

Sheffield Lake Zoning Board of Appeals Minutes
Held July 25, 2024

The regular meeting of the Sheffield Lake Zoning Board of Appeals was called to order on Thursday, July 25, 2024 at 7:02pm with Chairman Heckert presiding.

ROLL CALL:

Present: Heckert, Piskura, Springborn, Kemble, Law Director Graves, Council Representative Petrucci.

Absent: Lanzer

Attending: Applicant

APPROVAL OF MINUTES:

April 18, 2024. Chairman Heckert hearing no corrections or objections approves minutes as presented.

Correspondence: None

Council Representative Petrucci report: None.

Planning Commission Member Springborn report: Member Springborn reports there have been two meetings both pertaining to the master plan. It was approved and is going to council.

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-VAR004

Dawn Strader & Craig Gormley, PPN:0300043114070 requesting multiple variances.

Luke Markovich, 4400 Abbe Rd. says my brother and I are the potential buyers. We are not obligated to buy this lot and we don't currently own it. We have a contingency on the lot that upon site plan approval, we will purchase the lot. I did alter the location of the footprint to accommodate and try to get it to where I could build a house that fit the minimum required size with an attached two car garage. A little background about myself is I spent the last five years in construction and before that, I came from a family of developers. My brother has been in construction for the last 10-15 years and worked with a lot of luxury home builders. We feel like we can build a really nice house. We have been involved in every stage of construction from foundation to finishes. We both grew up in Sheffield Village and our grandparents and in laws both currently live in Sheffield Lake. We love the area and we want to contribute in a positive way. The purpose for us being here is to buy the lot to build a house and to sell the house. It is not for us to live there. We have entertained the idea of renting it, but for now the plan is to build to sell. Our goals are to comply with every ordinance possible

that will allow us to put the best size house on the property that will benefit the city and neighborhood and to generate a return on our investment. The hardship is we don't believe we can meet those goals without the variances we are applying for. Most parcels in the neighborhood, East Dr. specifically, have houses on them that are existing non-conforming. I use these as an example because most of the lots are similar to the lot in question; roughly 60ft. by 134ft., most have detached garages and are under 1,500 sq. ft. We want to build a house that will meet the size ordinance, but it will not look out of place on the street with houses that are smaller than 1,000 sq. ft. Our solution is to meet the size requirement with an attached two car garage, which is also required. Our solution was to rotate the house 90 degrees and face South St. instead of East. The site plan consists of a 1,500 sq. ft. finished base and it will most likely be a three bedroom, two bath single story house on either a slab or crawl space. The lot is undersized for a house which is the first variance. Outside of that variance, it's not possible to put a house on it. We tried to get the house down to size as best we could to get a layout we want. We are willing to work with the city if the city has a better solution to move the house. We shifted the house a little to try to split the difference on the variances we would need, but it was difficult given the size of the yard and it being a corner lot.

Member Piskura asks have you spoken with the neighbors about the prospect of building on this lot and have they presented any concerns to you. Mr. Markovich replies not until tonight. As we expressed to them, we don't want to put them out in any way. So, if there is any way we can accommodate them reasonably without altering the size of the house, I'd be happy to discuss it. Member Piskura says the neighbor reported some drainage issues that are happening on the north side of that lot, I think that kind of conflicts a little bit with factor E. I believe an argument can be made that drainage is a part of that concern. Can you speak as to how you would address those drainage issues? Mr. Markovich responds to my knowledge; in most cities you don't allow for water trespass. There would have to be a swale built in there. We wouldn't direct any water onto the neighboring properties. Now, the existing drainage issue, we might alleviate that problem if we were to purchase the lot, build the house and put in an actual swale. We will make sure we accommodate that and don't cause any further issues. Law Director Graves states in the event you are permitted to proceed with construction, there would be a site plan review process and that would be reviewed by our building dept. and city engineer and they would (inaudible) any potential drainage issues at that time. Unidentified member asks regarding the existing housing around it, you're saying that this is going to conform to that in a similar size of the house? Mr. Markovich replies it is not going to conform to a similar size of house because most of the houses on East Dr. are existing non-conforming. So, there used to be an automatic variance in Sheffield Lake that if it was over 1,200 sq. ft., the variance would be approved I believe. Most of the houses on East Dr. are under 1,500 sq. ft. which is the minimum house size and this house would meet the minimum house size. It will be a ranch so it will look similar. The main difference is it would not be facing the same direction of the houses on East Dr., it would be facing South St. It would also have an attached garage. Member Piskura asks what is the proposed square footage of the house? Mr. Markovich replies 1,500 sq. ft. of finished space. Member Piskura says on

