



## SHAKER HEIGHTS

### Board of Zoning Appeals & City Planning Commission Agenda Conference Call Tuesday, June 2, 2020, 7PM

1. Please Note:

For the safety of our staff and residents, the public will not be permitted to attend this meeting in person, but live audio will be available to the public on a listen-only basis. The public may listen to the meeting live that morning by calling 1-877-837-3954 and entering code 1596547. The applicants will be supplied a separate participant code which allows for comments and questions for this same conference call by separate email before the meeting. The audio of the meeting will be available the following day on the City's [WEBSITE](#).

2. Roll Call.

3. Approval of Minutes from the May 5, 2020 meeting.

Documents:

[BZACPC MINUTES 2020 0505 DRAFT.PDF](#)

#### BOARD OF ZONING APPEALS

**2062. PELLETIER RESIDENCE - 19600 SHAKER BOULEVARD:**

Public Hearing on the request of Marc and Melissa Pelletier, 19600 Shaker Boulevard, to the Board of Zoning Appeals for a variance to the size requirements for hot tubs. The applicant proposes to install a hot tub/swim spa, which is 7 feet, 9 inches wide by 14 feet, 4 inches in length. The code limits hot tubs to 8 feet in diameter. The hot tub will be 4 feet 3 inches high with a locking cover. Code allows a hot tub a maximum height of 4 feet tall. It is proposed to be located in the rear yard, approximately 45 feet from the rear property line on this corner lot at Shaker Boulevard and Montgomery Road. The hot tub/swim spa is proposed to be screened by new 6-foot tall arborvitae shrubs and by existing vegetation.

Documents:

[19600 SHAKER - PACKET.PDF](#)

**2065. CARFAGNA RESIDENCE - 2762 INVERNESS ROAD:**

Public Hearing on the request of Peter and Joanna Carfagna, 2762 Inverness Road, to the Board of Zoning Appeals for a variance to the fence location and height regulations on a corner lot. The applicant proposes to install a 4-foot tall black aluminum ornamental fence on this corner lot at Belvoir Boulevard and Inverness Road. The fence is proposed to be located 4 feet behind the Belvoir Boulevard sidewalk. Code requires that fences located in corner side yards not extend in front of the setback line of the principal building on the

adjacent lot. The adjacent house on Belvoir Boulevard is set back 50 feet. The fence is proposed to enclose the Belvoir Boulevard side yard and an existing patio for the safety of the applicant's children. Code allows a fence height in a corner side yard of 3 feet tall. The fence is proposed to be located behind a proposed viburnum hedge of 30 inches tall.

Documents:

[2762 INVERNESS - PACKET.PDF](#)

## **CITY PLANNING COMMISSION**

### **2063. BOUDREAUX RESIDENCE - 3531 STOER ROAD:**

Public Hearing on the request of the City of Shaker Heights, representing JoVanna and Edward Boudreaux, 3531 Stoer Road, to the City Planning Commission, for subdivision of land in order to join a city-owned vacant lot with the property on which their home is located. The Boudreaux's are purchasing the vacant lot next door. The house parcel (736-23-087) is proposed to be combined with the vacant adjacent lot (736-23-088). The Boudreaux's propose to integrate the vacant lot into their yard with a fence and landscaping. This combined lot meets code requirements in the SF-3 Single Family Residential zoning district. Subdivision of land requires City Planning Commission approval.

Documents:

[3535 STOER - PACKET.PDF](#)

### **2064. BR KNEZ CONSTRUCTION - 3565 LUDGATE ROAD:**

Public Hearing on the request of Michael David, BR Knez Construction, Inc., 3565 Ludgate Road, to the Board of Zoning Appeals and City Planning Commission for site plan review and a variance to the lot size for a new single-family house. The applicant proposes to construct a new three bedroom house on this vacant lot, with a two car detached garage located at the rear of the lot. The house will have an open floor plan with a front porch and basement. The property is 40 feet by 130 feet and 5,200 square feet. Code requires a minimum lot size of 5,600 square feet in the SF-3 Single Family Residential zoning district. All location and setback requirements are code conforming. Site plan review is required for all new houses.

Documents:

[3535 LUDGATE - PACKET.PDF](#)

## **OFFICE (O) ZONING TEXT AMENDMENT**

Public Hearing on the request of the City of Shaker Heights for amendments to the zoning ordinance text. Revisions are proposed to the regulations to Section 1230, the Office (O) zoning district. Revisions are proposed to the Permitted Use Section 1230.03 and Conditional Use Section 1263.15 to add laboratories and research facilities and limited production/processing as permitted uses. The City Planning Commission reviews and makes recommendations to City Council on all zoning ordinance amendments.

Documents:

[ZONING TEXT AMENDMENT - PACKET.PDF](#)

## **WORK SESSION**

- 1. Van Aken District Public Realm Project - Request to award a design contract for a public realm plan and illustrative site plan for the GCRTA station and adjacent public land.**

Documents:

[4-30-2020 PROJECT AREA MAP.PDF](#)

*To request an accommodation for a person with disability, call the City's ADA Coordinator at 216-491-1440, or Ohio Relay Service at 711 for TTY users.*



**Board of Zoning Appeals & City Planning Commission Minutes  
Tuesday, May 5, 2020  
7 P.M.  
Conference Call**

Members Present: David E. Weiss, Mayor  
Sean P. Malone, Council  
Joseph J. Boyle III, Member  
Kevin Dreyfuss-Wells, Member  
Joanna Ganning, Member

Others Present: Joyce G. Braverman, Director of Planning  
William M. Gruber, Director of Law  
Daniel Feinstein, Senior Planner

The meeting was called to order by Mayor Weiss at 7:00 p.m.

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Approval of the March 3, 2020 Meeting Minutes

It was moved by Dr. Ganning and seconded by Mr. Boyle to approve the minutes.

Roll Call: Ayes: Weiss, Malone, Boyle, Dreyfuss-Wells, Ganning  
Nays: None

Motion Carried

\* \* \* \*

Approval of the March 30, 2020 Meeting Minutes

It was moved by Dr. Ganning and seconded by Mr. Boyle to approve the minutes.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning  
Nays: None  
Abstain: Dreyfuss-Wells

Motion Carried

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**CITY OF SHAKER HEIGHTS**

## BOARD OF ZONING APPEALS

### **#2059. Schumann Residence – 18250 Shelburne Road:**

A Public Hearing was held on the request of Jason Rion, Highland Pools, representing Betsy Schumann, 18250 Shelburne Road, to the Board of Zoning Appeals for a variance to the pool regulations. The applicant proposes to build an in-ground swimming pool in the rear yard. A variance is requested in order to provide the required 4-foot deck on only three (3) sides of the pool. The remaining side of the pool will have a 1-foot wide pool edge and a decorative wall. Code requires a 4-foot wide deck surrounding an in-ground pool.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the pool regulations to build an in ground pool in the rear yard of the house. The applicant proposes to have a deck on three (3) of the four (4) sides. The deck will be on the house sides of the pool but not toward the side property line where existing landscaping screens the pool. Staff supports the request with the conditions that the pool meets code requirements of 10 feet of landscape and screening the pool equipment as stated in the staff report.

Jason Rion, Highland Pools, explained the location, and why they are holding the side to the landscaping back to a smaller, 1-foot wide deck.

Mr. Dreyfuss-Wells asked about the fencing and benches. Is there any walkway?

Mr. Rion explained the landscaping. They will use the soil taken from the pool location to gradually grade the yard toward the property line. The equipment will be on a concrete pad. The fence is a board on-board fence around the equipment to screen the view. The bench accesses the majority of the 3.5-foot deep portion and some of the 6-foot area of the pool.

Mr. Feinstein asked about the coping along the edge of the pool without a deck.

Mr. Rion said he can make that happen. He could also extend the bench and lower the wall.

Mr. Dreyfuss-Wells said he is concerned with the safety of the swimmers in order to get out of the pool.

Mr. Boyle asked about the fence around the yard.

Mr. Rion said it is iron and chain link on the property lines.

Mr. Malone asked if the pool could be moved.

Mr. Rion explained which area is filled and how the pool relates to the grade of the house and the rest of the yard.

Dr. Ganning said the bench could be extended to enable an easy step out of the pool.

Mr. Rion said he can extend the bench and that they would not propose an unsafe situation.











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**#2058. Scallen/Brown Residence – 22640 Douglas Road:**

A Public Hearing was held on the request of Christopher Maurer, Red House Studio, representing Robert Brown and Catherine Scallen, 22640 Douglas Road, to the Board of Zoning Appeals and City Planning Commission for site plan review and a variance for a new single-family house. The applicant proposes to construct a new energy efficient house on this vacant lot, with a 2-car attached garage and solar panels on the rear roof. The attached garage in the rear yard is connected to the house by an enclosed breezeway with a patio in between. The garage is set back 5 feet 2 inches from the rear property line. Code requires a 25-foot rear yard setback in the SF-2 Single Family Residential zoning district. The applicant proposes evergreen shrubs around the rear yard and a shared driveway with the western neighbor. All other location and setback requirements are code conforming. Site plan review is required for all new houses.

Mr. Feinstein showed slides of the site. He stated this is a request for site plan review and a variance in order to build a new house on a vacant lot on Douglas Road. The proposed new energy-efficient home is proposed with an attached 2-car garage. An enclosed breezeway attaches the house to the garage. The garage is 5 feet 9 inches off the rear property line. Code requires a 25 foot rear yard setback for the house including an attached garage. There was a typo in the Agenda that listed the rear yard setback as 5 feet 3 inches, but it is 5 feet 9 inches at its closest. The house meets all other location requirements. The rear property line is proposed to be softened with a line of arborvitae shrubs. The Architectural Board of Review has reviewed the house design twice and supports the design. The Board tabled the review with comments at their last review as noted in the staff report. The Architectural Board of Review is expected to review a somewhat revised house design and details at their next meeting. Staff supports the request with the following conditions: 1) final Architectural Board of Review approval; 2) the applicant donates funds for a street tree; and 3) tree protection fencing is installed.

Christopher Maurer, Red House Studio, said the reason the garage is connected to the house is to create a connection, an accessible enclosed walkway to the house. The applicants live in Shaker Heights and want to move into their forever home and age in place. The ADA accessibility is important.

Dr. Ganning asked about the driveway easement notes on the plans. She said the rain garden site is close to the sidewalk. Should there be a site line to it?

Mr. Brown said the neighbor granted easement to them and a reciprocal easement is granted to the neighbor. They are also doing a rain garden in front yard. It is a slight depression in the front yard with planting and stone as an edge. It is at most down 2 feet and the intent is to buffer storm water runoff. The house design is environmentally conscious. They propose a net zero house design including electric vehicles.

Mr. Maurer said a fence and arborvitae do buffer the garage and his clients want to be good neighbors.

Dr. Ganning asked about siding material. Can the rain garden be moved back off the sidewalk?

Mr. Dreyfuss-Wells said the front yard rain garden will slope gently and should meet the sidewalk gradually. He has design questions the Architectural Board about the design form and proportion of the side elevations. Abundance of brick and roof to be side property for more balance.

Mr. Feinstein read the ABR comments. The gable roof is now a 6/12 pitch and symmetrical. It is more consistent from house to garage. The Architectural Board requested the study of brick on the sides and investigating new materials and color schemes.

Mr. Dreyfuss Wells said this sounds like good direction from the Architectural Board. The house has a good proportion.

Mr. Boyle said the garage variance is due to it being attached, which is more about function. A detached garage could be located in the same location. Houses where residents live for the rest of their lives is good design for the city.

Mr. Malone said it is encouraging to see new houses with innovative design. He said tree preservation fencing should be included as noted in the staff report.

Mr. Boyle agreed with Mr. Malone. He said there is precedent for attached garages near rear property lines.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein read a synopsis of public comment from the Pierces's, the rear neighbor. They expressed support for the new house and concern about water drainage and the view of the garage.

Mayor Weiss said net zero house design is laudable. Good house design makes the city special. He is comfortable allowing staff to avoid any safety concerns with the rain garden. Approve revisions due to Architectural Board of Review.

Dr. Ganning said staff addressing safety is acceptable.

Mr. Boyle said he supports the variance and leave the rain garden slope for staff to review. He would like the conditions from the Staff Report to be added as part of the approval.

It was moved by Mr. Boyle and seconded by Mr. Malone to approve the request based on the findings of fact and conclusions of law as set forth in the Action Sheet with the following conditions:

1. The applicant will donate funds to plant a tree on public property;
2. The tree protection fencing is installed before construction begins;
3. Final Architectural Board of Review design approval of the house design; and
4. The rain garden location and slope will be reviewed by staff for safety.

Roll Call:                   Ayes:   Weiss, Malone, Boyle, Dreyfuss-Wells, Ganning  
                                  Nays:   None

Motion Carried

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**#2060. Gries Residence – 2552 Warwick Road:**

A Public Hearing was held on the request of John Williams, Process Creative Studios, representing Donald and Lynn-Ann Gries, 2552 Warwick Road, to the City Planning Commission for site plan review for a new single-family house. The applicant proposes to construct a 3-bedroom house on this vacant lot. The house will have a first floor master bedroom with a 3-car attached garage facing the rear yard. The applicant is retaining the majority of the existing trees and replacing any that must be removed for construction. All location and setback requirements are code conforming. Site plan review is required for all new houses.

Mr. Feinstein showed slides of the site. He stated this is a request for site plan review for a new house on this vacant lot on Warwick Road. The applicant proposes the three bedroom house on this lot where a house was demolished after a fire. The new house has a first floor master suite in the rear. The house meets all setback and location requirements for the SF-2 Single Family zoning district. The majority of trees will be maintained and those removed will be replaced on site. The Architectural Board of Review approved the design of the house at their April 20, 2020 meeting. Staff supports the request with the condition of tree protection fencing being erected.

Dr. Ganning asked about the rhythm of houses on the street and the height of the building.

John Williams, Process Creative Studios, said he is representing the owners. The south side of the house is shorter and the north roof is essentially the same as adjacent houses. This is a residence designed for the applicants to age in place. They are already long-term residents of Shaker Heights.

Mayor Weiss noted the applicant's letter of explanation and noted the precedent of other new houses of modern design in the city.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein read into record the comments received from neighbors.

The Voorhees' indicated they supported the new house and the modern design as interesting and new for the neighborhood.

Dr. Timothy and Linda Koelz, 2544 Warwick Road, expressed their displeasure and concern with the house design. They are the next door neighbors. They are concerned the design will detract from the street and property values.

Ms. Braverman said the site plan and landscape plan guidance are guided by the Single Family Infill Design Guidelines and also by the Architectural Board of Review. The City Planning Commission can discuss the house design in context of the Infill Design Guidelines but the Architectural Board of Review reviewed the full design of the house.

Mr. Feinstein explained the design and form of the house, as well as its height as it relates to adjacent houses.



# Board of Zoning Appeals City Planning Commission

June 2, 2020

# 19600 Shaker Boulevard

For a variance to the size requirements for hot tubs.

87

Shaker Blvd

87

Courtland Station 

Courtland Blvd

Montgomery Rd



19600 Shaker Boulevard

Montgomery Rd

Courtland



19600  
MAYERS BLVD

GILLMORE  
SECURITY









Applicant's Name: Marc and Melissa Pelletier Application No: \_\_\_\_\_

Property Address: 19600 Shaker Blvd. Parcel No: \_\_\_\_\_

City: Shaker Heights State: Ohio Zip: 44122

Applicant's Address 19600 Shaker Blvd. Phone No: 857-218-8473

City: Shaker Heights State: Ohio Zip: 44122

Property Owner (if other than applicant) \_\_\_\_\_

Property Owner's Address (if different) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Present Use: \_\_\_\_\_

Proposed Use: **Variance being requested for the size of a hot tub. We are requesting to place a larger hot tub, which also serves as a swim spa. The intended dimensions will be 172" x 93". The extra length is required due to the swim spa nature of the hot tub. Please see attached document for details**

E-Mail Address: mmwrpelletier@hotmail.com

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale)
- Detail Drawings
- Landscape Plan
- Narrative Description
- Proof of Control (Option Lease Ownership)
- Product Information, etc.
- Other Descriptions or Materials as Appropriate
- Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA

- 1. VARIANCE (requires public hearing)
  - Sign regulations
  - Height Regulations
  - Area and Yard Regulations
  - Fence Regulations
  - Off-street Parking

CPC

2. OTHER APPROVALS

- Appeal
- Other: \_\_\_\_\_
- Conditional Use Permit (requires public hearing)
- Planned Unit Development
- Site Plan Review
- Resubdivision of Land
- Amendment to Zoning Map or Ordinance
- Improvements to Public Land
- Other: \_\_\_\_\_

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

**The owner of the property, Dr. Pelletier, has low back pain partly due to his occupation as a cardiac surgeon. He benefits from swimming which improves his back discomfort and allows him to perform his job better. He is currently unable to use public or club pools due to COVID19 restrictions. This swim spa would allow Dr. Pelletier to resume swimming activities. Supporting documentation can be provided if necessary.**

To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: 

DATE: May 11, 2020



## NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Marc and Melissa Pelletier, 19600 Shaker Boulevard, to the Board of Zoning Appeals for a variance to the size requirements for hot tubs. The applicant proposes to install a hot tub/swim spa, which is 7 feet, 9 inches wide by 14 feet, 4 inches in length. The code limits hot tubs to 8 feet in diameter. The hot tub will be 4 feet, 3 inches high with a locking cover. Code allows a hot tub a maximum height of 4 feet tall. It is proposed to be located in the rear yard, approximately 45 feet from the rear property line on this corner lot at Shaker Boulevard and Montgomery Road. The hot tub/swim spa is proposed to be screened by new 6-foot tall arborvitae shrubs and by existing vegetation.

The Board of Zoning Appeals will hold a Public Hearing on said application on **Tuesday, June 2, 2020 at 7:00 p.m.** via conference call. Please see the note below in regard to being heard with respect to this application.

Plans are available for public review online at <https://www.shakeronline.com/AgendaCenter>. In addition, a complete meeting packet is posted at the latest the Friday before the meeting date.

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Dan Feinstein  
Secretary  
Board of Zoning Appeals

*To request an accommodation for a person with disability, call the City's ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.*

**Please Note: For the safety of our staff and residents, this meeting is being held by conference call. Live audio will be available to the public on a listen-only basis. Residents are encouraged to submit comments/questions regarding items on the agenda at least 12 hours in advance of the meeting by emailing [daniel.feinstein@shakeronline.com](mailto:daniel.feinstein@shakeronline.com) or by calling (216) 491-1435 and leaving a message. Any comments or questions will be read into the record at the meeting. You may listen to the meeting live that evening by calling 1-877-837-3954 and entering code 1596547. The audio of the meeting will be available the following day on the City's [website](#).**

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

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**ADDRESS:**

**19600 Shaker Boulevard**  
Pelletier Residence  
Case#: 2062

**HEARING DATE:**

June 2, 2020

**SUMMARY:**

**Variance to the size requirements for hot tubs in order to install a hot tub/swim spa that is 14 feet 4 inches in length and 4 feet 3 inches in height where code allows only an 8 foot long and 4 foot tall hot tub.**

**STAFF POSITION:**

- Staff suggests approval based on:
  - The hot tub/swim spa is 7 feet 9 inches wide, which meets code, but extra length is needed to allow swimming.
  - The hot tub/swim spa is taller than allowed by code by only 3 inches, at 4 feet 3 inches when code allows a 4 foot height.
  - The Montgomery Road yard is the “back” yard of the lot with an existing patio and landscaping.
  - There is precedent for similar use of hot tubs and enclosed pools for therapy.
  - There is a privet hedge and additional new 6-foot tall arborvitae bushes proposed to screen the street view.
  - The unit is defined as a hot tub not an above ground pool, as it contains a heating system, has jets and insulated walls like a hot tub.
  - Standards of practical difficulty are met because of the need for both hot tub spa therapy and swim exercise for the owner.
  - The essential character of the neighborhood will not be affected since the hot tub will not affect the view of the property because of the privet hedge, fence, and proposed evergreen bushes.

**ACTION:**

- Variance to the hot tub size regulations for length and height.

**FACTS:**

1. The applicant proposes to install a hot tub/swim spa, which is 7 feet 9 inches wide by 14 feet 4 inches wide in the rear yard of this property at the corner of Shaker Boulevard and Montgomery Road. Code allows a hot tub to be a maximum of 8 ft. in diameter.
2. The hot tub is proposed to be 4 feet 3 inches tall. Code allows a 4-foot tall hot tub.
3. The swim spa activity of the tub requires a longer length than the allowed 8 feet.
4. A privet hedge and new 6 foot tall arborvitae bushes are proposed in order to screen the hot tub/swim spa unit.
5. The unit is proposed within a fenced area located 45 feet from Montgomery Road behind the house.

**CODE SECTIONS:**

1. 1262.17 A 2 – A hot tub is limited to 8 feet in diameter and 4 feet in height.
2. 1262.17 C 2 – A hot tub needs either a locking cover or to be enclosed by a 4 foot tall fence with a self-latching gate.
3. 1262.17 D – A landscaped yard of at least 10 feet is required around a hot tub.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

**Continued  
ADDRESS:**

**19600 Shaker Boulevard**  
Pelletier Residence  
Case#: 2062

**HEARING DATE:**

June 2, 2020

**OTHER ISSUES:**

1. The applicant requires both a hot tub and swim spa for therapy and exercise for chronic back pain management.
2. The size of the hot tub is just long enough to allow stationary swimming.
3. A code conforming hot tub size cannot accommodate exercise swimming.
4. This unit operates like a hot tub, not an aboveground pool with heat, jets and insulated walls.
5. The house faces Shaker Boulevard. The hot tub/swim spa is located in the rear yard of this corner lot, 45 feet from Montgomery Road.
6. The Montgomery Road yard is the "back" yard of the lot with an existing patio and landscaping.
7. A fence was approved in November 2019 that has been installed which encloses a portion of the Montgomery Road yard and returns to the house.
8. Additional privet bushes will be planted at 24 inches tall to extend the existing hedge in front of the approved fence.
9. Existing evergreen trees also help to block the view of the hot tub/swim spa from the street.
10. The proposed hot tub is 110 square feet of surface area while a hot tub meeting code requirements would be allowed to be 64 square feet.

