not enough room back there. The pool we are looking at would not fit in that area. It would require us to get a very small pool. With the partial the way it is, it is in line with the other properties in the city. Chairman Heckert asks what is the size of the pool? Mr. Dunkle replies 15 by 30. I went down the street and there is another one on Ferndale with the same setup. The fencing all matches with the connecting fences. It would be beneficial. Aesthetically, I take care of the place. When I bought the property, it wasn't being managed. Law Director Graves says your total lot area when you consider the four parcels you own is 100 by 120ft. How is that any irregularity with the land/considered a narrow lot? Mr. Dunkle asks are you talking about the partial I wanna build on? Law Director Graves replies the total property. It seems you have a larger area than most. Mr. Dunkle replies my back yard is not that large, I'm not sure what you are referring to. Law Director Graves says your neighbors to the rear are 90 by 100 and that's kinda consistent with the other houses. Member Kemble asks with the pool you are doing, it is going to be an above ground pool with a 6ft. fence, how tall will your pool be? Regarding the aesthetics of the neighborhood, in my mind I'm trying to better understand how that would look. Mr. Dunkle responds the pool is 52in. and it's gonna be laid in the ground up to 20in., but I haven't decided yet what that is gonna be. Member Springborn says there is a house on Ferndale and Pasadena that has a pool on the side as you are requesting. Mr. Dunkle says that's exactly what I'm looking to do, the same thing. Law Director Graves asks the fence you are proposing, it would be 29ft. off Alameda? Mr. Dunkle replies 40ft.

*Motion by Springborn/Second by Kemble to approve Variance 24SFL-VAR007.

Member Kemble says based on what you have shown, how it lines up with the neighbor's fencing and the fact that there is other properties doing something very similar to this, having seen the photos showing how it does fit the neighborhood, I would move that it does meet the factors necessary for approval. Chairman Heckert asks the law director do you know the particular purpose of this zoning code in regard to where the pool goes? Looking on Ferndale, we do see the example of the pool that is in the secondary front yard and also a number of houses with pools that are very close to that. What is the distinction between a house that goes all the way up to Ferndale with a pool behind it vs. this situation where the house doesn't go all the way to Ferndale, but the pool is still in the same place as we see with a lot of other houses. Law Director Graves asks are you talking about that extra lot? Chairman Heckert replies yes. Law Director Graves replies when you have an assemblage of lots that are under common ownership would be considered what we call a zoning lot. That last lot to the north is a non-buildable lot, but because it is owned contiguously with the other lots, it's all considered one zoning lot. Typically, when someone requires a vacant lot to meet their setbacks, if we know about that to build a house, etc., we would require either a consolidation or they record a restrictive covenant that the single can never be sold independently from the others. We did adopt a couple years ago, a full comprehensive brand-new planning and zoning code which is much clearer than our old code in dealing with these kinds of situations. Chairman Heckert states I do find that the other houses in the neighborhood, specifically along Ferndale, there is a number of them with fences that go all the way up like this one would. A number of houses

do have a pool on the other side of the fence from Ferndale. In terms of character of the neighborhood, it seems like it’s keeping what is already there. ROLL CALL TO APPROVE 24SFL-VAR007: Kemble, Springborn, Heckert. Yeas All.

*Motion by Kemble/Second by Springborn to approve variance 24SFL-VAR006.

Member Springborn asks because the separate variance we need to have a pool is a 6ft. privacy fence surrounding that, correct? Law Director Graves replies the fence has to be a minimum of 48in. Chairman Heckert says I find it is going to be inline with the neighbor’s fence, same wood, etc. If we approved the pool, he needs to have a fence around it.

ROLL CALL TO APPROVE 24SFL-VAR006: Kemble, Springborn, Heckert. Yeas All.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Springborn/Second by Kemble to adjourn at 7:46 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 August 15, 2024.

CHAIRPERSON

Joseph Heckert

PRESIDENT OF COUNCIL

Rick Rosso