the back section of the house, it looks like you are about 17ft. back from the neighbor's house to the north of you. As far as factor D is concerned, the neighbor has some concerns with privacy around that. What's your plans for windows or anything in the back of that? Mr. Markovich responds we haven't figured out what we are going to do yet, but we can work with the neighbor. We could plant some greenery/foliage or perhaps provide a fence. I don't know what the distance is between houses on the rest of East Dr. I am kind of of shying away from committing to that just because I don't know where we are yet in the design process. I don't see it really cutting into our yard at all, so if that's something that we need to do we can do it. Law Director graves asks are there other houses on corner lots on South St. that face South? Mr. Markovich replies South and Stark which is directly east of our house. Member Piskura asks do you know the square footage of the house across the street that you are comparing too? Mr. Markovich replies it's probably over 1,000 sq. ft. It's very similar to the style we would build. Unidentified member says to me it sounds like the prior house got torn down. Mr. Markovich says I believe so, but I don't own the lot. Unidentified member asks this house is proposed to face on South St.? Mr. Markovich replies correct. I talked to Tom about putting a door potentially on East because it would still have an East Dr. address. However, I didn't put in for an awning or anything like that off of the side of the house, because again, I was gonna cut into that. I would need another variance. I had to shift the house forward to get it to where I didn't need a variance. Member Piskura asks is that something you would do in the future? Mr. Markovich responds can't do an awning, but could do a door there potentially.

Rick Fortney, 936 East Dr. says I have a little problem with the closeness of the back of the house. He says he is going to plant foliage, who is to say that the person who buys the house is not going to remove that? In my opinion, they really should build a smaller house.

Cathy (inaudible) 939 West Dr. says I don't have an issue with the house being built there per se, but they wanna come within 10ft. of my garage. That to me is an issue, a privacy issue. That is juts way too close for me. I don't understand why the variance for the house couldn't be shifted 10 ft. closer to East Dr. and it would still be that same amount of space. There is no amount of shrubbery you can put within 10 ft. for privacy. Also, with the drainage issues, we had trouble and our garage floods every time it rains really hard. We had to put in drain tile and I'm afraid all of that is gonna be in (inaudible) when they start doing construction. It's nice to look out and see the big area; just not quite so close to us is what I'm asking.

Unidentified person says as far as shifting the house this way, hopefully they're not gonna block off my view. I like to sit on the front porch. I'm not opposed to having a house on there though. Member Piskura asks how far is your house set back off East Dr.? Unidentified person says 53 ft.

*Motion by Piskura/Second by Springborn to approve contingent on the north side barrier have landscaping that prevents the privacy concerns of that neighbor.

Member Piskura says basically what we are talking about is there is no break in variance between the neighbor to the west side. They are requesting a break in variance here for the street facing south and they are requesting a variance here, because this is not the proper set back. As far as the concerns of the neighbor, that conforms to the current ordinances. As far as this concern right here, what you are really concerned about is whether or not this property

plan would alter the essential character of the neighborhood which is factor D. The argument has been made and we can see across the street, that there is a house that is facing the south side street that is substantially bigger than the houses in the neighborhood. So, this does not substantially alter the character of the neighborhood. Therefore, the only contingency that we would have is the neighbor's request for privacy. Unidentified member asks would you be open to a fence as opposed to the greenery? We are talking about drainage on that side and if we were to put landscaping in, we would have to build it up. Member Piskura asks if privacy is a concern and you have a fence there already, what would be the concern with privacy? Unidentified member replies the house isn't there yet so I don't know. How are the people gonna use the back yard? What type of activity is gonna go on in the backyard? It's gonna be right by my bedroom window. Member Piskura says from the appearance of the diagram, it looks to me like the main recreation space for this house will be here, not here (shows on diagram). As far as privacy is concerned, I could understand if there was no fence there and it was used for primary use space. Chairman Heckert asks is it a privacy fence that you have up? Unidentified person says yeah, 6 ft. tall. Member Piskura asks the neighbor to the west; do you have a fence put up along your property as well? Neighbor replies across the back, but not all the way to south, it's only on part of the back. Member Piskura asks the variance isn't for that 10 ft. to the west, correct? The variance they are requesting is for this right here. They are requesting for the width variance; this right here is within city ordinance. Member Piskura asks the applicant on your side lot here, the ordinance of the city requires that this is set back 50 ft., would you open to amending that to allow for an additional 3ft.? Mr. Markovich replies this is because of the set back on East Dr. If we come 3ft. this direction, we will be within his line of sight.

Member Piskura says I would like to withdraw my motion and make a motion to approve it.

*Motion by Piskura/Second by Springborn to approve.

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

Variance granted.

OLD BUSINESS: None.

NEW BUSINESS: None.

CITIZENS COMMENTARY: None.

MEETING ADJOURNED: With no further business before this board, *Motion by Piskura/Second by Springborn to adjourn at 7:53 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 July 25, 2024.

CHAIRPERSON

Joseph Heckert

PRESIDENT OF COUNCIL

Rick Rosso