**PRECEDENT:**

1. Eckles Residence – Broxton Road – hot tub of 8 feet 5 inches approved screened with vegetation.
2. Trim Robo Residence – Broxton Road – Hot tub approved in a side yard 15 feet from the property line.
3. Friedman Residence – Rochester Road – Hot tub approved in the side yard 5 feet from the property line with fence and landscape screening.
4. Corrigan/Coulton Residence – Somerset Drive – Approved a hot tub in a deck in the side yard 6 feet from the property line.
5. Leitson Residence – Calverton Road – Approved a hot tub located 5 feet from the side property line.
6. Weatherhead Residence – Shelburne Road – Approved a bubble over a pool to allow winter lap swimming.
7. Schoenberger Residence – Byron Road – Pool enclosure structure approved to remain in rear yard to allow therapy swimming.

May 11, 2020

# CITY PLANNING COMMISSION

3400 LEE RD., SHAKER HEIGHTS, OH 44120

Dear Shaker Heights,

We are kindly requesting approval for a hot tub to be installed at 19600 Shaker Blvd in Shaker Heights. This is a corner lot in Shaker Heights, Parcel No. at S/L 370 at the Southeast corner of Shaker Blvd and Montgomery Rd. The purpose of the hot tub is for personal family enjoyment and also to help treat chronic back pain for one of the inhabitants of the property.

**Current ordinance:** Hot tub specifications state that maximum diameter of hot tub is 8 feet.

**Variance being requested:** Hot tub larger than ordinance be allowed to be installed at 19600 Shaker Blvd. Proposed dimensions are 172" (14'4") x 93" (7'9").

We are proposing the installation of an all-weather spa by Arctic Spas. The model proposed is Ocean, which is a swim-capable spa. This is a well reputable company, high quality. Appearance will be of cedar wood, compatible with look of Shaker Heights. The spa will not be visible from the street. It is visible from the driveway, but privet hedges are being planted this spring to cover this area. The spa will not extend past the Montgomery side of the house (in keeping with corner lots).

## **Specifications of the hot tub:**

Length 172", Width 93", Height 51"

Water volume: 1347 US gallons

Mylovac™ Cover, with locking straps. Cover can support more than 2,000 lbs. Spa area is fully enclosed with 4" fence.

Website: <https://www.arcticspas.ca/all-weather-pools/arctic-ocean/>

## **Landscaping**

We have included a survey of the property, and have identified the location and dimensions of the spa. Property lines are accurate, having recently been obtained at the time of the recent sale of the house through a mortgage survey. We have also included renderings of the property, as viewed from the street and from the driveway. We have identified the location of the spa, and depiction of trees that will be installed to provide privacy.

The landscaping will be performed by Hemlock Landscapes, Inc. (A copy of the work details and invoice can be provided upon request.). The plan is for 4" privet to be installed along Montgomery. On the driveway side of the fence, 6" arborvitae will be installed to enhance privacy from the adjoining property. Arborvitae will also be extended from the corner of the house to the fence (parallel line to Montgomery street) to provide more privacy from Montgomery street.

Thank you for the opportunity to present this application to the City Planning Commission. We are hopeful it will meet appropriate standards for the city of Shaker Heights.

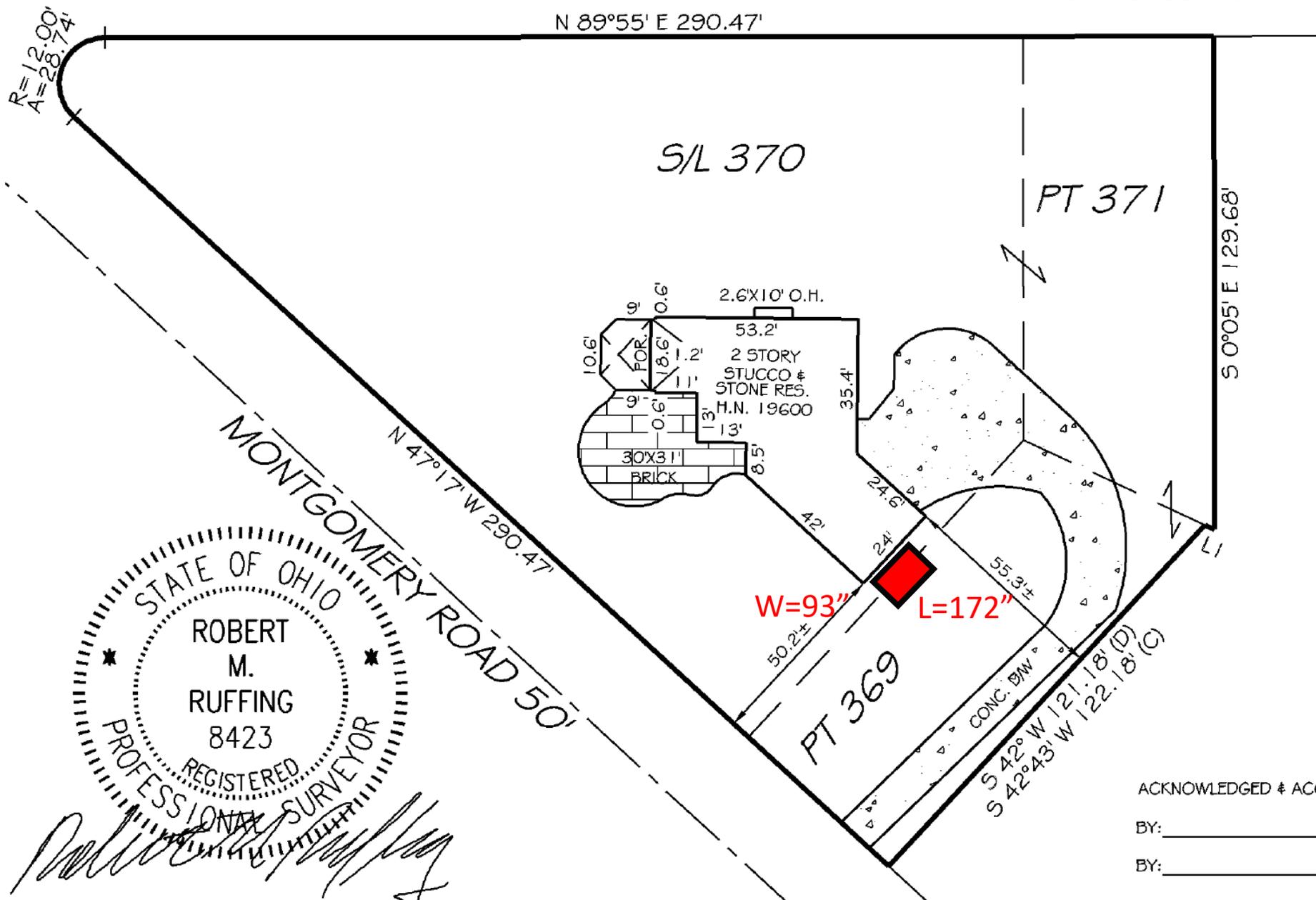
SINCERELY,

MARC PELLETIER

MELISSA PELLETIER

# SHAKER BOULEVARD 130'

TABLE:  
LI N 64°58' W 2.74'



STATE OF OHIO  
ROBERT M. RUFFING  
8423  
REGISTERED PROFESSIONAL SURVEYOR

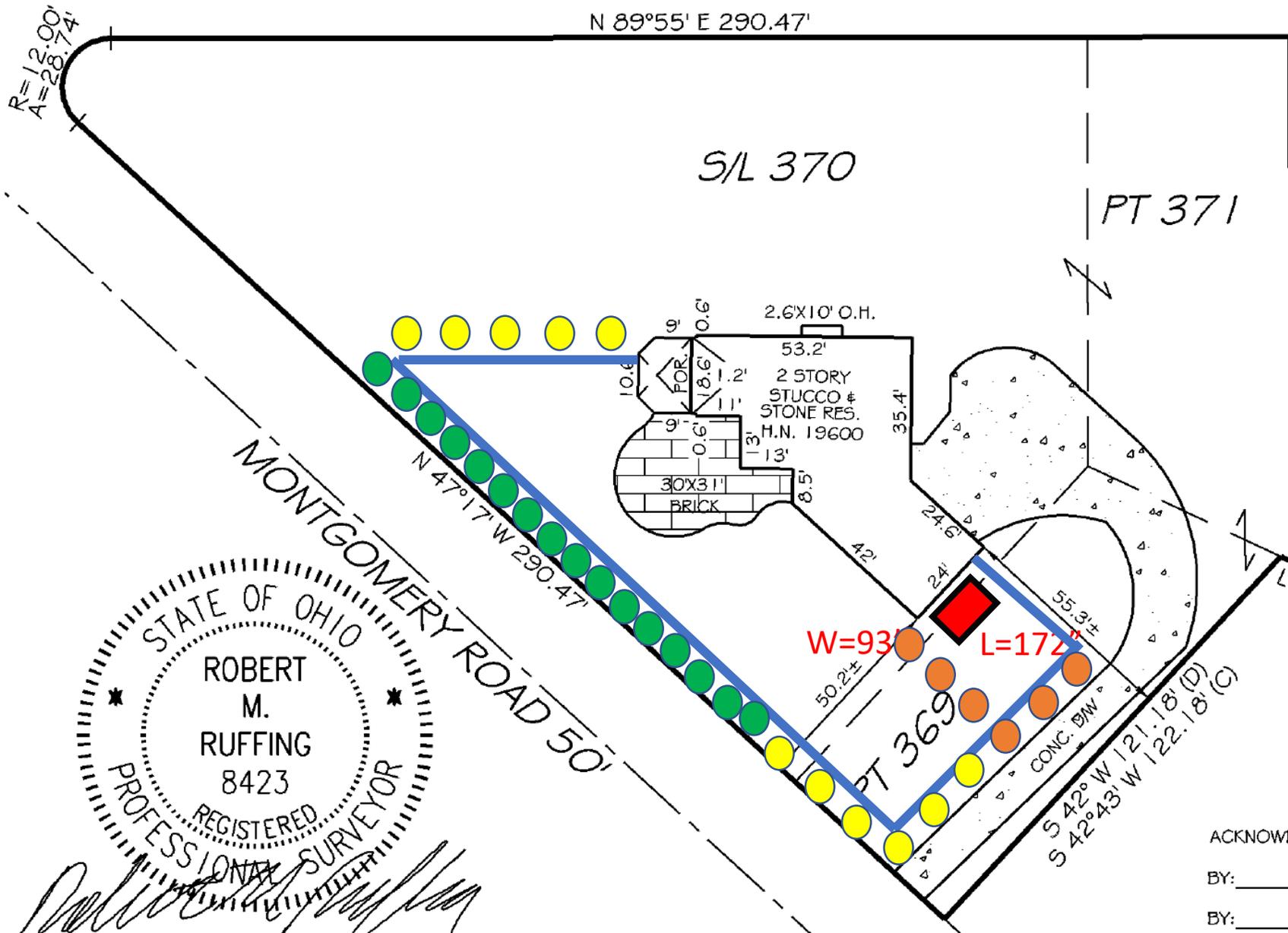
*Robert M. Ruffing*

ACKNOWLEDGED & ACC  
BY: \_\_\_\_\_  
BY: \_\_\_\_\_



# SHAKER BOULEVARD 130'

TABLE:  
LI N 64°58' W 2.74'



- Fence
- Existing privet
- New privet
- New arborvitae

STATE OF OHIO  
 ROBERT M. RUFFING  
 8423  
 REGISTERED PROFESSIONAL SURVEYOR

*Robert M. Ruffing*

ACKNOWLEDGED & ACC  
 BY: \_\_\_\_\_  
 BY: \_\_\_\_\_



View from  
Montgomery street.  
Photo from May 1.  
Foliage still not full,  
but already hot tub  
would not be visible  
from street view on  
Montgomery. 4'  
privet is being added  
in front of fence this  
spring by Hemlock  
Landscapes Inc.



View from driveway. We are in process of adding 4' privet and 6' arborvitae to front of fence, which will cover the area of the hot tub (shown by red box).



Proposed diagram of 4' privet and 6' arborvitae trees that will be added to the outside of the black metal fence. (This was the proposed plan already after installation of fence in fall/winter of 2019.) View from driveway would now show the fence and the hot tub covered and hidden.



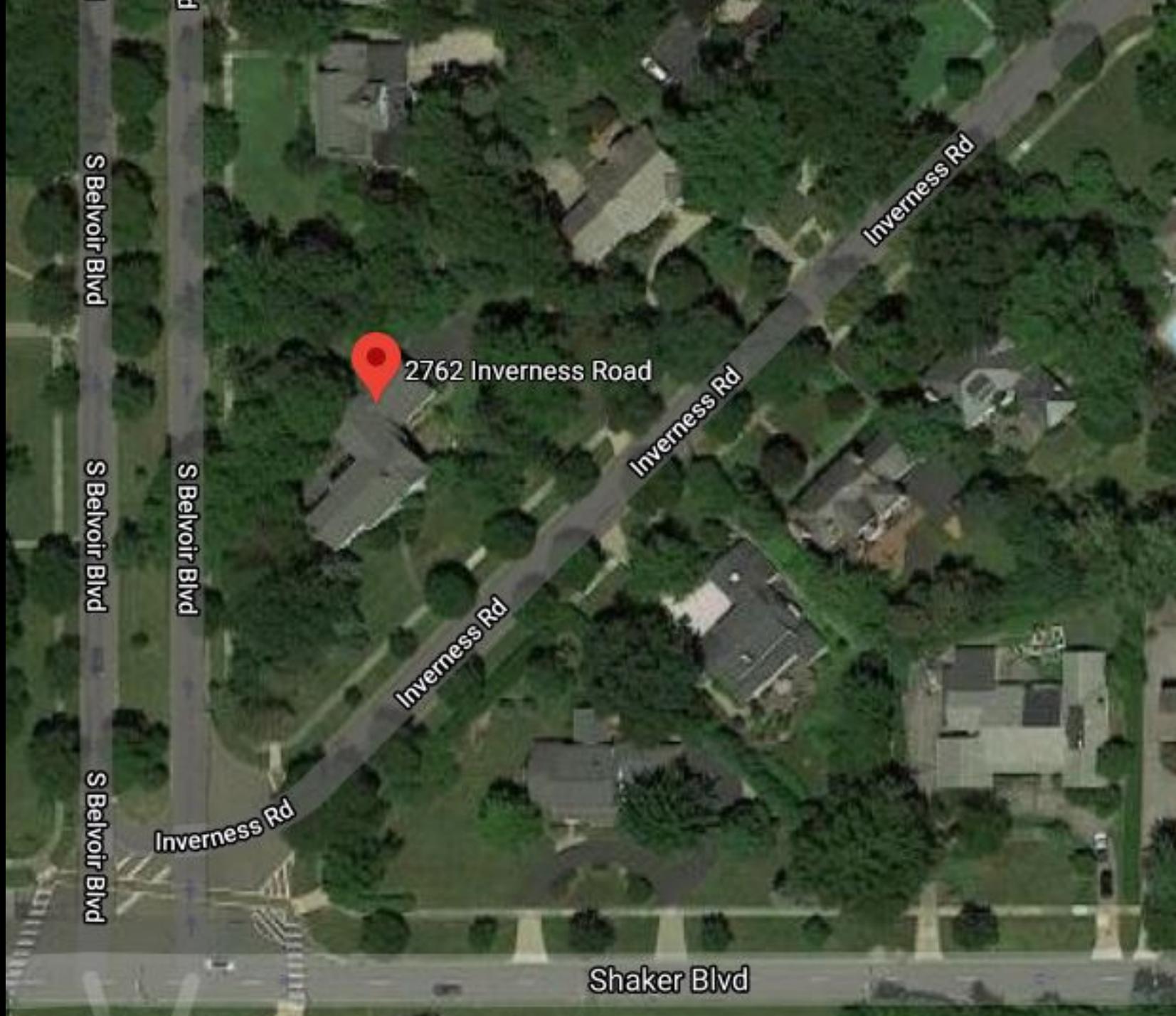
Side of house from inside fenced area.

# Board of Zoning Appeals City Planning Commission

June 2, 2020

# 2762 Inverness Road

For a variance to the fence location and  
height regulations on a corner lot.













Applicant's Name: PETER E. + JOANNA K. CARFAGNA Application No: \_\_\_\_\_

Property Address: 2762 INVERNESS RD. Parcel No: 734-18-009

City: SHAKER HTS. State: OH Zip: 44122

Applicant's Address SAME Phone No: 216-469-5529; 216-323-2647

City: SAME State: SAME Zip: \_\_\_\_\_

Property Owner (if other than applicant) \_\_\_\_\_

Property Owner's Address (if different) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Zoning District: 1 FAMILY DET Present Use: RESIDENTIAL

Proposed Use: \_\_\_\_\_

E-Mail Address: petecarfagna@hotmail.com; jkcarfagna@gmail.com

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale)
- Detail Drawings
- Landscape Plan
- Narrative Description
- Proof of Control (Option Lease Ownership)
- Product Information, etc.
- Other Descriptions or Materials as Appropriate
- Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA

1. VARIANCE (requires public hearing)

- Sign regulations
- Height Regulations
- Area and Yard Regulations
- Fence Regulations
- Off-street Parking

GPC

- Conditional Use Permit (requires public hearing)
- Planned Unit Development
- Site Plan Review
- Resubdivision of Land
- Amendment to Zoning Map or Ordinance
- Improvements to Public Land
- Other: \_\_\_\_\_

2. OTHER APPROVALS

- Appeal
- Other: \_\_\_\_\_

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

Our lot is located between 2 busy streets and has a unique triangular shape.  
Our 3 young children aren't able to fully use our yard safely due to the traffic,  
unleashed dogs and lack of an enclosed backyard. Also, we have had many  
trespassers on our lot because of the openness of our yard. We have no privacy.  
 To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: [Handwritten Signature]

DATE: 5/14/2020

Pete & Joanna Carfagna  
2762 Inverness Road  
Shaker Heights, OH 44122

May 14, 2020

Dear Board of Zoning Appeals,

Thank you for your time and willingness to consider our application for a variance to install a 4 feet tall black aluminum wrought iron fence in our backyard.

We live on the corner of Inverness and Belvoir Roads. Because of the physical surroundings and unique shape of our property, a particular hardship and difficulty result to our family. There are two busy streets that run from Shaker Boulevard in front and back of our house. There are no stop signs for cars turning into Inverness or Belvoir from Shaker Boulevard so many cars pass our house at a high speed. Also, our lot is in a shape of a triangle, fully exposing our whole property to passers by from either direction.

We have three (3) little children and don't feel safe letting them run outside due to busy streets in the front and back of our house. We don't have an enclosed, private backyard where our children could safely play. Moreover, there have been multiple instances of dogs without a leash running onto our yard and, in some cases, pooping deep in our yard. Our children (and their friends) have been covered in dog poo many times. In addition, on a few occasions, a dog ran to our outdoor table during dinner. Our kids screamed, cried and jumped on the table, resulting in food ending up on the ground. Our children are scared of dogs. Besides, there have been many instances of trespassing on our property due to it being a corner lot. Adults, children and delivery men cut across our property on a regular basis. We have contacted police about these issues before. Finally, a few times passers by have walked up to our patio to see it and/or chat with us, leaving us with no privacy or comfort of being at home. It seems like many people treat our property as a public corner lot.

The above mentioned reasons result in practical difficulty and undue hardship to our family. For these reasons, we would like to install a black aluminum wrought iron fence, 4 feet away from the sidewalk, on the Belvoir side which is in the back of our house as well as partial Inverness side. We would install landscaping screening that, at its maturity, within less than 5 years from the time of planting, would cover the visibility of the fence 100%. On the north side that adjoins our neighbor's lot, we would plant 6 Red Barberries, 4 feet apart, to cover the fence. There are currently 3 of them. We have been in touch with our neighbor (Josh Herman) and he had no objections to have the fence follow the property line and have the bushes planted. He fully supports our landscaping plan and, for his own benefit, would like the bushes to be there. In addition, we would plant 27 Snowball Viburnums, 6 feet apart, along the Belvoir sidewalk and 8 on the Inverness side. Both plants are fast growing and would be

Pete & Joanna Carfagna  
2762 Inverness Road  
Shaker Heights, OH 44122

about 30 inches tall at the time of planting. At its maturity, the plants would be maintained at 4-5 feet height.

Please note that based on our research, there are many precedents in the city of Shaker Heights where a corner lot has a fence 3 feet away from a sidewalk. Several of them are in close proximity of our house.

For all the above mentioned reasons, we ask that the variance is granted to our property. Such granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which our property is located. Moreover, the granting of the variance will not alter the essential character of the neighborhood.

Please do not hesitate to reach out to us if you have any questions or concerns.

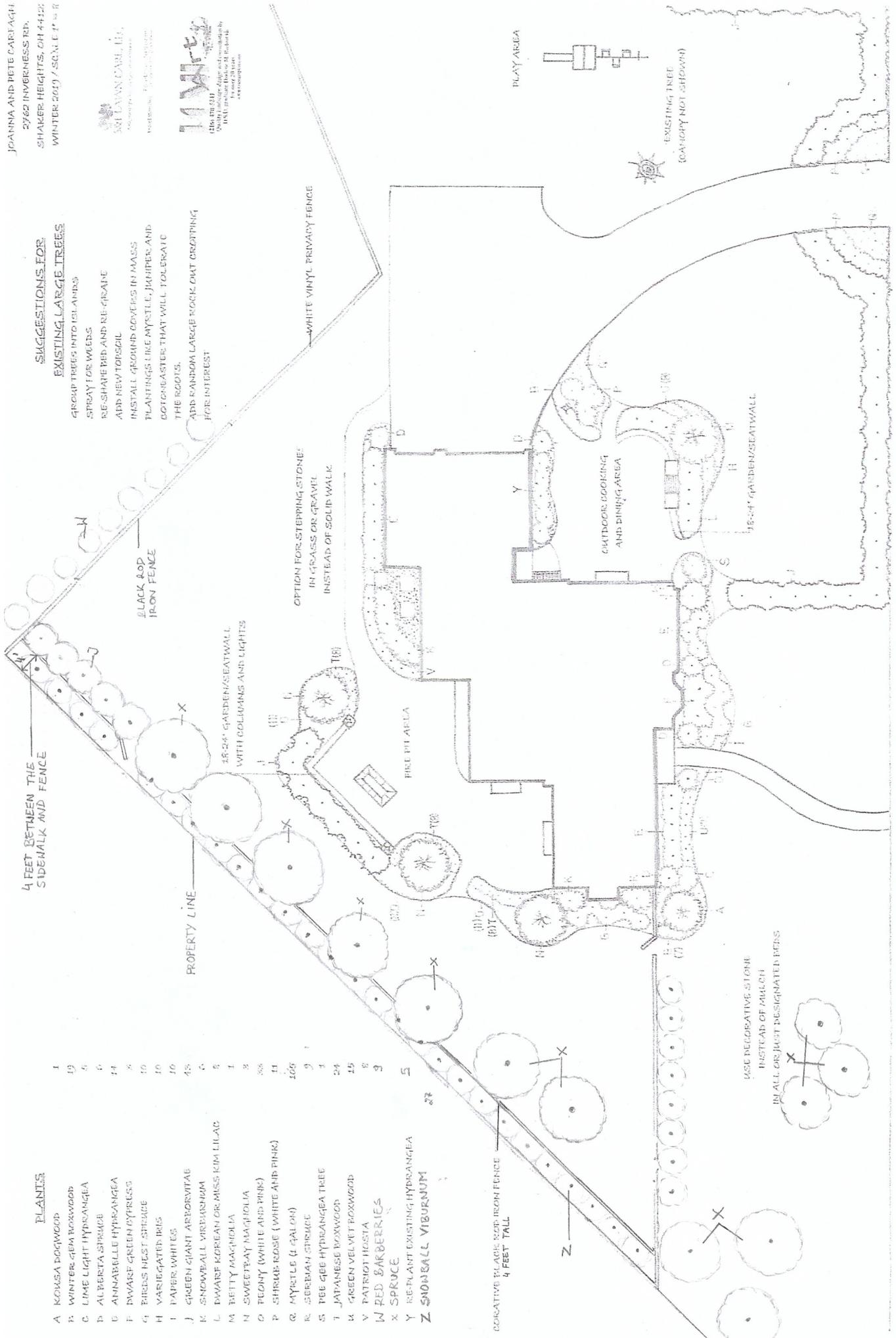
Regards,

Joanna and Pete Carfagna



**SUGGESTIONS FOR EXISTING LARGE TREES**

- GROUP TREES INTO ISLANDS
- SPRAY FOR WEEDS
- RE-SHAPE BED AND RE-CREATE
- ADD NEW TOPSOIL
- INSTALL GROUND COVERS IN MASS
- PLANTINGS LIKE MYRTLE, JASMINE AND GOUTCHASTER THAT WILL TOLERATE THE ROOTS.
- AND RANDOM LARGE ROCK OR CORTEXING FOR INTEREST



**PLANTINGS**

- 1 A. KOMA DOGWOOD
- 19 B. WINTER-GEM BOXWOOD
- 6 C. LIME LIGHT HYDRANGEA
- 6 D. ALBERTA SPRUCE
- 14 E. ANNABELLE HYDRANGEA
- 5 F. DWARF GREEN CYPRESS
- 10 G. BURNS NEST SPRUCE
- 10 H. VARIEGATED IRIS
- 10 I. PAPER WHITES
- 43 J. GREEN GIANT ARBOVITAE
- 7 K. SNOWBALL VIBURNUM
- 5 L. DWARF KOREAN OR MISS KIM LILAC
- 1 M. BETTY MAGNOLIA
- 3 N. SWEETPEA MAGNOLIA
- 38 O. PEONY (WHITE AND PINK)
- 11 P. SHRUB ROSE (WHITE AND PINK)
- 106 Q. MYRTLE (1 GAL ON)
- 9 R. SERBIAN SPRUCE
- 1 S. TREE GEE HYDRANGEA TREE
- 24 T. JAPANESE BOXWOOD
- 15 U. GREEN VELVET BOXWOOD
- 8 V. PATRIOT HOSTA
- 9 W. RED BAKBERRIES
- X. SPRUCE
- Y. RE-PLANT EXISTING HYDRANGEA
- Z. SNOWBALL VIBURNUM

DECORATIVE BLACK ROD IRON FENCE  
 4 FEET TALL

USE DECORATIVE STONE  
 INSTEAD OF MULCH  
 IN ALL OR JUST DESIGNATED PDS

PLAY AREA

EXISTING TREE  
 (CATEGORY NOT SHOWN)

OPTION FOR STEPPING STONE  
 IN GRASS OR GRAVEL  
 INSTEAD OF SOLID WALK

BLACK ROD  
 IRON FENCE

18-24' GARDEN/SEATING WALL  
 WITH COLUMNS AND LIGHTS

FIRE PIT AREA

OUTDOOR DINING  
 AND DINING AREA

18-24' GARDEN/SEATING WALL

4 FEET BETWEEN THE  
 SIDEWALK AND FENCE

PROPERTY LINE

WHITE VINYL PRIVACY FENCE



## NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Peter and Joanna Carfagna, 2762 Inverness Road, to the Board of Zoning Appeals for a variance to the fence location and height regulations on a corner lot. The applicant proposes to install a 4-foot tall black aluminum ornamental fence on this corner lot at Belvoir Boulevard and Inverness Road. The fence is proposed to be located 4 feet behind the Belvoir Boulevard sidewalk. Code requires that fences located in corner side yards not extend in front of the setback line of the principal building on the adjacent lot. The adjacent house on Belvoir Boulevard is set back 50 feet. The fence is proposed to enclose the Belvoir Boulevard side yard and an existing patio for the safety of the applicant's children. Code allows a fence height in a corner side yard of 3 feet tall. The fence is proposed to be located behind a proposed viburnum hedge of 30 inches tall.

The Board of Zoning Appeals will hold a Public Hearing on said application on **Tuesday, June 2, 2020 at 7:00 p.m.** via conference call. Please see the note below in regard to being heard with respect to this application.

Plans are available for public review online at <https://www.shakeronline.com/AgendaCenter>. In addition, a complete meeting packet is posted at the latest the Friday before the meeting date.

---

Dan Feinstein  
Secretary  
Board of Zoning Appeals

*To request an accommodation for a person with disability, call the City's ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.*

**Please Note: For the safety of our staff and residents, this meeting is being held by conference call. Live audio will be available to the public on a listen-only basis. Residents are encouraged to submit comments/questions regarding items on the agenda at least 12 hours in advance of the meeting by emailing [daniel.feinstein@shakeronline.com](mailto:daniel.feinstein@shakeronline.com) or by calling (216) 491-1435 and leaving a message. Any comments or questions will be read into the record at the meeting. You may listen to the meeting live that evening by calling 1-877-837-3954 and entering code 1596547. The audio of the meeting will be available the following day on the City's [website](#).**

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

---

**ADDRESS:**

**2762 Inverness Road**  
Carfagna Residence  
Case#: 2065

**HEARING DATE:**

June 2, 2020

**SUMMARY:**

**Variance to the fence location and height regulations for a corner lot in order to install a 4-foot tall aluminum ornamental fence, setback 4 feet behind the Belvoir Boulevard sidewalk at the corner of Belvoir Boulevard and Inverness Road, where code requires a 50-foot setback.**

**STAFF POSITION:**

- Staff suggests approval with the following condition:
  - Allow the fence on the north side yard property line as long as the neighbor allows the applicant to plant barberry bushes on their property and if not, the fence would be moved off the property line to allow barberry bushes planted on the applicants property.
- Based on:
  - The applicant reports trespassing of both dogs and people through their corner lot.
  - The formal front yard and front of the house faces Inverness Road.
  - The Belvoir Boulevard yard is the “back” yard of the lot with an existing patio and landscaping.
  - Existing evergreen trees already create a visual barrier to the Belvoir Boulevard yard.
  - There is ample precedent for a minimum corner lot fence setback of at least the same distance as the height of the fence.
  - There is precedent for similar fence location and style on other pie-shaped corner lots in the neighborhood.
  - New viburnum bushes which will be planted at 30 inches tall and grow to screen the street view.
  - The existing evergreen trees provide a backdrop to the fence that further limit its contrast and visual impact.
  - Standards of practical difficulty are met because the location of the house on this corner lot only allows a code conforming fence to enclose a small rear yard area.
  - The essential character of the neighborhood will not be affected since the fence would not cut off the view of the property because of the existing mature evergreen trees.

**ACTION:**

- Variance to the corner lot fence regulations for location and height.

**FACTS:**

1. The applicant proposes to install a 4-foot tall aluminum ornamental fence at the corner of Belvoir Boulevard and Inverness Road.
2. The fence is proposed 4 feet behind the Belvoir Boulevard sidewalk, inside of a proposed viburnum hedge. Code requires a 50-foot setback from Belvoir Boulevard, equal to the neighbor’s house setback and a maximum of 3 feet height for a front yard fence.
3. The fence is proposed to contain the applicant’s children and enclose the rear yard patio.
4. The existing evergreen trees will remain as a backdrop and the proposed viburnum bushes in front will grow to screen the fence.
5. Additional red barberry bushes will be planted on the north side of the fence to fill in the neighbor’s existing landscaping.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

**Continued  
ADDRESS:**

**2762 Inverness Road**  
Carfagna Residence  
Case#: 2065

**HEARING DATE:**

June 2, 2020

**CODE SECTIONS:**

1. 1262.05 E 2 – corner lot fences shall not extend in front of the setback line of the adjacent houses. (50 feet in this case)
2. 1262.05 D – Front and corner side yard fences are limited to a height of 3 feet.
3. 1202.05 C 12 – A fence visible from the street shall be visually softened with landscaping proportional to the amount of solid fencing. (6 inch tall landscaping in this case)

**OTHER ISSUES:**

1. There are several similarly located and 4 foot tall corner lot fences on pie-shaped lot in the neighborhood.
2. The fence does not impact the formal front yard of the property or the view along Inverness Road.
3. The 4-foot tall fence is requested to contain the children and provide security.
4. The house faces Inverness Road. A code-conforming fence would only enclose a small portion of the rear yard including the driveway.
5. The Belvoir Boulevard yard is the “back” yard of the lot with an existing patio and landscaping.
6. The fence will enclose a portion of the Belvoir Boulevard yard and return to the south wall of the house.
7. The viburnum bushes will be planted at 30 inches tall and grow into a hedge in front of the proposed fence, while the existing evergreen trees will be a visual backdrop to the fence.

**PRECEDENT:**

1. Pelletier Residence – 19600 Shaker Boulevard – 4 foot tall fence 4 feet from the sidewalk.
2. Mendell Residence – 2676 Cranlyn Road - 4-foot tall ornamental aluminum fence at, located 3 feet off of Calverton Road.
3. Gross Residence – Shaker boulevard – 4-foot tall ornamental aluminum fence 14 feet off the sidewalk
4. Hobbs Residence – 21749 Parnell Road – 5-foot tall ornamental aluminum fence at Shelburne Road.
5. Armon Residence – 22226 Parnell Road – 4 foot tall spaced picket fence at the corner of Shelley Road.
6. Mbanefo Residence – 2700 Inverness – 4-foot tall ornamental aluminum fence.
7. Priemer Residence – 20449 Shelburne – 6-foot tall board on board fence at Warrensville Center Road.
8. Milligan Residence – 19401 Shelburne – 4-foot tall fence at the corner of Courtland.
9. Livingston Residence – 2680 Inverness – 4-foot tall chain link fence at the corner of Shelburne.
10. Machmer-Wessels Residence (19701 South Woodland) – 4.5-foot tall ornamental aluminum fence at the corner of South Woodland and Kingsley Roads.
11. Towe Residence (19501 South Woodland) – 4-foot tall ornamental aluminum fence at the corner of Courtland and South Woodland Roads.

ELEGANCE

VERSATILITY

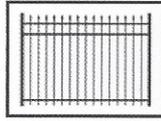
DURABILITY

SECURITY

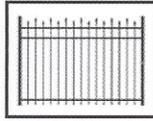
PEACE OF MIND

# PRESSED SPEAR

BELMONT › HAMILTON



BELMONT



HAMILTON



Belmont 4-Channel



Hamilton



Belmont



Belmont Royale



Belmont



Hamilton

*Perfect*

for your estate, Alumi-Guard Ornamental Aluminum Fence and Estate Gates are offered in a wide variety of classic and attractive styles and are available in seven rich powder coated colors and seven unique grades.



## **Dear Dan Feinstein & the Shaker Heights Board of Zoning Appeals,**

This is Tim & Megan Klug of 2766 Belvoir Blvd Shaker Heights. We are writing to you this morning of Wednesday May 27th so that our email will be read into the record at the meeting scheduled for Tuesday June 2nd, 2020 at 7pm.

Directly across the street from our front door is the home & backyard of Peter & Joanna Carfagna of 2762 Inverness Rd.

We'd like to express our support of the Carfagna's & their proposal to build a fence.

Thanks for taking the time to read this email. We appreciate all that you do for the city of Shaker Heights.

Sincerely,  
Tim & Megan Klug  
(440) 313-5096

Mr. Feinstein,

As the side yard/backyard neighbor living at 2745 Belvoir Blvd, I am writing in support of Peter and Joanna Carfagna's request to install a 4' aluminum fence 4' from Belvoir Blvd. and along our shared property line. We've discussed this work on and off for the last year and makes complete sense so they can allow their family free roam of their property and provide them with a bit more privacy than they currently have. I should be able to attend the hearing on Tuesday 6/2 by phone should there be any further questions from my end.

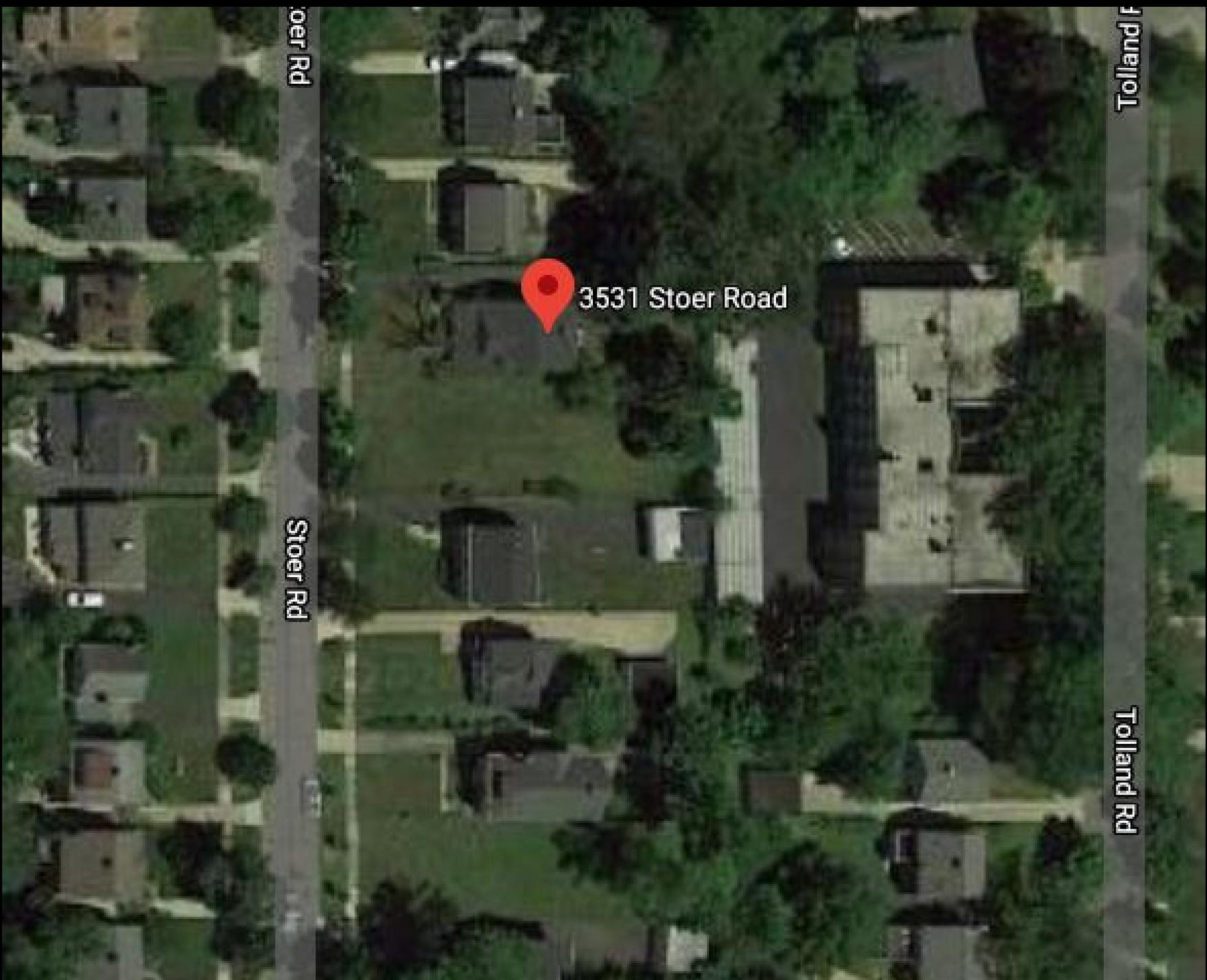
Thank you for your time,  
Josh and Gwen Herman  
2745 Belvoir Blvd.

# Board of Zoning Appeals City Planning Commission

June 2, 2020

3531 Stoer Road

For subdivision of land.



3531 Stoer Road

Stoer Rd

Stoer Rd

Tolland Rd

Tolland Rd







Applicant's Name: City of Shaker Heights Application No: 2063

Property Address: 3535 Stoer Road Parcel No: 736-23-088

City: Shaker Heights State: OH Zip: 44122

Applicant's Address 3400 Lee Road Phone No: 216-491-1435

City: Shaker Heights State: OH Zip: 44120

Property Owner (if other than applicant) \_\_\_\_\_

Property Owner's Address (if different) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Zoning District: SF-3 Present Use: Vacant Lot

Proposed Use: Integration with 3531 Stoer Road owned by JoVanna and Edward Boudreaux

E-Mail Address: \_\_\_\_\_

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale)
- Detail Drawings
- Landscape Plan
- Narrative Description
- Proof of Control (Option Lease Ownership)
- Product Information, etc.
- Other Descriptions or Materials as Appropriate
- Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA

- 1. VARIANCE (requires public hearing)
  - Sign regulations
  - Height Regulations
  - Area and Yard Regulations
  - Fence Regulations
  - Off-street Parking

2. OTHER APPROVALS

- Appeal
- Other: \_\_\_\_\_

CPC

- Conditional Use Permit (requires public hearing)
- Planned Unit Development
- Site Plan Review
- Resubdivision of Land
- Amendment to Zoning Map or Ordinance
- Improvements to Public Land
- Other: \_\_\_\_\_

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: *Jose L. ...*

DATE: 05/11/2020



## NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by City of Shaker Heights, representing JoVanna and Edward Boudreaux, 3531 Stoer Road, to the City Planning Commission, for subdivision of land in order to join a city-owned vacant lot with the property on which their home is located. The Boudreaux's are purchasing the vacant lot next door. The house parcel (736-23-087) is proposed to be combined with the vacant adjacent lot (736-23-088). The Boudreaux's propose to integrate the vacant lot into their yard with a fence and landscaping. This combined lot meets code requirements in the SF-3 Single Family Residential zoning district. Subdivision of land requires City Planning Commission approval.

The City Planning Commission will hold a Public Hearing on said application on **Tuesday, June 2, 2020 at 7:00 p.m.** via conference call. Please see the note below in regard to being heard with respect to this application.

Plans are available for public review online at <https://www.shakeronline.com/AgendaCenter>. In addition, a complete meeting packet is posted at the latest the Friday before the meeting date.

---

Dan Feinstein  
Secretary  
City Planning Commission

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**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

---

**ADDRESS:**

**3531 Stoer Road**  
Boudreaux Residence  
Case#: 2063

**HEARING DATE:**

June 2, 2020

**SUMMARY:**

**Request for subdivision of land in order to join a vacant lot on Stoer Road with the adjacent property, where the Boudreaux house is located.**

**STAFF POSITION:**

- Staff suggests approval of the combined lot with the condition that a final plat is submitted to the City and filed with the County.
- Based on:
  - There is precedent for lot consolidation on many other residential lots, including another recently on Stoer Road.
  - The vacant lot will be purchased from the City and integrated into the existing residential lot.
  - The city's side lot program was created to facilitate the use of vacant city-owned lots to adjacent neighbors.
  - Council has approved the sale of the lot to the applicants.
  - The combined lot complies with lot and block standards for subdivision in the SF-3 Single Family Residential zoning district.
  - The combined lot complies with lot size and width requirements for the SF-3 Single Family Residential zoning district.

**ACTION:**

- Standards for subdivision of land in the SF-3 Single Family Residential zoning district.

**FACTS:**

1. The applicant requests to join the vacant, city-owned parcel 736-23-088 to the lot with the Boudreaux residence on it.
2. The new combined lot creates a double wide residential lot that is 100 feet wide and 15,000 square feet.
3. The city is conveying the property to the applicant in order to facilitate use of the property and integrate it into the neighborhood.
4. The owner's house and the vacant lot are in the SF-3 Single Family Residential zoning district and meet code requirements.
5. City Planning Commission review is required for subdivision of land.

**CODE SECTIONS:**

1. 1213.08 – Standards for subdivision of land.
2. 1222.05, 1222.06 – SF-3 single family lot must be 40 feet wide and 5,600 square feet in size.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

**Continued**

**ADDRESS:**

**3531 Stoer Road**  
Boudreaux Residence  
Case#: 2063

**HEARING DATE:**

June 2, 2020

**OTHER ISSUES:**

1. City Council reviewed and approved the application to purchase the city-owned lot at their April 13, 2020 meeting.
2. The extra lot is proposed to be fenced as a side yard for their children.
3. The city-owned vacant lot, parcel 736-23-088 would be joined with the house parcel, 736-23-087, on which the house exists.
4. If the consolidation is approved, the applicant will need to file a signed plat with the County to combine the two properties.
5. There are numerous examples of double lot size residential lots in the city, including one at 3625 Stoer Road approved at the May 2020 City Planning Commission meeting.

**PRECEDENT:**

1. Neujahr Residence – Combine a vacant side lot with the owner’s lot containing their house on Stoer Road.
2. Mullin/Smith Residence – Combine a vacant side lot with the owner’s lot containing their house.
3. Henry Residence – Combine a vacant side lot with the owner’s lot containing their house.
4. Silberger Residence – Combine a portion of a vacant side lot with the owner’s lot containing their house.
5. Vokes Residence – Combine a vacant side lot with the owner’s lot containing their house.
6. Nordstrom Residence – Combine a vacant side lot with the owner’s lot containing their house.
7. Kennedy Residence – Combine a vacant lot with the owner’s lot containing their house.
8. Kogelschatz Residence – Combine a vacant lot with the owner’s lot containing their house.
9. Brooks-Horn Residence – Combine a vacant lot with the owner’s lot containing their house.
10. Foster Residence – Combine a vacant lot with the owner’s lot containing their house.
11. Reed Residence – Combine a vacant ½ lot with the owner’s lot containing their house.
12. Kerr/Bell Residence – Split and combine a vacant lot to each neighbor’s property.
13. Delany Residence – Combine a vacant ½ lot with the owner’s lot containing their house.

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34

150.11

73623023

150

73623022

73623022

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73623021

150

73623079

73623078

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73623086

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73623089

73623023

73623022

73623022

Parcel Number: 73623087

Property Data

- 736-23-087
- BOUDREAU, EDWARD E III & BOUDREAU, JOVANNA M
- 3531 STOER RD
- SHAKER HEIGHTS, OH. 44122

[Zoom to](#)



## Memorandum

To: Members of Council  
From: Kamla Lewis, Director, Director of Neighborhood Revitalization  
cc: Mayor David E. Weiss  
Jeri Chaikin, CAO  
Date: March 30, 2020  
Re: **Application to Acquire City Owned Vacant Lot at 3535 Stoer Road (PPN 736-23-088) for Side Lot**

---

### Summary

The City has received an application from JoVanna and Edward Boudreaux, 3531 Stoer Road, who are interested in acquiring the city owned vacant lot adjacent to their home, 3535 Stoer Road (PPN 736-23-088) in order to expand their lot. Under the new side lot program process, qualified applications come directly to Council for action after staff review. The set price for acquisition of lots as side yards is \$1.00.

### Background & Discussion

#### Application Summary

- **Applicant:** JoVanna and Edward Boudreaux, 3531 Stoer Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard, and add approx. \$10,000 of fencing and landscaping.

#### Staff Review of Application

- The applicants' property is not in foreclosure, they are current in their property taxes, and there have been no criminal nuisance activity complaints. They have no outstanding Housing or Zoning Code violations. They purchased their home in Shaker Heights in April 2019, and are owner occupants of this single family property.
- The applicants' proposal is consistent with the City and neighborhood goal of expanding the size of lots in the neighborhood to enable households to have larger yards without selling their home and moving elsewhere.
- The City has no redevelopment plans for this vacant lot.
- Staff considers that the use of the lot as described would be an improvement over it being maintained by the City as a vacant lot. It currently costs the City approx. \$615 per year to maintain a vacant lot.

#### Background Information

- In February 2020, the City modified its Side Lot Program to make City owned vacant lots more readily available to the adjacent neighbors.

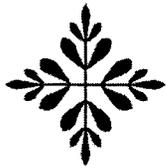
- If the application is approved by Council, the City will enter into an agreement with the applicant that will include all of the conditions and the buyer's responsibilities. The buyer will have to seek Planning Commission (CPC) approval for the consolidation of the lots. If there are variance requirements, they may also have to seek Zoning Board approval. Only once all these conditions are met would the property be transferred.
- The property was acquired by the City in February 2012 through tax foreclosure. The previous house on the lot was demolished by the City in June 2008.
- Through its vacant lot program, the City so far has sold twenty-one (21) vacant lots.
- One additional vacant lot on Rolliston is being leased to a community group for use as a Community Garden.

### **Recommendation**

Staff recommends approval of the Boudreaux application to acquire the City owned vacant lot at 3535 Stoer Road (PPN 736-23-088) for \$1.00 and utilize it as an expanded side yard, and that this be passed on first reading and as an emergency in order to enable the applicant to immediately commence moving forward with their plans.



Boudreaux home at 3531 Stoer and adjacent city owned vacant lot at 3535 Stoer



# SHAKER HEIGHTS

## The City of Shaker Heights Application for acquiring City-owned residential lots

### **Acquiring a City owned lot for Redevelopment as a Single-family Home**

- The City is offering buildable lots for redevelopment as owner-occupied single family homes.
- The buyer or the developer may apply to acquire the lot.
- The City will not entertain offers to build homes on a speculative basis. All prospective homes MUST be pre-sold for owner occupancy.
- The City can revert the property if it is not built and used as an owner-occupied single-family home.

### **Acquiring a City owned lot for use as a side yard or Community use**

- The City is offering lots that are smaller, oddly configured, or for some other reason not buildable to adjacent property owners to use as side yards.
- Side yard applicants must owner-occupy the adjacent property and propose an improvement on the City owned lot (addition to a home; patio, gazebo, etc.).
- The City will also entertain offers from residents, community groups, institutions, etc. for community uses such as a community garden, etc.

### **General Information**

To acquire a City owned residential lot "AS IS", please complete this application and return it to the Shaker Heights Department of Neighborhood Revitalization.

You will need to review the City's policies, guidelines, and procedures before submitting an application. They can be found online at or provided upon request by calling 216-491-1370.

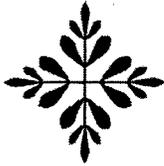
#### Additional Resources:

- Green Building guidelines for infill housing
- Shaker Heights Zoning Code
- Design guidelines for single family infill housing on City-owned Lots

#### Key Considerations:

- Applicants that are not in good standing with the City's Building and Housing, or Planning departments are not eligible to purchase City owned properties.
- Applicants with delinquent property taxes in Shaker Heights are not eligible to purchase City owned properties.
- The City will only sell vacant residential lots to persons/firms who are building single-family homes that will be owner-occupied or be used as side yards or community uses.
- The City's Design Guidelines for new construction must be adhered to and will be a requirement in the Development and Use agreement with the City, if approved.
- The receipt of a completed application does not guarantee a property transfer. The City will carefully review applications and accept/deny based on their merit.

### **Personalized Assistance**



# SHAKER HEIGHTS

## The City of Shaker Heights Application for acquiring City-owned residential lots

If you have any questions about the program, application, or review process, please call 216-491-1370.

### Property Information

1. Permanent Parcel Number: 736-23-028
2. Property address: 3535 Steer Rd
3. Cuyahoga County Market Value: \_\_\_\_\_
4. Purchase offer amount: 100
5. Intended use:  Redevelopment as Single-family home  Side yard  
 Community use

### Applicant Information

1. Name of Applicant/s: ToYanna + Edward Boudreaux
2. Mailing Address\*: 3531 Steer Rd Shaker Hts OH 44122  
Street Address City State Zip Code

\*Post Office Boxes are not acceptable as an address.

3. Phone Numbers: 216-773-0869  
419-944-9818
4. E-mail address: jharrisjohnson@gmail.com

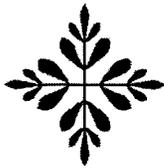
5. Are you a builder/developer proposing to build a pre-sold home?  Yes  No  
If so, please tell list the contact information for the buyer:

Name: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

6. List any and all properties currently owned in The City of Shaker Heights. You may attach additional sheets if necessary.

3531 Steer Rd Shaker Hts 44122  
\_\_\_\_\_  
\_\_\_\_\_

7. Do any of the properties you own in Shaker Heights have existing Housing or Zoning Code Violations?  Yes  No



# SHAKER HEIGHTS

## The City of Shaker Heights Application for acquiring City-owned residential lots

8. Are property taxes current on all properties you own in Shaker Heights?  Yes  No

### Single-family Redevelopment Proposal

1. Is the design of your home one of the City's pre-approved plans?  Yes  No

2. If not, list the architect who is designing your home:

Architect: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address of Firm: \_\_\_\_\_

3. Please list the builder/developer/general contractor who will be in charge of constructing the home.

Contact: \_\_\_\_\_

Name of Firm: \_\_\_\_\_

Address of Firm: \_\_\_\_\_

4. Estimated time to complete home after property transfer: \_\_\_\_\_

5. Please attach a front elevation drawing and/or sketch of the home you propose to build on the lot. Applications without a drawing/sketch will not be considered.

### Architectural Subsidy

The City is offering \$5,000 grants to buyers to encourage high quality architectural design.

#### To be eligible for the architectural subsidy:

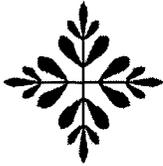
- Your architect must sign an agreement with the City to offer the plans to future Shaker buyers at a discounted rate of \$1,100 and to modify the plans at a discounted rate.
- The plans will become part of the City's pool of pre-approved plans that can be used in the future by residents, developers, and buyers to construction new infill homes in Shaker.
- The plans must be approved for the program by the City's Planning Department and/or Architectural Board of Review.

Indicate whether you will apply for the architectural subsidy of \$5,000.  Yes  No

### Side yard Proposal

Do you live adjacent to the City owned lot?  Yes  No

Describe the improvements you plan to make on the City owned lot (use additional sheets as needed and attach drawings as appropriate):



# SHAKER HEIGHTS

## The City of Shaker Heights Application for acquiring City-owned residential lots

*We don't have a large yard and would acquire this lot for our 3 young children to play in. We plan to put up a privacy fence with appropriate sized plants/bushes*

Please list the builder/developer/general contractor who will be in charge of constructing the improvement.

Contact: Brian Kelly

Name of Firm: Northeast Ohio Fence + Deck, INC.

Address of Firm: 14755 Broadway Ave Cleveland OH 44137

Estimated time to complete the project after property transfer: approximately 12 months

### Community Use Proposal

Describe your proposed use of the City owned lot (use additional sheets if necessary):

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What neighborhood is the project in? \_\_\_\_\_

Does the relevant neighborhood association support the project?  Yes  No

*Please attach a letter of support from the neighborhood association if applicable.*

How many residents will be involved with the project? \_\_\_\_\_

How many residents do you estimate will benefit from the project? \_\_\_\_\_

Describe how residents/community will benefit from the project (use additional sheets if necessary)

---

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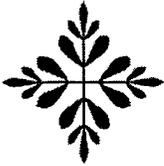
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### Financing

1. Estimated Construction Costs: approximately \$10,000



**SHAKER  
HEIGHTS**

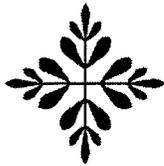
The City of Shaker Heights  
Application for acquiring City-owned residential lots

*A construction schedule and cost breakdown for construction (This must be printed on the contractor's letterhead and signed by the contractor) must be attached to this application. These estimates will be reviewed by the City for reasonableness and accuracy.*

2. By what method do you plan to finance this development proposal (Check all that apply)?

Loan	\$ _____	
Personal Assets	\$ _____	
Other (please specify)	\$ <u>10,000</u>	source: <u>Credit Card</u>
Total	\$ <u>10,000</u>	

*Proof of financing must be attached to this application i.e. copies of loan commitments, bank statements, etc. Applications without proof of financing will not be accepted.*



# SHAKER HEIGHTS

## The City of Shaker Heights Application for acquiring City-owned residential lots

### How to submit an application

**Mail:** Department of Neighborhood Revitalization  
3450 Lee Road, Shaker Heights, OH 44120  
**Fax:** 216-491-1456, Attn: Kamla Lewis  
**E-mail:** kamla.lewis@shakeronline.com

### The City's application review process

#### Review & Approval Process:

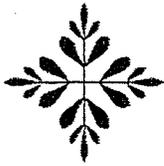
1. First review by Neighborhood Revitalization staff to determine:
  - a. That application is complete and meets City requirements
  - b. Builder/developer qualifications
2. Staff presents acceptable proposals to the Neighborhood Revitalization and Development Committee (NRD) for their review and recommendation to City Council.
3. Successful applicants receive a conditional approval so they can proceed with financing and developing architectural plans.
4. Applicants will work with Planning Department staff to develop a design that meets design guideline requirements and will meet zoning requirements.
5. Architectural plans and front elevation drawings will be reviewed by Architectural Board of Review (ABR) and City Planning Commission (CPC) for their approvals.
6. Proposals approved by NRD, ABR, and CPC will go before City Council for final approval.

### Checklist for Applicant

***The application must be complete with all necessary attachments to be processed.***

The following is a checklist for you to help ensure that you have attached the necessary required documents to the application prior to submission. If you should have any questions, please contact The City of Shaker Heights Department of Neighborhood Revitalization at 216-491-1370.

	Yes
<b>Application Form</b>	
1. All questions are answered where applicable.	
2. Non-Collusion affidavit is completed, signed, and notarized.	
3. Application is signed.	
<b>Attachments</b>	
1. Front elevation drawing of proposed home if applicable.	
2. Verification of financing (bank statements, letter of commitment from bank, etc.)	
3. Development schedule and Cost breakdown on Contractor letterhead and signed by Contractor.	



**SHAKER  
HEIGHTS**

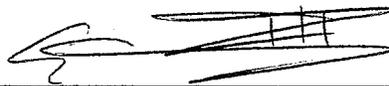
The City of Shaker Heights  
Application for acquiring City-owned residential lots

**I/We Acknowledge that we have been advised and understand that:**

1. All applications for City-owned properties may be reviewed by City Staff, City Council, City Planning Commission, and the Architectural Board of Review. The City may reject the application altogether or ask for revisions.
2. This application is a statement of interest only. By receiving it, the City does not commit to transfer property.
3. All City-owned property is sold "as is" and no further work will be done to the property by The City of Shaker Heights.
4. The City of Shaker Heights does not guarantee the existence of utilities to the property and it will be my/our responsibility to pay for any needed utility hook-ups.
5. The City of Shaker Heights does not certify that there is no underground debris or materials from prior construction i.e. foundations, basements, etc. The City is not responsible for the removal of anything found under ground during construction.
6. I/We will be responsible for all taxes, water charges, waste charges, governmental and private liens and encumbrances, if applicable, and any other taxes that become due from taking title to the property. I/we are responsible for inquiring at the appropriate offices to determine the amounts of taxes and charges that will be due.
7. I/we will close on a property sale within 90 days of the City's approval. The City will not transfer the property if this deadline is missed (subject to Force Majeure).
8. Construction will be completed within 12 months of transfer. If this deadline is missed, the City will issue a penalty equal to the average selling price of comparable lots plus lost interest (subject to Force Majeure). An extension of up to 6 months may be obtained by written notice to the City.
9. I/we agree to all City requirements of submitting documentation and/or any additional information that the City of Shaker Heights may need for the completion of the application process.
10. I/we agree that if this application is approved, the property will be maintained and developed in compliance with the completed application.

All information and supporting documentation supplied to The City of Shaker Heights is accurate to the best of my knowledge and belief. I understand that providing false information may violate Federal, State, and local laws and be punishable and as such will invalidate this application.

  
 \_\_\_\_\_  
 Signature of Applicant  
 3/21/2020  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Signature of Applicant  
 3/21/2020  
 \_\_\_\_\_  
 Date



**Non-Collusion and Disclosure Affidavit**

Personally appeared, Jovanna Boudreaux who being duly sworn, deposes that:

1. I am over the age of eighteen and I understand the obligation of an oath.
2. I am Jovanna Boudreaux that submitted an application to The City of Shaker Heights for a contract and am acting in my individual capacity.
3. I am fully apprised of the contents of the said application and all pertinent facts and circumstances relative to the same.
4. Such application is genuine and is not collusive or a sham.
5. Neither said individual (including any immediate family) nor any of his/her partners, representatives, affiliates, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly, with any other individual to submit a collusive or sham application in connection with the contract for the application has been submitted.
6. The prices/quotes/estimates in the application are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the individual or any of his/her immediate family members, partners, representatives, affiliates, or parties in interest.
7. No City Council Member, elected or appointed official, or Shaker Heights employee is directly or indirectly interested in or will benefit financially by the application, is in a position to participate in a decision making process or gain inside information about the application.
8. I will disclose on an attached sheet any immediate family members who are Shaker Heights employees, Council Members, or elected or appointed officials.

Jovanna Boudreaux  
Applicant Name  
J. Boudreaux 9/6/19

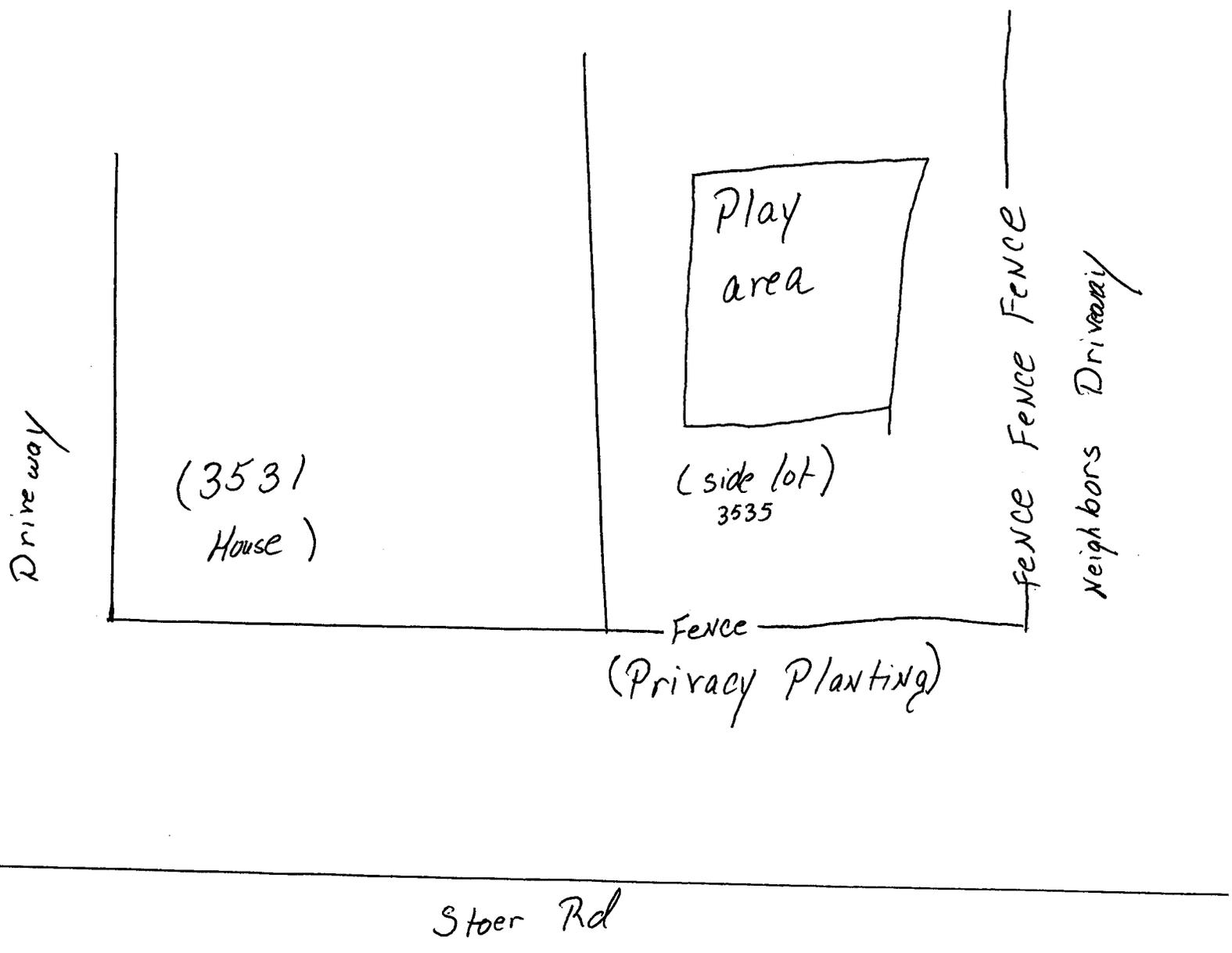
9/6/19  
Date

Personally appeared before me and swore to the truth of the truth of this affidavit, application, and all attachments on September 6, 2019.

[Signature]  
Notary Public  
9/6/19



JEFFREY ORRELL  
Notary Public, State of Ohio  
My Comm. Expires 04/01/2024  
Recorded in Summit County



JOVANNA BOUDREAUX  
 Member Since 2016 Account number ending in: 8358  
 Billing Period: 01/23/20-02/24/20

www.citicards.com  
 Customer Service 1-800-823-4086  
 TTY-hearing-impaired services only 1-800-325-2865  
 BOX 6500 SIOUX FALLS, SD 57117

**FEBRUARY STATEMENT**

Minimum payment due: **\$64.36**  
 New balance as of 02/24/20: **\$2,945.04**  
 Payment due date: **03/20/20**

See the last page of this statement for important information about how to avoid paying interest on purchases.

**Late Payment Warning:** If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$40 and your APRs may be increased up to the Penalty APR of 29.99%.

**Minimum Payment Warning:** If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on the statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	10 year(s)	\$5,069
\$100	3 year(s)	\$3,600 (Savings = \$1,469)

For information about credit counseling services, call 1-877-337-8187.

Your next AutoPay payment of \$75.00 will be deducted from your bank account on 03/20/2020. Please note that the next AutoPay payment may be reduced if you have made additional payments or received any credits during the current billing cycle.

**Account Summary**

Previous balance \$2,536.60  
 Payments -\$75.00  
 Credits -\$0.00  
 Purchases +\$448.08  
 Cash advances +\$0.00  
 Fees +\$0.00  
 Interest +\$35.36

**New balance**

**Credit Limit**

Credit limit \$17,000  
 Includes \$2,500 cash advance limit  
 Available credit \$14,054  
 Includes \$2,500 available for cash advances

**Savings Spotlight**



Your Diamond Preferred Lifetime Savings:

\$514.30

See page 2 to view your Savings Summary.



P.O. Box 6004  
 Sioux Falls, SD 57117-6004

Your Statement Is Inside

Pay your bill from virtually anywhere with the Citi Mobile® App and Cit® Online

To download:  
 Text 'App15' to MyCiti (692484)  
 or go to your device's app store.  
 Or visit www.citicards.com

Minimum payment due

New balance

Payment due date

Amount enclosed: \$

03/20/20

Account number ending in 8358

JOVANNA BOUDREAUX  
 3531 STOER RD  
 SHAKER HEIGHTS OH 44122-5154

CITI CARDS  
 PO Box 70166  
 Philadelphia PA 19176-0166



April 14, 2020

JoVanna & Edward Boudreaux  
3531 Stoer Road  
Shaker Heights, Ohio 44122

Dear Mr. & Mrs. Boudreaux,

Congratulations! Your application to acquire the City owned vacant lot located at 3535 Stoer Road (PPN 736-23-088) has been conditionally approved by City Council at their meeting on April 13, 2020. There are a number of legal steps that have still to be taken before you can actually own the property. To help guide you through the process, which includes several City departments and other government agencies, below is a summary of the next steps you will need to take:

1. Sign Purchase Agreement with the City:
  - a. The Law Department will send you a “Purchase Agreement,” which sets forth the terms and conditions under which the City agrees to sell you the vacant lot. It will include a copy of your application to acquire the vacant lot, the sales price agreed upon and the improvements you have committed to making to the property.
  - b. If you concur with the terms of the Agreement, you will sign two copies of the original document and return them both to Alicia White in the City’s Law Department. The City will then sign the documents and return a fully signed original to you.
2. Obtain a Plat:
  - a. You will need to hire a surveyor to complete a boundary survey, new legal description and consolidated plat (i.e. a map printed on Mylar) for the vacant lot you are acquiring and your existing property. This typically takes some time so you should start this as soon as possible.
  - b. You should ask the surveyor if a “consolidation by record” is possible as this is less expensive (approx. \$800). This is an option when there are existing sub-lots in a subdivision, which includes almost all of Shaker Heights. A full survey will cost you approx. \$1,000 to \$2,000.
  - c. Have the surveyor obtain the County Engineer’s approval of your plat (no fee) in order to obtain a stamped copy of your plat.
  - d. The City does not recommend which surveyor you should hire, but surveyors who have been used by previous applicants and are therefore familiar with the requirements include:
    - Norm Hoover: [nhoovler@yahoo.com](mailto:nhoovler@yahoo.com); (330) 256-4230.
    - LMS Surveying Ltd.: <http://www.lmsurveying.com>; (330) 329-6812.
    - Edward Dudley, Riverstone Land Surveying: [www.riverstonesurveying.com](http://www.riverstonesurveying.com) ; (216) 491-2000.
    - David Bruckner: (216) 941-0720

– Dempsey Surveying: [www.dempseysurvey.com](http://www.dempseysurvey.com) ; (216) 226-1130.

3. Obtain approval for the lot consolidation from the City Planning Commission (CPC):
  - a. Coordinate with Dan Feinstein of the Planning Department to file a City Planning Commission Application for Plat approval. The schedule of meetings, the procedures, and the application are all available at <http://www.shakeronline.com/DocumentCenter/View/662/BZACPC-Application-PDF?bidId=>. The \$75 fee for a lot consolidation will be waived since the city owns the property still at this point and Mr. Feinstein will present the application to the Planning Commission on your behalf. You do, however, need to attend the CPC meeting to answer any questions regarding the application. ***You should start this process immediately by contacting Mr. Feinstein.***
  - b. Applications must be filed approx. two weeks before the CPC meeting date. Incomplete applications will not be accepted. A description of your planned improvements should be included.
  - c. For more information on the CPC process, please contact Dan Feinstein at 216-491-1435 or [daniel.feinstein@shakeronline.com](mailto:daniel.feinstein@shakeronline.com).
4. Signing the Plat:
  - a. Once you have obtained your plat from the surveyor, and the CPC has approved the consolidation, submit your plat to the Planning Department for signature, indicating that the plat has met City approval. They will then send it to the Law Department which will contact you to come in and sign the plat.
  - b. Alicia White in the Law Department will be your contact at 216-491-3213 or [alicia.white@shakeronline.com](mailto:alicia.white@shakeronline.com) for signature of the plat.
5. Recording the Deed & the Plat:
  - a. The Law Department will arrange for the quit claim deed transferring the property to you to be signed by the Mayor and will arrange for the deed and the signed plat to be recorded.
  - b. The cost of recording the plat varies based on the size of the plat (typically approx. \$40) and the cost of recording the deed varies depending on the number of pages (typically approx. \$36).
  - c. The Law Department will inform you of the total cost and you will be required to provide a check for the cost of recording the deed and the plat and the purchase price for the lot, before the Law Department will arrange for the recording. Checks should be made payable to the City of Shaker Heights.
  - d. After the deed and the plat are recorded, the City will notify you and we can either send the originals to you or you can pick them up from City Hall.
6. Final Steps:
  - a. You can now commence with any improvements on the property.
  - b. You are now responsible for property taxes on your new consolidated parcel.
  - c. You must submit an annual report to me documenting the investment you have made in the property (pictures and receipts) in compliance with the Purchase Agreement you signed with the City.

If you have questions at any time throughout the process, please contact me at 216-491-1374.  
Thank you once again for your interest in investing in your property and your neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Kamla Lewis".

Kamla Lewis  
Director

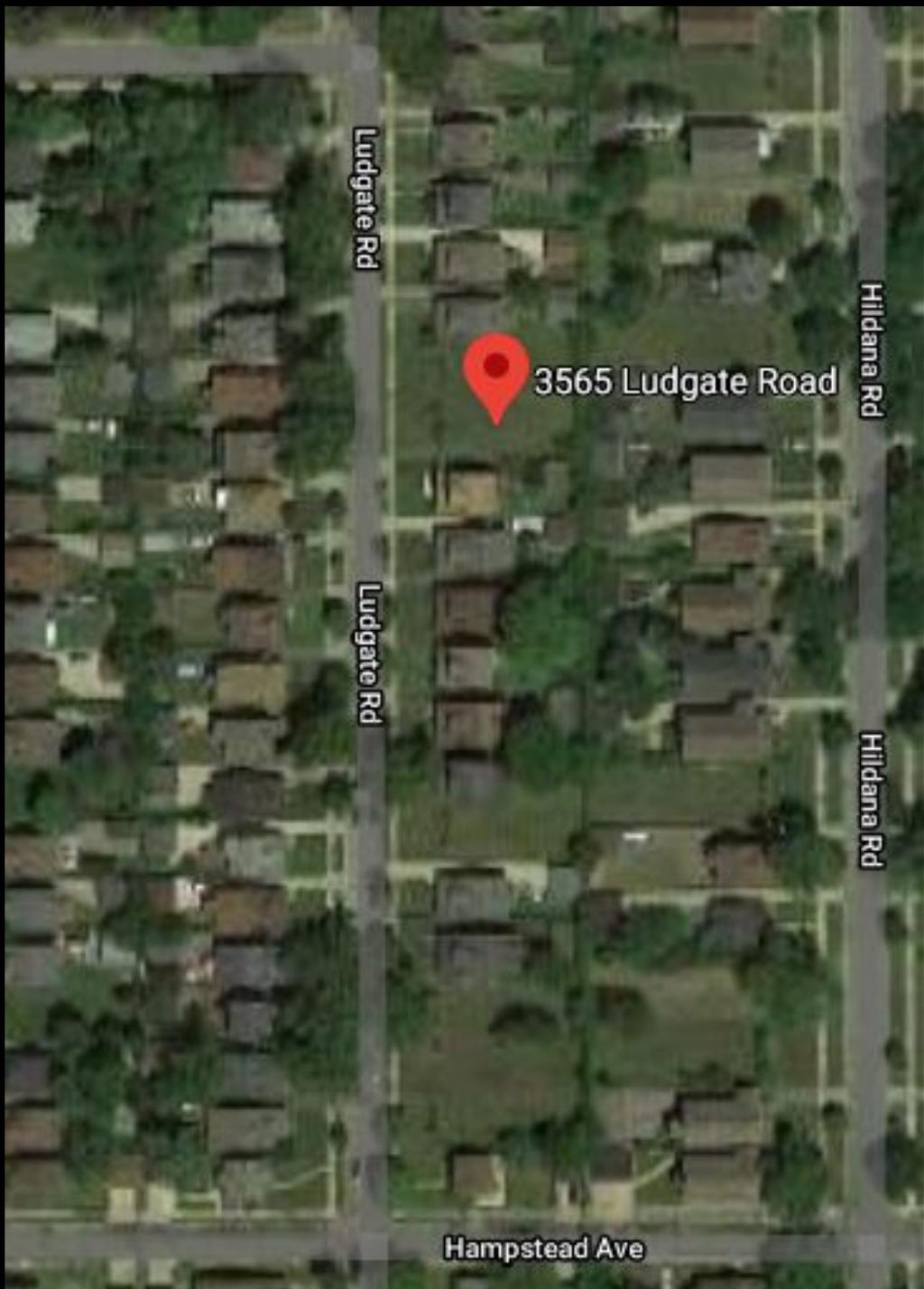
c.c. William Gruber, Director of Law  
Daniel Feinstein, Planning Department

# Board of Zoning Appeals City Planning Commission

June 2, 2020

# 3565 Ludgate Road

For site plan review and a variance to the lot size  
for a new single family house.



Ludgate Rd

Hildana Rd

3565 Ludgate Road

Ludgate Rd

Hildana Rd

Hampstead Ave









Applicant's Name: B.R. Knez Construction, Inc. Application No: 2064

Property Address: 3565 Ludgate Road Parcel No: 735-22-094

City: Shaker Heights State: Ohio Zip: 44120

Applicant's Address 7555 Fredle Dr., Ste. 210 Phone No: 440-710-0711

City: Concord State: Ohio Zip: 44077

Property Owner (if other than applicant) City of Shaker Heights

Property Owner's Address (if different) 3400 Lee Road

City: Shaker Heights State: Ohio Zip: 44120

Zoning District: \_\_\_\_\_ Present Use: vacant lot

Proposed Use: New construction of two-story single family home for sale.

E-Mail Address: mdavid@knez.net

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale)
- Detail Drawings
- Landscape Plan
- Narrative Description
- Proof of Control (Option Lease Ownership)
- Product Information, etc.
- Other Descriptions or Materials as Appropriate
- Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA

- 1. VARIANCE (requires public hearing)
  - Sign regulations
  - Height Regulations
  - Area and Yard Regulations
  - Fence Regulations
  - Off-street Parking

2. OTHER APPROVALS

- Appeal
- Other: \_\_\_\_\_

CPC

- Conditional Use Permit (requires public hearing)
- Planned Unit Development
- Site Plan Review
- Resubdivision of Land
- Amendment to Zoning Map or Ordinance
- Improvements to Public Land
- Other: \_\_\_\_\_

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the foregoing statements in this application are true and correct.

*/s/ Michael David*

Authorized Agent, B.R. Knez Construction

SIGNATURE:

5/14/20

DATE:



## NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Michael David, BR Knez Construction, Inc., 3565 Ludgate Road, to the Board of Zoning Appeals and City Planning Commission for site plan review and a variance to the lot size for a new single-family house. The applicant proposes to construct a new three bedroom house on this vacant lot, with a two car detached garage located at the rear of the lot. The house will have an open floor plan with a front porch and basement. The property is 40 feet by 130 feet and 5,200 square feet. Code requires a minimum lot size of 5,600 square feet in the SF-3 Single Family Residential zoning district. All location and setback requirements are code conforming. Site plan review is required for all new houses.

The Board of Zoning Appeals and City Planning Commission will hold a Public Hearing on said application on **Tuesday, June 2, 2020 at 7:00 p.m.** via conference call. Please see the note below in regard to being heard with respect to this application.

Plans are available for public review online at <https://www.shakeronline.com/AgendaCenter>. In addition, a complete meeting packet is posted at the latest the Friday before the meeting date.

---

Dan Feinstein  
Secretary  
Board of Zoning Appeals  
City Planning Commission

*To request an accommodation for a person with disability, call the City's ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.*

**Please Note: For the safety of our staff and residents, this meeting is being held by conference call. Live audio will be available to the public on a listen-only basis. Residents are encouraged to submit comments/questions regarding items on the agenda at least 12 hours in advance of the meeting by emailing [daniel.feinstein@shakeronline.com](mailto:daniel.feinstein@shakeronline.com) or by calling (216) 491-1435 and leaving a message. Any comments or questions will be read into the record at the meeting. You may listen to the meeting live that evening by calling 1-877-837-3954 and entering code 1596547. The audio of the meeting will be available the following day on the City's [website](#).**

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

---

**ADDRESS:**

**3565 Ludgate Road**  
BR Knez Construction  
Case#: 2064

**HEARING DATE:**

June 2, 2020

**SUMMARY:**

**Site plan review for a new single-family house and a variance to the lot size to construct on a 5,200 square foot lot where code requires 5,600 square feet.**

**STAFF POSITION:**

- Staff suggests approval of the site plan review and lot size variance based on the following:
  - The house location, size, driveway and garage all meet zoning requirements.
  - The intent of the Infill Design Guidelines and the policy statement for this neighborhood has been followed.
  - The applicant has sited the house down the street from their other new home instead of adjacent per ABR approval.
  - All other existing lots on Ludgate Road are the same size or smaller.
  - The character and relative scale of the house fits in with existing homes on the street.
  - The ABR approved of the design and specific materials of this house.
  - The essential character of the neighborhood will not be affected since the lot is the same size as others on the street.
  - The standards for site plan review have been met.

**ACTION:**

- Site plan review for a new single-family house.
- Variance to the minimum lot size in an SF-3 Single Family Residential zoning district to allow a lot size of 5,200 square feet, when 5,600 square feet is required.

**FACTS:**

1. The applicant proposes to construct a new single-family house on this vacant, city-owned lot with a detached two car garage. The applicant has a Development and Use Agreement with the City.
2. The house meets the location requirements and yard setbacks of the SF-3 Single Family Residential zoning district.
3. The three (3) bedroom home will be 1,876 square feet in size with a full basement.
4. The property is one of two adjacent vacant city owned lots on Ludgate Road.
5. The City is selling vacant lots to the applicant in order to spur infill housing in this neighborhood.
6. The lot is 40 by 130 feet, which equals 5,200 square feet. A variance is required to the minimum lot size since code requires a 5,600 square foot lot in the SF-3 Single Family Residential zoning district.
7. Another house of the same design but a different color scheme was built down the street at 3609 Ludgate Road. The ABR required this house to be built further down the street at 3565, rather than 3 lots away as was originally proposed.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

**Continued  
ADDRESS:**

**3565 Ludgate Road**  
BR Knez Construction  
Case#: 2064

**HEARING DATE:**

June 2, 2020

**CODE SECTIONS:**

1. 1213.06 D – Lists standards for site plan review, including traffic, parking, driveways, and landscaping.
2. 1222 – SF-3 – Standards for developing single-family homes. 40-foot minimum lot width and 5,600 square foot lot size is required.

**OTHER ISSUES:**

1. The Architectural Board of Review and the City Planning Commission held a joint meeting and created a new policy statement regarding the Single Family Infill Design Guidelines. The policy statement addresses certain alternate materials that can be considered in distressed neighborhoods. See the attached Single Family Infill Design Guidelines and the Policy Statement.
2. Staff considers this home in the southern Moreland Neighborhood to be in a neighborhood that has numerous demolitions and fewer rehab projects than other neighborhoods in the city.
3. The developer has a Development Agreement with the City to build new single family housing on city-owned vacant lots in the Moreland Neighborhood.
4. All other lots on Ludgate Road are the same size (5,200 square feet) or smaller.
5. The lot is open with only a city-installed landscape bed along the front property setback line.
6. The proposed landscape plan includes some foundation plantings and a shade tree in the front yard.
7. The air conditioning condenser location is located in the rear of the house with boxwood bushes screening it.
8. The Architectural Board of Review approved the design of the house at their April 20, 2020 meeting with the same design, with a different color scheme, as the house at 3609 Ludgate Road with the condition that the new house be located on another lot at either 3561 or 3565 Ludgate. The applicant picked 3565 for the location. The house was originally proposed 3 lots to the north of the new house at 3609 Ludgate Road.
9. Comparison of infill design guidelines to this application: The house meets the Infill Design Guidelines with the use of the Policy Statement for distressed neighborhoods for materials as noted below.
  - a. General Requirements—The house meets the setback requirements.
  - b. Façades—The house design shows several design details and a front porch.
  - c. Front Elevations—There is a front porch with two different siding styles.
  - d. Windows—White vinyl windows are proposed. (per policy statement modification)
  - e. Doors—The front door will be made of fiberglass.
  - f. Roof—A twilight black color lifetime fiberglass dimensional shingle is proposed.
  - g. Garage—Detached in the rear yard.
  - h. Landscaping—A landscape plan is submitted.
  - i. Materials—Vinyl lap siding.(per policy statement modification)
  - j. Colors—Harbor blue color siding with white trim.
  - k. Neighborhood Specifics—House style is a Colonial design which complements other designs on the street.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

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**Continued  
ADDRESS:**

**3565 Ludgate Road**  
BR Knez Construction  
Case#: 2064

**HEARING DATE:**

June 2, 2020

**PRECEDENT:**

1. Knez Construction – 3609 Ludgate Road – approved November 2018 and is now nearly finished.
2. Zaremba Home Again – 3636, 3666, and 3680 Strathavon Road – New homes with lot size variances.
3. Destiny Home Builders – 3616 Chelton – Only other new home constructed in the lower Moreland Neighborhood.
4. Jain Property – 14005 Becket Road – Smaller home with a lot size variance.
5. T. Berry Construction – 3260 Van Aken Boulevard – Redesigned house without variances, two different façade materials of stone and cedar wood siding.
6. Rysar Properties – Two homes on Lindholm Road - Tall garages with setback variances backing up to commercial property. Green elements of material and construction.

## **Neighborhood Policy Statement:**

### **Single Family Infill Housing Design Guidelines (6/1/18)**

#### **Intent:**

The Design Guidelines' intent for infill single family homes include: compatibility with the surrounding neighborhood; architectural style meeting neighborhood standards; individual building design quality; and materials in context with and of sufficient quality and durability within an existing neighborhood. While the design intent is applicable city wide, some neighborhoods have experienced high levels of vacancy, demolition and a general lack of investment due to the housing crisis and economic recession in 2008 and after. This document outlines some possible flexibility in the design guidelines taking into account the current conditions of the housing stock and wide diversity of neighborhoods in the city.

#### **Explanation of evolving neighborhood standards:**

1. There is up to a 40% vacant lot rate of former home sites in some neighborhoods due to demolition resulting from the foreclosure housing crisis and economic recession.
2. The City's Housing Plan encourages development in neighborhoods that have experienced demolitions and high levels of disinvestment. Some neighborhoods have not had a new house built in over 15 years.
3. The types of materials used to renovate existing homes in these neighborhoods include some of the same materials and design details as proposed for some new housing including vinyl windows, vinyl siding, and composite trim details.
4. These neighborhoods have dense development with limited side yards and no rear yard sight lines from the public street.
5. The general design of many homes in some neighborhoods with smaller lot sizes and denser development emphasizes the front elevation design. The same level of design does not necessarily continue on other elevations of the structure. The side and rear elevations, not visible from the street, are typically more utilitarian in design and materials and lack the same design details present on the front elevation.

#### **Policy:**

The following is a proposed statement of policy based on the preceding information.

The Architectural Board of Review and City Planning Commission agree to adopt a policy that allows for modifications to the Single Family Infill Housing Design Guidelines to allow greater flexibility within dense neighborhoods that have experienced disinvestment and have a higher than historical rate of demolition and vacancy with these specific conditions. The level of infill housing design should not be compromised, but alternative exterior materials can be considered.

1. Certain materials, such as high quality vinyl windows, have significantly improved since the Design Guidelines were written in 2005. Some vinyl window brands replicate wood windows with similar profiles, functionality and durability.

2. Advances in higher quality vinyl siding has improved certain qualities including thicker gauge choices, better profile choices and long-lasting color retention. Thicker gauge vinyl siding, with appropriate trim details that replicates wood siding trim details, may be allowed and reviewed on a case-by-case basis. If different siding materials are proposed on the same house, the materials must be color matched.
3. Composite materials used for trim, railings, porches, columns, architectural detail have proven to replicate the look of wood, are available in a multitude of styles and colors, and hold up to the elements.
4. The review of other new homes in the city has led to the following precedent for modifying the design guidelines:
  - a. Simulated or real divided lite windows are preferred on the front elevation of a home while windows with grids between the glass may be considered on all elevations on a case-by-case basis.
  - b. Allow composite trim materials.
  - c. Allow fiberglass front doors, which replicate a wood door design.
  - d. Allow stoop and steps materials other than brick and stone when they are attached to and of the same material as a porch.

Memo To: Shaker Heights Planning Commission and ABR

From: John Traina, Designer/Engineer, Knez Homes

Date: May 13, 2020

RE: 3565 Ludgate Road: Single Family Infill Housing Design Guidelines (06/01/2018)

Knez Homes is a locally owned developer and builder specializing in urban and inner ring suburban infill single family and town home homebuilding. Knez has a record of success building and selling infill, for sale housing in communities as diverse as Cleveland areas: Tremont, Ohio City, Detroit Shoreway, Metro West, Belaire-Puritas, Fairfax, Circle North and Fenwick, as well as, infill lots in Akron, Lakewood, Newburgh Heights, Willoughby and Willowick.

We are currently completing a new home at 3609 Ludgate in Shaker Heights following a lengthy process of correspondence, meetings and reviews. The process of designing 3609 Ludgate, which was sold on April 24<sup>th</sup>, helped define the Shaker Heights **Neighborhood Policy Statement: Single Family Infill Housing Design Guidelines (06/01/2018)** which allows for more product choices to be used in the construction of homes that maintain high quality while at a lower material cost and require little to no maintenance in their lifetime. We appreciate the opportunity to build in your community and provide high quality housing with affordable pricing.

We had initially proposed duplicating the house at 3609 Ludgate on the lot at 3593 Ludgate as the plan is one of our most popular production builds and we are able to construct the home efficiently and economically. After discussing it at the Architectural Board of Review meeting, and providing optional sites we could use instead, it was decided that building the same home design four lots away would not be preferred and 3565 was selected.

Our materials are desired to be in compliance with the Design Guidelines and are submitted in total separately for approval by the board. Material selections are largely based upon those already approved for 3609 Ludgate. The material selections can be found attached to this document.

**Single Family Infill Housing Design Guidelines (06/01/2018) :**

1. Windows: Jeld-Wen Vinyl Windows with integral exterior 3-1/2" casing and J-Channel.
2. Vinyl Siding: Alside Charter Oak Lap Siding is .046 thick with greater impact resistance and rigidity. Alside Architectural Staggered Shake uses historically accurate patterns and dimensions.
3. Composite Materials: Azek porch railing systems with square ballusters will provide the appearance of wood. Azek and composite materials will also be used to wrap the porch posts and provide exterior trim elements.
4. a. Craftsman style grids between glass is proposed for all windows.  
b. Composite trim materials will be used in exterior applications.  
c. The front door will mimic wood using a fiberglass Therma Tru door with a wood finish.  
d. Exterior steps will match porch and stoop materials of treated framing and TimberTech Evolution Decking.

# Exterior Selections Form

## Addendum to Exhibit "D"

Floorplan: Metro Manor  
 Address: 3593 Ludgate Rd Metro Manor SH



Item	Color / Item #	Manufacturer / Material
Roof Shingle	Twilight Black	Owens Corning Oakridge Dimensional W/ Limited Lifetime Warranty
Front Façade Siding	Harbor Blue	Alside Traditional 4" Vinyl
Front Façade Corners	White	Versatex Composite System
Front Façade Shakes	Harbor Blue	Alside Architectural Staggered Shake
Sides, Rear, Garage Siding	Storm	Alside Double 4 Coventry
Corner Trim (except Façade)	White	Alside Traditional 4" Vinyl
Exterior Trim	White	Azek/Versatex
Frieze Board	White	Aluminum
Gutter	White	Aluminum 5" Ogee
Facia	White	Aluminum
Soffit	White	Alside Greenbriar 2-1/2" Beaded
Front Door	Chestnut	Therma Tru Smooth-Star Fiberglass S2610LE
Windows/Transoms	White	JeldWen Vinyl w/ Applied Casing
Home Rear Door	White	Therma Tru Smooth-Star Fiberglass Full Glass w/ transom
Garage Service Door	White	Therma Tru Smooth-Star S210 6 Panel Fiberglass Door
Porch Decking	Rustic Elm	Timbertech Terrain Decking
Porch Railings	White	Azek Trademark Railing System With Square Balusters
Garage Overhead Door	White	Clopay/Traditional Long Panel
Foundation Brick to Grade	Cherry Velour	Belden Modular Face Brick

Owens Corning  
Oakridge dimensional  
Twilight Black



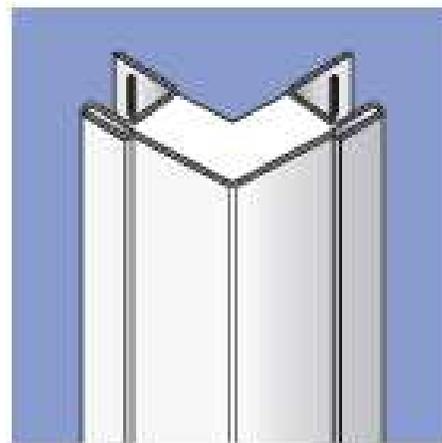
Alside Charter Oak  
Double 4 Lap Siding  
Harbor Blue



*Harbor Blue*



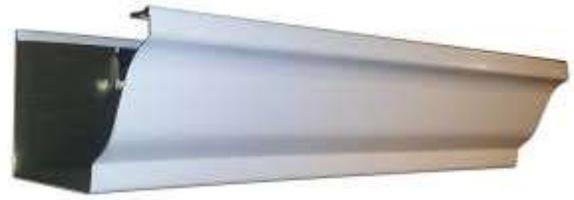
Alside Architectural  
Staggered Shake  
Harbor Blue



Alside Traditional 4" Outside Corner Trim  
White (other than homes front outside corners)

Versatex Composite 6" Front Outside Corner White

White Aluminum Trim Coil  
Wrap for Fascia & Frieze Board



White 5" Ogee (K-Style) Gutter



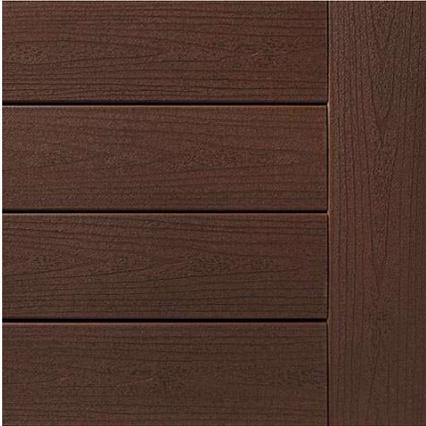
Front Door-Fiberglass  
Therma Tru Smooth-Star  
S2610 Chestnut



Rear Door-Fiberglass  
Therma Tru Smooth-Star  
S118LE White



Garage Man Door-Fiberglass  
Therma Tru Smooth-Star  
6-Panel S210



Timbertech Evolution  
Decking Rustic Elm

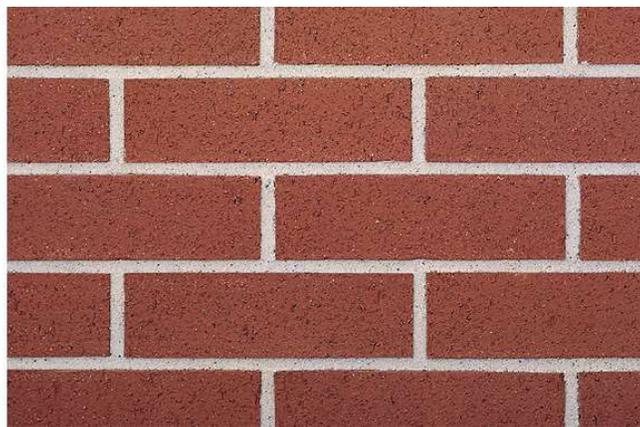


Azek Trademark Rail System  
White, Square Balusters



Clopay Traditional Long Panel Overhead Garage Door - White

Foundation  
Brick to Grade  
Belden Modular  
Cherry Velour



RIFE CT

73522044  
73522043  
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73521058

PENNINGTON RD

73522058	73522077
73522059	73522076
73522060	73522075
73522061	73522074
73522062	73522073
73522063	73522072
73522064	73522071
73522065	73522070
73522066	73522069
73522067	73522068
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73521068	73521107
73521069	73521106
73521070	73521105
73521071	73521104
73521072	73521103
73521073	73521102
73521074	73521101
73521075	73521100

LUDGATE RD

73522087	73522109	73525012
73522088	73522108	73525011
73522089	73522107	73525010
73522090	73522106	73525009
73522091		
73522092		
73522093		
73522094		
73522095		
73522096		
73522097	73522100	73525003
73522098	73522099	73525002
73521109	73521149	73525001
73521110	73521148	73524018
73521111	73521147	73524017
73521112	73521146	73524016
73521113	73521145	73524015
73521114	73521144	73524014
73521115	73521143	73524013
73521116	73521142	73524012
73521117		

Parcel Number: 73522094

Property Data

- 735-22-094
- CITY OF SHAKER HEIGHTS, OHIO
- 3565 LUDGATE RD
- SHAKER HEIGHTS, OH. 44120

Zoom to

HILD

HAMPS TEAD AVE



Ludgate Rd

Ludgate Rd

Ludgate Rd

Ludgate Rd



**POLARIS ENGINEERING & SURVEYING, INC.**

34600 CHARDON ROAD  
 SUITE D  
 WILLOUGHBY HILLS, OH 44094  
 (440) 944-4433  
 (440) 944-3722 (Fax)  
 www.polaris-es.com

DATE: 5/15/20  
 SCALE: HOR. 1"=20'  
 FOLDER: Engineering  
 FILENAME: Site Plan  
 TAB: 01 - Site Plan  
 DRAWN: JNG

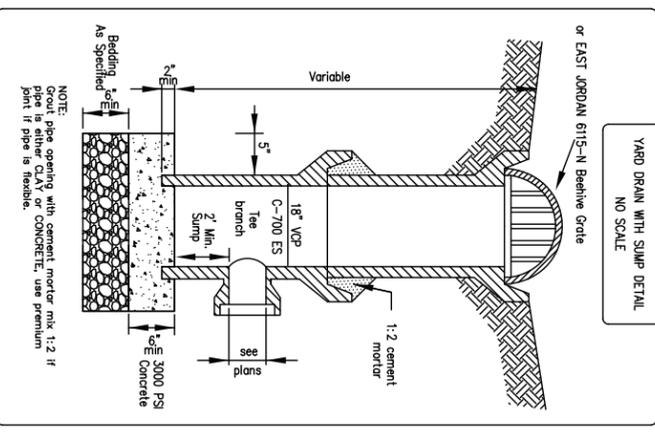
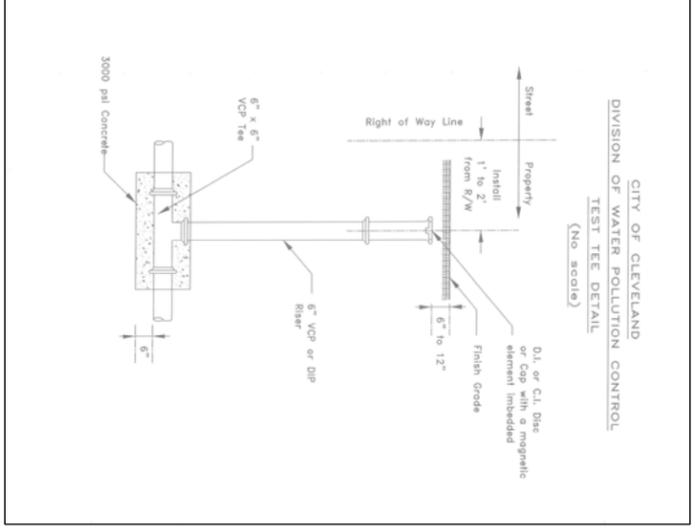
**SITE PLAN FOR:**  
**3565 LUDGATE ROAD**  
**PPN: 735-22-094**  
 SHAKER HEIGHTS - CUYAHOGA COUNTY - OHIO

**PREPARED FOR:**  
 B.R. Knez Construction Inc.  
 7555 Fredle Dr., Suite 210  
 Concord Twp., Ohio  
 PHONE: (440) 710-0711  
 CONTACT: Tony C. Naughton



CONTRACT NO.  
**18015**

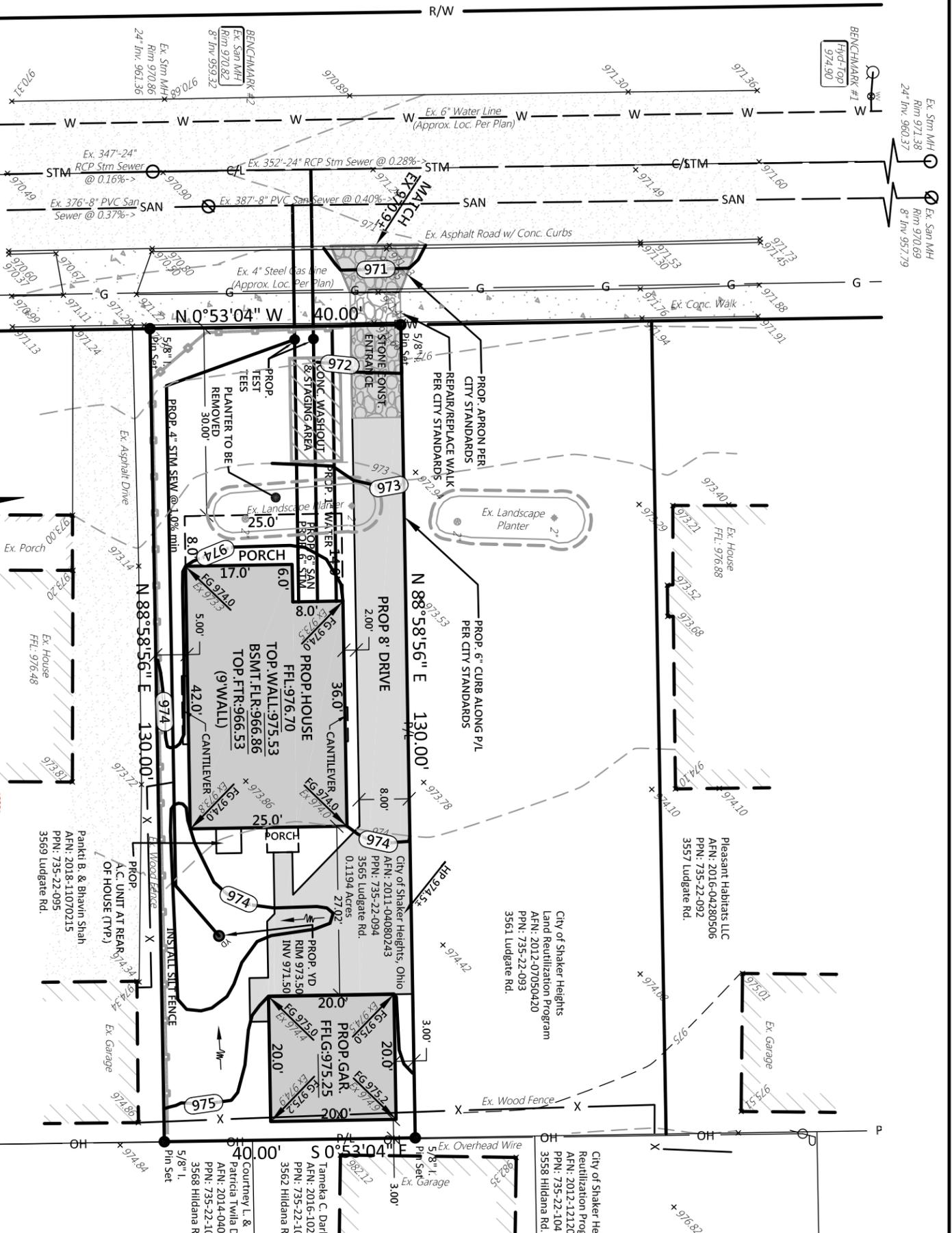
SHEET **01** OF **02**



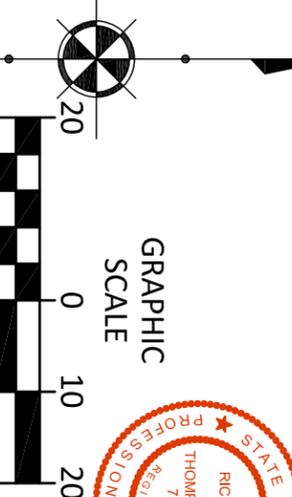
**ELEVATIONS USED:**  
 \*\*SEE ARCH. PLANS FOR FULL SECTIONS AND FLOOR PLANS\*\*  
 FIRST FLOOR - (1'-2") = TOP WALL  
 TOP WALL - (9.0') = TOP FOOTER  
 TOP FOOTER + (4") = BASEMENT FLOOR

**NOTE:**  
 IF EXISTING SEWER LATERALS ARE FOUND, THEY MUST BE TELEVIEWED TO VERIFY CONDITION, CONNECTION SUBJECT TO APPROVAL BY PUBLIC WORKS.  
**NOTE:**  
 CONTRACTOR REQUIRED TO GET A RIGHT-OF-WAY PERMIT  
**NOTE:**  
 CWD APPROVAL REQ. FOR WATER CONN.

**NOTE:**  
 ANY OPENINGS IN THE STREET MUST BE REPAIRED PER CITY STANDARDS.  
**NOTE:**  
 NO SEWER LATERAL INFORMATION AVAILABLE AT TIME OF SURVEY. CONTRACTOR TO VERIFY LOCATION OF EXISTING LATERALS. IF NONE LOCATED, NEW CONNECTION TO SEWER MAIN SHALL BE MADE.



**8-1-1**  
 2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1  
 OHIO UTILITIES PROTECTION SERVICE NON-MEMBERS  
 MUST BE CALLED DIRECT

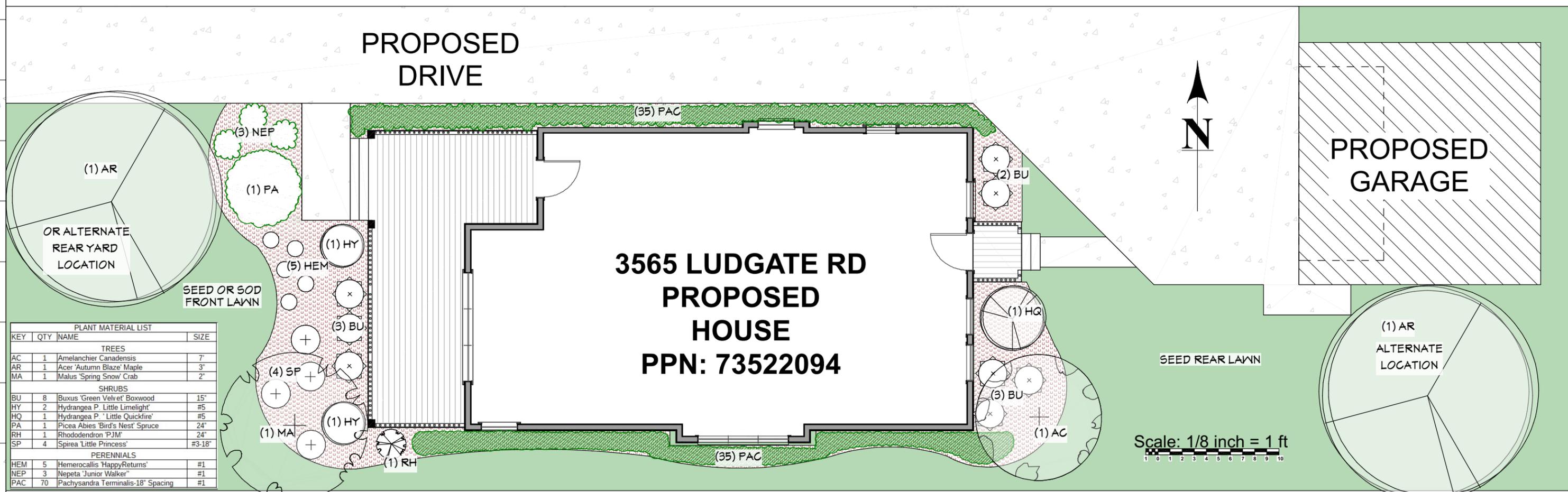


**TOPOGRAPHIC CERTIFICATION:**  
 I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY, INDICATED BY T CONTOURS, AND ELEVATIONS SHOWN HEREON, REPRESENT AN ACTUAL FIELD SURVEY MADE BY ME ON THE 21st DAY OF FEBRUARY, 2018, AND THAT THE ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL DATUM IS BASED ON NAVD88.

**EXISTING UNDERGROUND UTILITIES NOTE:**  
 THE SIZE AND LOCATION, BOTH HORIZONTAL AND VERTICAL OF THE UNDERGROUND UTILITIES SHOWN HEREON, HAVE BEEN OBTAINED BY A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL. HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.  
**NOTE:** THIS SURVEY SUBJECT TO CHANGE UPON RECEIPT OF ANY ADDITIONAL AVAILABLE UNDERGROUND UTILITY INFORMATION.

**NOTE:**  
 ANYONE USING ELEVATIONS ASSOCIATED WITH THIS PLAN SHALL UTILIZE & CHECK INTO BOTH BENCHMARKS FOR VERTICAL CONTROL. POLARIS SHALL BE NOTIFIED IMMEDIATELY OF ANY IRREGULARITIES.

SYMBOL LEGEND	
	Ex. Clean Out
	Ex. Catch Basin
	Prop. Catch Basin
	Ex. Storm Manhole
	Prop. Storm Manhole
	Ex. Sanitary Manhole
	Prop. Sanitary Manhole
	Ex. Water Meter
	Ex. Fine Hydrant
	Prop. Hydrant
	Ex. Gas Valve
	Ex. Gas Meter
	Prop. Gas Valve
	Ex. Electrical Box
	Ex. Guy Wire
	Ex. Power Pole
	Prop. Light Power Pole
	Ex. Light Pole
	Prop. Light Pole
	Ex. Tree
	Ex. Pine Tree
	Ex. Bush
	Ex. Mailbox
	Ex. Sign
	Ex. Telephone Box
	Ex. Monument Box
	Power Transformer
	Sprinkler Control Box
	Sprinkler Head
	Traffic Signal Pole
	Traffic Signal Box
	Guard Post



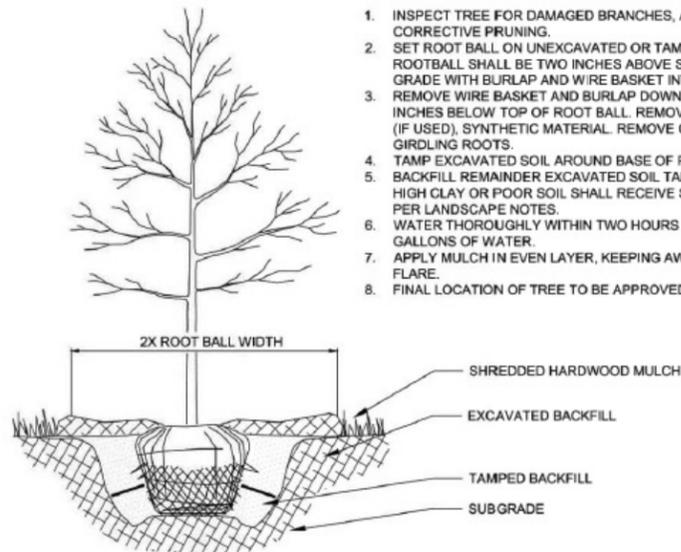
PLANT MATERIAL LIST			
KEY	QTY	NAME	SIZE
TREES			
AC	1	Amelanchier Canadensis	7'
AR	1	Acer 'Autumn Blaze' Maple	3"
MA	1	Malus 'Spring Snow' Crab	2"
SHRUBS			
BU	8	Buxus 'Green Velvet' Boxwood	15'
HY	2	Hydrangea P. 'Little Limelight'	#5
HQ	1	Hydrangea P. 'Little Quickfire'	#5
PA	1	Picea Abies 'Bird's Nest' Spruce	24"
RH	1	Rhododendron 'PJM'	24"
SP	4	Spirea 'Little Princess'	#3-18"
PERENNIALS			
HEM	5	Heemerocallis 'HappyReturns'	#1
NEP	3	Nepeta 'Junior Walker'	#1
PAC	70	Pachysandra Terminalis-18" Spacing	#1

**LANDSCAPING NOTES**

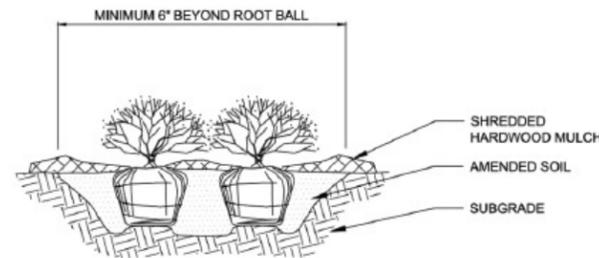
- Confirm Site Layout with Personal Builder prior to commencement of work
- Review Site Plan and confirm landscape plan conforms to grade
- Check for Final Grade Approval
- Grade yard to achieve settled slope of six inches of fall within 10 feet of foundation walls on all sides
- Keep grade below waterproofing line, if it exceeds, apply additional waterproofing agent as required
- Final grade of lawn shall be at the same elevation of all exterior concrete
- Rock hound all exterior yard areas and additionally removing all stones, debris, wood chips, roots and sticks
- Rototill planting beds
- Build up Plant beds with topsoil bed mix
- Install all plantings per specific plant installation specifications taking special note to depth, soil conditions, and sun/shade needs
- Stake all trees and confirm/maintain they are installed straight
- Install Mulch (confirm that no foreign substances, fungus, bacteria are present in product), at a depth of 2"
- Install topsoil prior to seed and straw
- Use a grass seed that is of high grade and confirmed to the conditions present such as sun/shade, soil type, etc.
- Use a layer of straw, then top with fiber wind blocking mesh for topping if seed planting
- If sod is determined in the contract, lay properly with recommended soil, no gaps, free of debris and weeds
- Roll Sod and water immediately after install
- Replace any splash blocks that were removed during install.
- Water all plants and grass areas immediately after planting
- Treat installed areas with approved and recommended starter fertilizer at time of install and as required to established growth
- Set up a temporary or permanent (as required) sprinkler system to ensure complete water coverage
- Monitor and maintain watering until growth is confirmed
- Remove all silt fence that is no longer required based on the local jurisdiction's rules
- Remove all trash, plant tags and unused material from site, clean all concrete and exterior, removing topsoil, rocks, debris, etc.
- Confirm site approval with Personal Builder
- Warranty: One-year, one-time replacement of all shrubs and trees (from install date). Grass to be installed and growing with no bare spots

**NOTES:**

1. INSPECT TREE FOR DAMAGED BRANCHES, APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL SHALL BE TWO INCHES ABOVE SURROUNDING GRADE WITH BURLAP AND WIRE BASKET INTACT.
3. REMOVE WIRE BASKET AND BURLAP DOWN FOUR TO SIX INCHES BELOW TOP OF ROOT BALL. REMOVE ALL TWINE AND (IF USED), SYNTHETIC MATERIAL. REMOVE OR CORRECT GIRDLING ROOTS.
4. TAMP EXCAVATED SOIL AROUND BASE OF ROOTBALL.
5. BACKFILL REMAINDER EXCAVATED SOIL TAMPED LIGHTLY. HIGH CLAY OR POOR SOIL SHALL RECEIVE SOIL AMENDMENT PER LANDSCAPE NOTES.
6. WATER THOROUGHLY WITHIN TWO HOURS USING 10 TO 15 GALLONS OF WATER.
7. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE.
8. FINAL LOCATION OF TREE TO BE APPROVED BY OWNER.



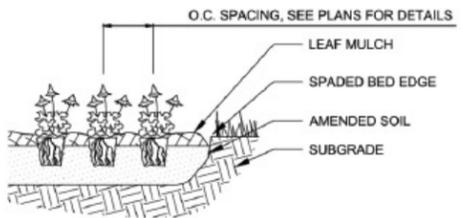
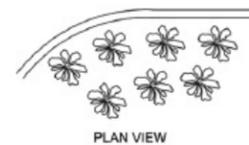
① TREE PLANTING



**NOTES:**

1. APPLY CORRECTIVE PRUNING.
2. SET ROOT BALL OR CONTAINER ON UNEXCAVATED OR TAMPED SOIL. TOP OF ROOTBALL (CONTAINER) SHALL BE ONE INCH ABOVE SURROUNDING GRADE. FOR LARGER SHRUBS WITHIN PLANTING BED DIG A DEEPER PIT ONLY FOR THOSE SHRUBS.
3. REMOVE BURLAP FROM TOP HALF THE LENGTH OF ROOTBALL. TWINE AND (IF USED) SYNTHETIC MATERIAL SHALL BE REMOVED FROM PLANTING BED. FOR CONTAINER GROWN SHRUBS, REMOVE CONTAINER AND LOOSEN ROOTS PRIOR TO INSTALLATION.
4. REMOVE OR CORRECT GIRDLING ROOTS.
5. PLUMB AND BACKFILL WITH AMENDED SOIL PER LANDSCAPE NOTES. WATER THOROUGHLY WITHIN TWO HOURS.
6. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE. MULCH LIMITS FOR SHRUBS EXTEND TO ALL LIMITS OF PLANTING BED, SEE PLANS FOR BED LAYOUTS.

② SHRUB PLANTING



③ PERENNIAL PLANTING

**NOTES:**

1. EXCAVATE PLANTING BED.
2. BED HEIGHT IS TO BE 2" ABOVE FINISH GRADE AND WELL DRAINED.
3. REMOVE CONTAINER. SCORE SOIL MASS TO REDIRECT AND PREVENT CIRCLING ROOTS. CORRECT GIRDLING ROOTS.
4. PLANT MATERIAL SHALL BE LAID OUT BY FOLLOWING THE BED EDGE, WORKING TOWARDS THE CENTER OF THE BED USING TRIANGULAR (STAGGERED) SPACING AS PLAUSIBLE.
5. PLUMB AND BACKFILL WITH PLANTING MIX AS SPECIFIED IN LANDSCAPE NOTES.
6. APPLY MULCH IN EVEN LAYER, KEEPING AWAY FROM ROOT FLARE. MULCH LIMITS FOR PERENNIALS/GROUNDCOVER EXTEND TO ALL LIMITS OF PLANTING BED, SEE PLANS FOR BED LAYOUTS.
7. SPACING TO BE AS SPECIFIED IN THE PLANT LIST. PERENNIALS SHALL BE PLACED WITH THEIR CENTER 24" FROM EDGE OF BED.

**Metro Manor - 3 Bedroom Plan  
Landscaping Plan**

3565 Ludgate Road  
PPN: 73522094  
Shaker Heights, OH 44120



B. R. Knez Construction, Inc.  
7555 Fredle Drive Suite 210  
Concord Township, OH 44077  
(440) 710-7711 Fax: 639-6485

DATE 05/13/2020	REVISED	DRAWING SIZE 11 x 17
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Per Architectural Review Date: April 20, 2020

Architectural Review Plan to Revision C April 25, 2020

Changed proposed building lot from 3593 to 3565 Ludgate Road

Updated to show all windows to have 3-1/2" exterior casing

Updated to provide 3-1/2" exterior casing on rear entry door

Layout Page Table

Title	Page
Presentation Page	1
Houses Near Proposed Building Site	2
Plan Data and Site	3
Front & Rear Elevations	4
Right Elevation	5
Left Elevation	6
Foundation Plan	7
Main Level	8
Upper Level	9
Detached Garage Elevations	10

EXISTING HOUSE  
3557 LUDGATE ROAD



EXISTING HOUSE  
3597 LUDGATE ROAD



VACANT LOT  
3561 LUDGATE ROAD



PROPOSED HOUSE  
3565 LUDGATE ROAD





Metro Manor - 3 Bedroom Plan  
Houses Near Proposed Building Site

3565 Ludgate Road  
PPN: 73522094  
Shaker Heights, OH 44120



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Concord Township, OH 44077  
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**METRO MANOR  
PLAN DATA**

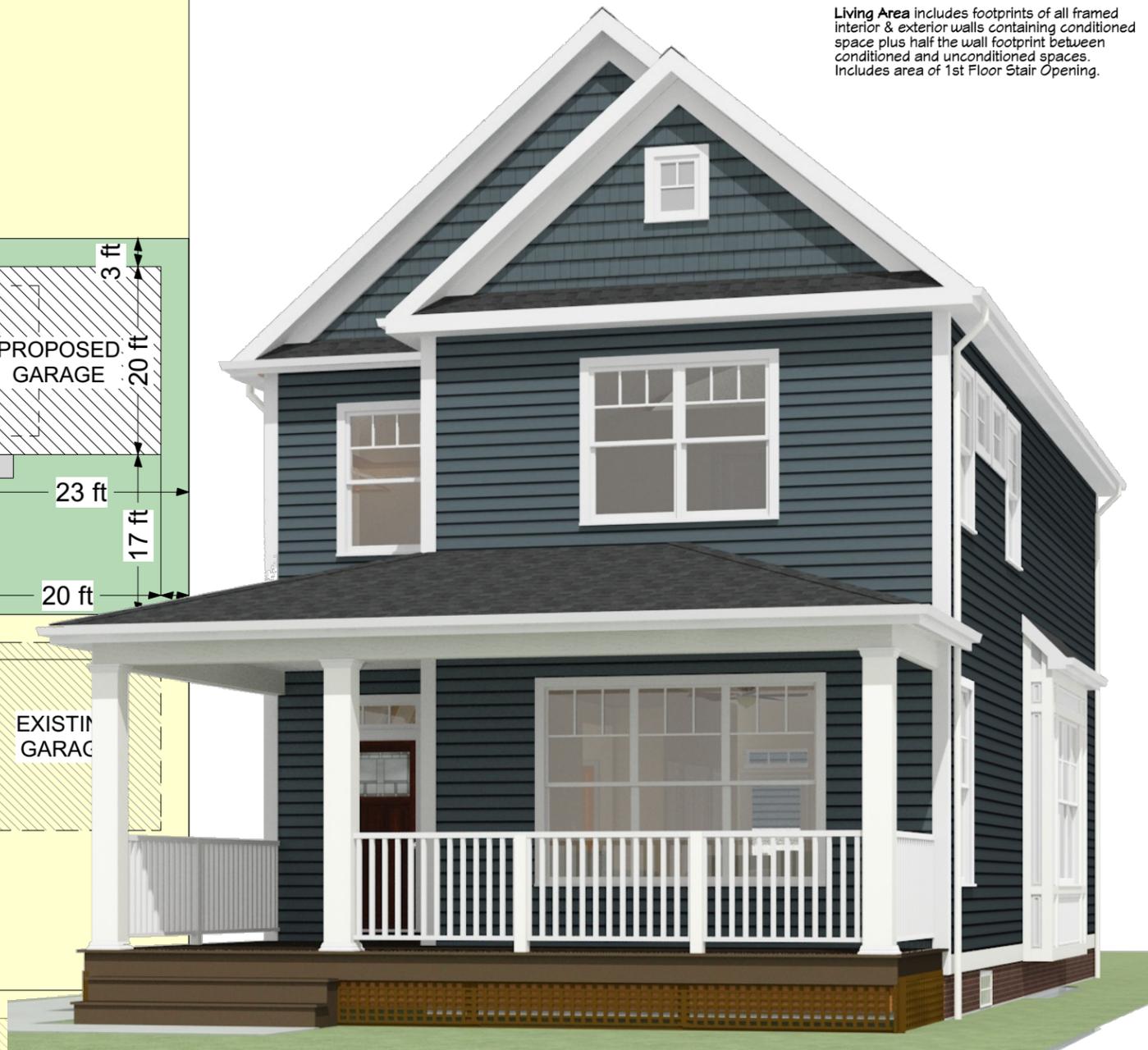
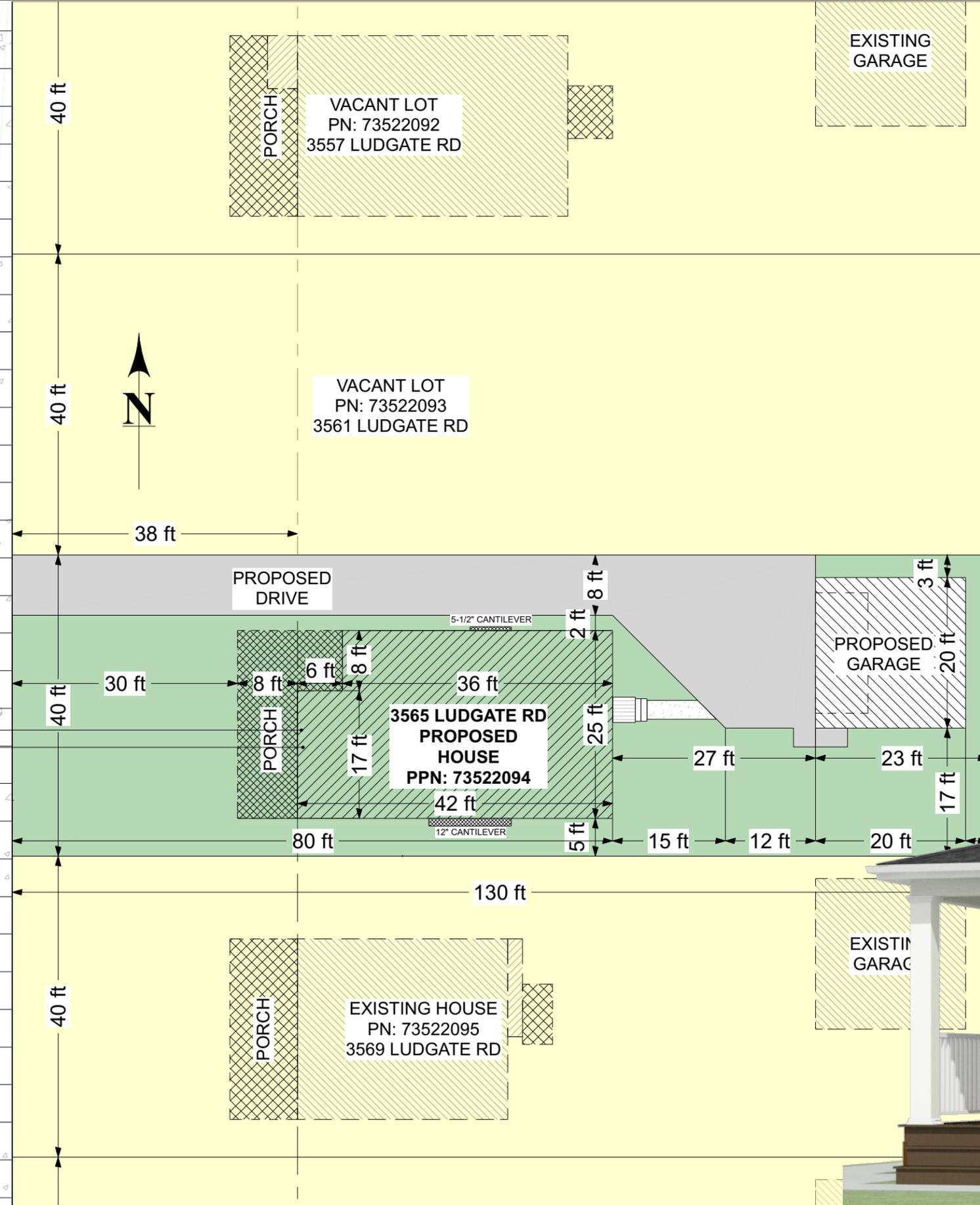
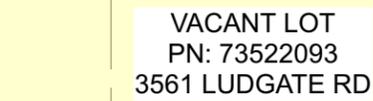
**Interior Area** (1876 sq ft)  
Main Level 943 sq ft  
Upper Level 933 sq ft

**Living Area** (1979 sq ft)  
Main Level 1016 sq ft  
Upper Level 963 sq ft

Main Level Wall Height 10'-1"  
Upper Level Wall Height 8'-1"  
Foundation 8' Walls  
Width 25 ft  
Depth 42 ft  
Bedrooms 3  
Full Bath 2-Upper  
Half Bath 1-Main  
Garage 2 car Detached

**Interior Area** includes all conditioned area inside of exterior finished walls & interior wall footprints. Includes Stair Opening areas.

**Living Area** includes footprints of all framed interior & exterior walls containing conditioned space plus half the wall footprint between conditioned and unconditioned spaces. Includes area of 1st Floor Stair Opening.



LUDGATE ROAD

COMBINED SEWER  
WATER



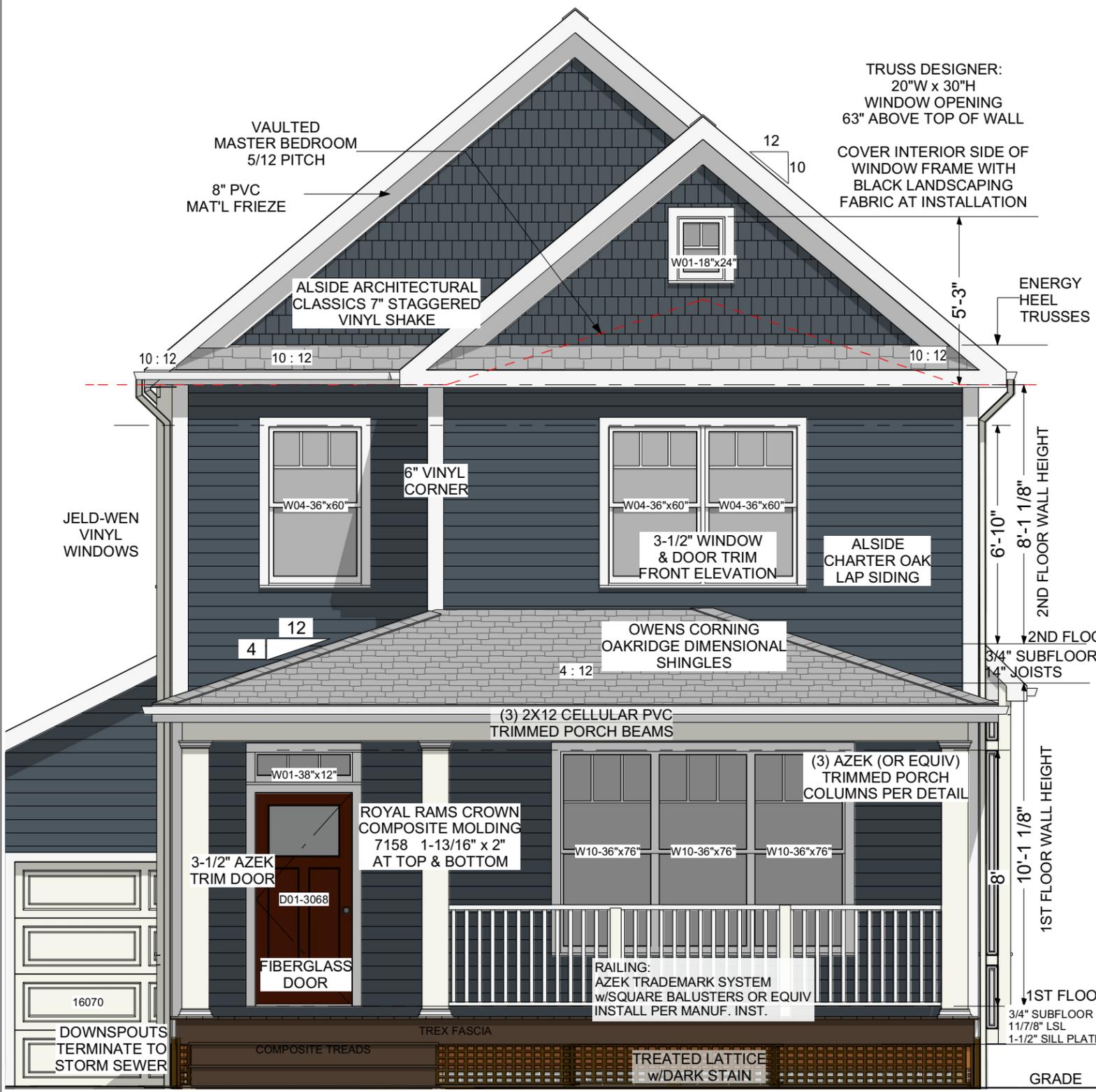
**Metro Manor - 3 Bedroom Plan**  
Plan Data and Site

3565 Ludgate Road  
PPN: 73522094  
Shaker Heights, OH 44120



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7555 Fredle Drive Suite 210  
Concord Township, OH 44077  
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**Metro Manor - 3 Bedroom Plan**  
**Front & Rear Elevations**

3565 Ludgate Road  
 PPN: T3522094  
 Shaker Heights, OH 44120



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Metro Manor - 3 Bedroom Plan  
Right Elevation

3565 Ludgate Road  
PPN: T3522094  
Shaker Heights, OH 44120



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DATE 04/13/2020	REVISED 04/25/2020	DRAWING SIZE 11 x 17 SHEET
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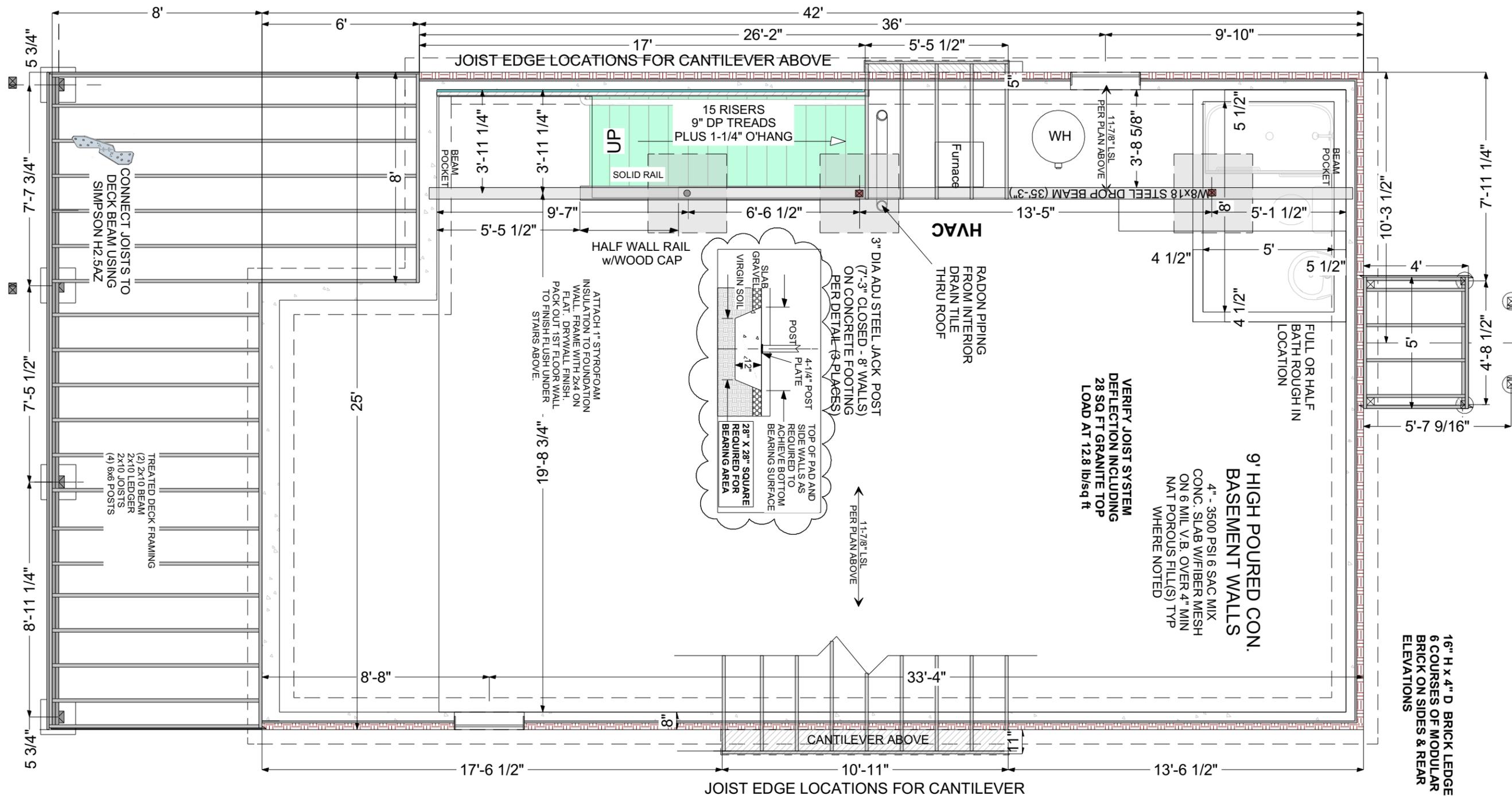
Metro Manor - 3 Bedroom Plan  
Left Elevation

3565 Ludgate Road  
PPN: T3522094  
Shaker Heights, OH 44120



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7555 Fredle Drive Suite 210  
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04/13/2020	04/25/2020	11 x 17
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Scale: 1/4 inch = 1 ft

**Metro Manor - 3 Bedroom Plan**  
**Foundation Plan**

3565 Ludgate Road  
 PPN: T3522094  
 Shaker Heights, OH 44120



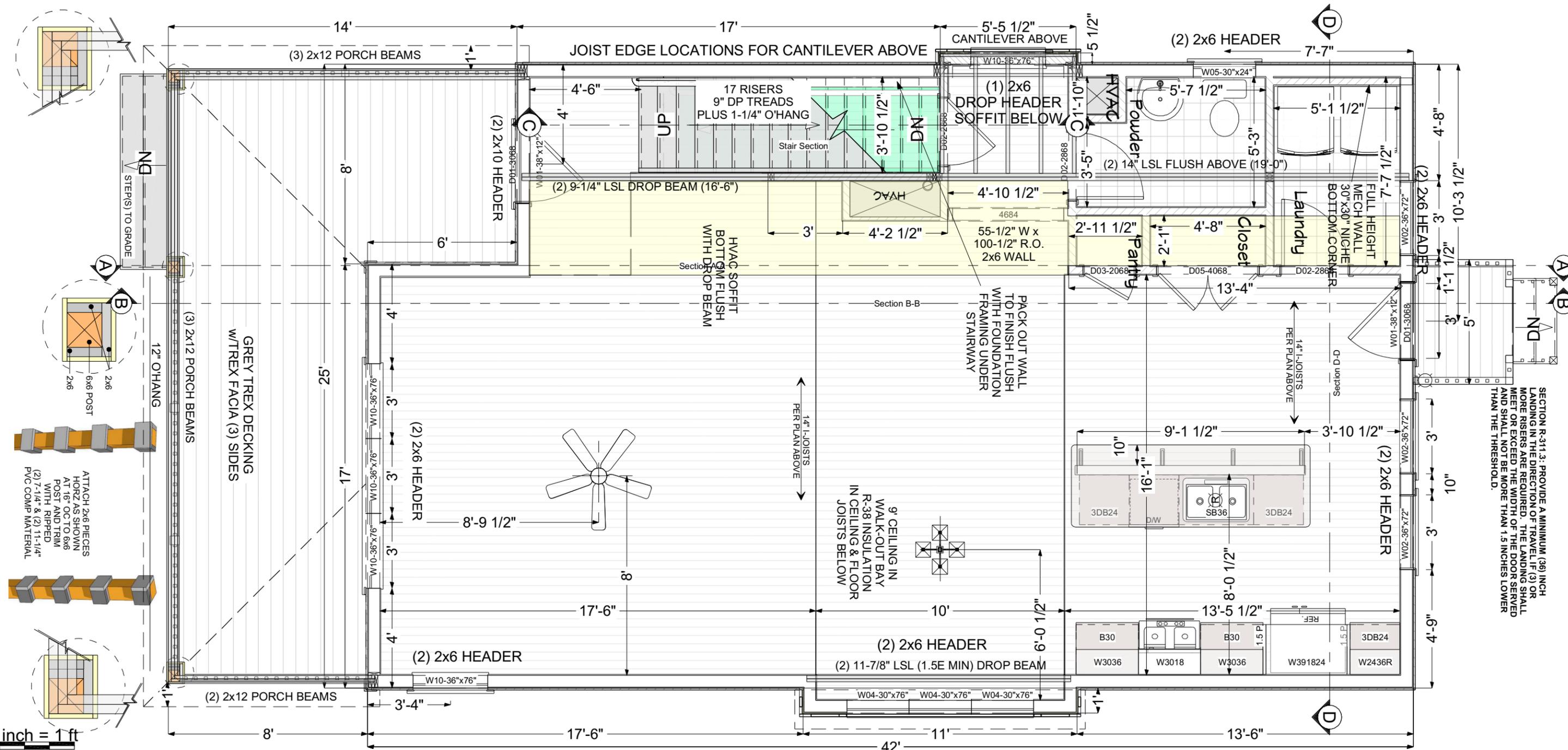
B. R. Knez Construction, Inc.  
 7555 Fredle Drive Suite 210  
 Concord Township, OH 44077  
 (440) 710-7711 Fax: 639-6485

DATE	REVIS	DRAWING SIZE
04/13/2020	04/25/2020	11 x 17
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1ST FLOOR DOOR SCHEDULE					
NO.	SIZE	QTY	W	H	COMMENTS
D01	3068	2	36"	80"	
D02	2868	3	32"	80"	
D03	2068	1	24"	80"	
D05	4068	1	48"	80"	

1ST FLOOR WINDOW SCHEDULE - JELD-WEN VINYL WINDOWS, FLAT CASING & INTERIOR DRYWALL RETURN					
LABEL	QTY	W	H	TOP	COMMENTS
W01-38"x12"	2	38"	12"	96"	
W02-36"x72"	3	36"	72"	96"	
W04-30"x76"	3	30"	76"	96"	FIXED
W05-30"x24"	1	30"	24"	96"	FIXED
W10-36"x76"	5	36"	76"	96"	FLAT CASE, MULL

All Windows LoE/Argon Filled. All Windows to have Integral J-Channel except for stone veneer and window wrap areas.  
 Window Manufacturer, Color, Jamb Treatment and other descriptions are found on the Specification Sheet. Mull Units and Insert Grids as shown in Elevation Views.  
 Windows shall comply with R612  
 Safety Glazing within 18" of floor, 24" of any door edge, within 60" of tub or shower floor, 60" of Stair Landing, or greater in size than 9 sq ft.



Scale: 1/4 inch = 1 ft

**Metro Manor - 3 Bedroom Plan**  
**Main Level**

3565 Ludgate Road  
 PPN: T3522094  
 Shaker Heights, OH 44120



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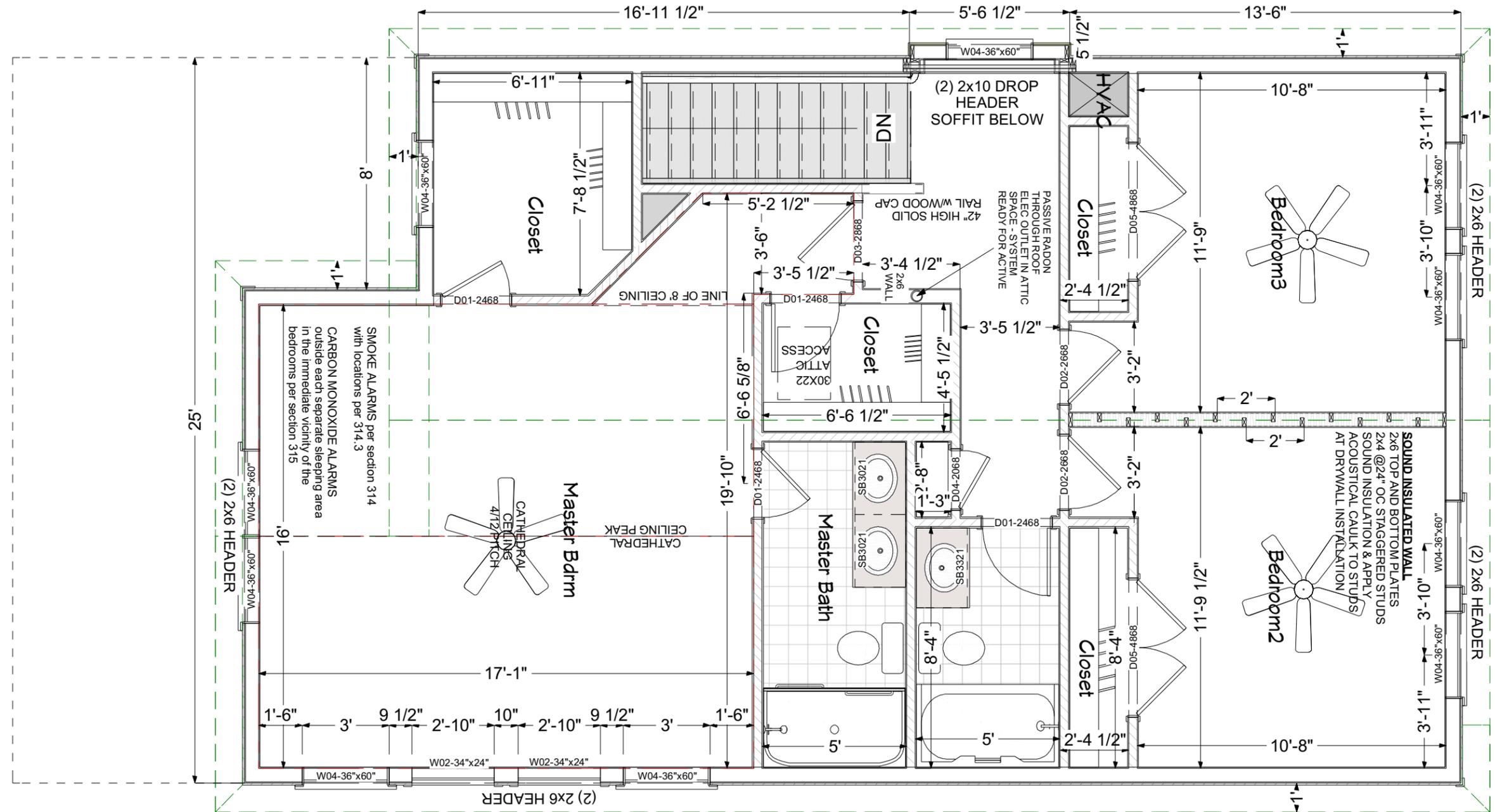
DATE 04/13/2020	REVISED 04/25/2020	DRAWING SIZE 11 x 17 SHEET
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2ND FLOOR DOOR SCHEDULE					
NO.	SIZE	QTY	W	H	COMMENTS
D01	2468	4	28"	80"	
D02	2668	2	30"	80"	
D03	2868	1	32"	80"	
D04	2068	1	24"	80"	
D05	4868	2	56"	80"	

2ND FLOOR WINDOW SCHEDULE, JELD-WEN VINYL WINDOWS, FLAT CASING & INTERIOR DRYWALL RETURN					
LABEL	QTY	W	H	TOP	COMMENTS
W02-34"x24"	2	34"	24"	82"	FIXED
W04-36"x60"	10	36"	60"	82"	FLAT CASE, MULL

ATTIC WINDOW SCHEDULE					
LABEL	QTY	W	H	TOP	COMMENTS
W01-18"x24"	1	18"	24"	63"	

All Windows LoE/Argon Filled. All Windows to have Integral J-Channel except for stone veneer and window wrap areas.  
 Window Manufacturer, Color, Jamb Treatment and other descriptions are found on the Specification Sheet. Mull Units and Insert Grids as shown in Elevation Views.  
 Windows shall comply with R612  
 Safety Glazing within 18" of floor, 24" of any door edge, within 60" of tub or shower floor, 60" of Stair Landing, or greater in size than 9 sq ft.



Scale: 1/4 inch = 1 ft

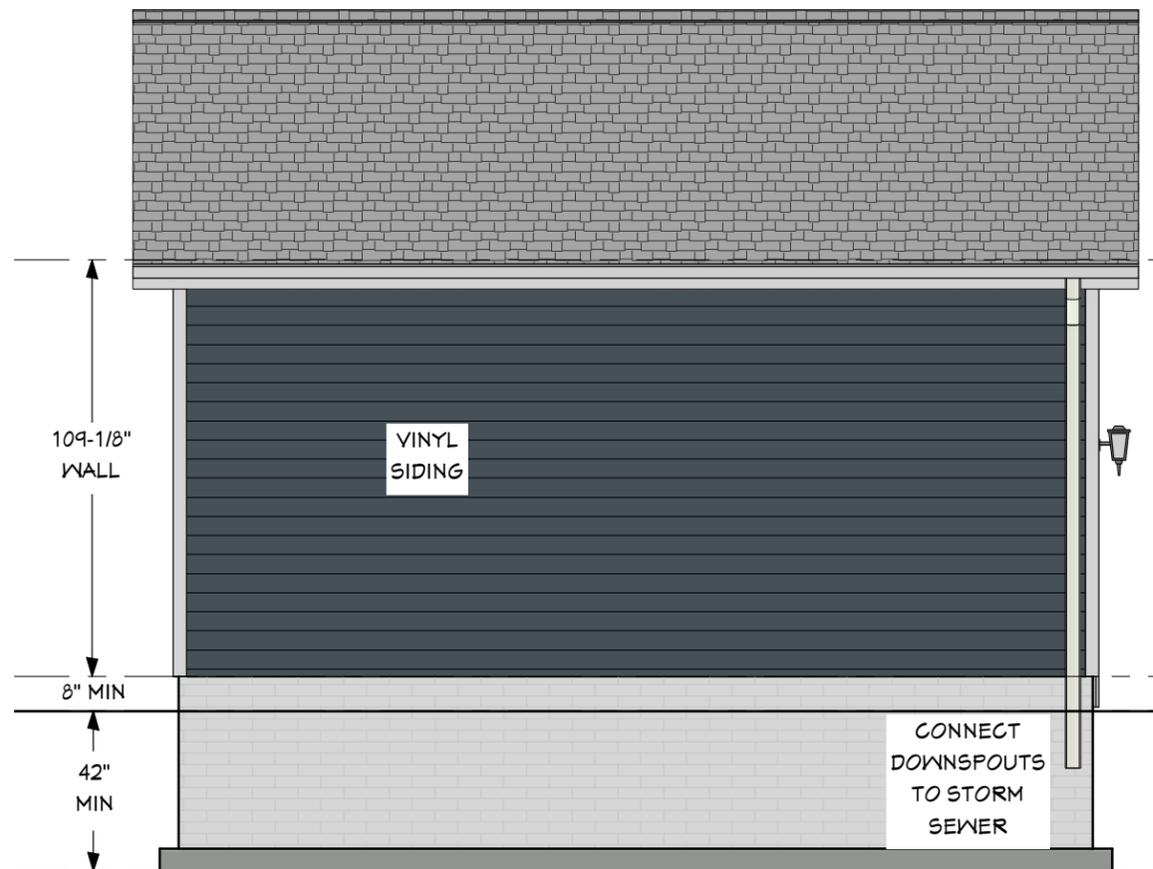
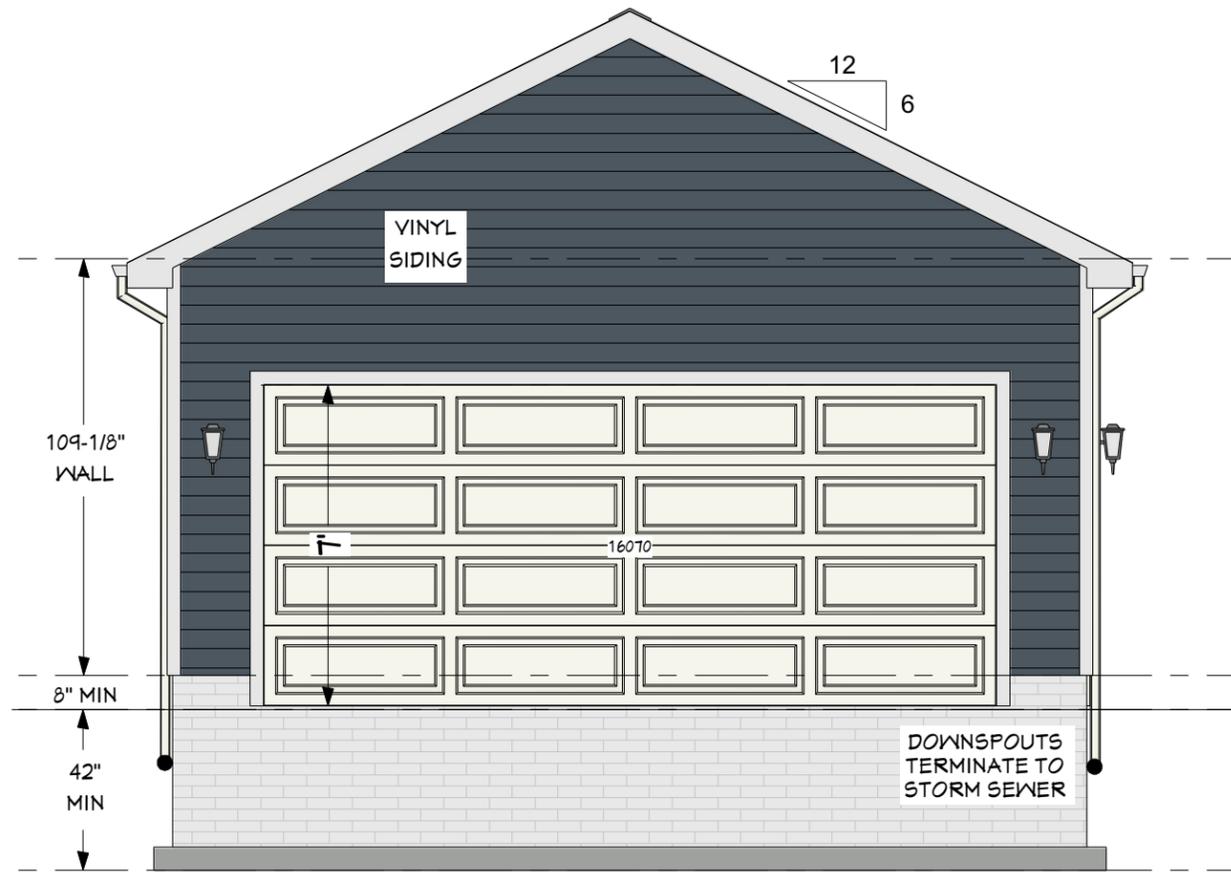
**Metro Manor - 3 Bedroom Plan**  
 Upper Level

3565 Ludgate Road  
 PPN: T3522094  
 Shaker Heights, OH 44120

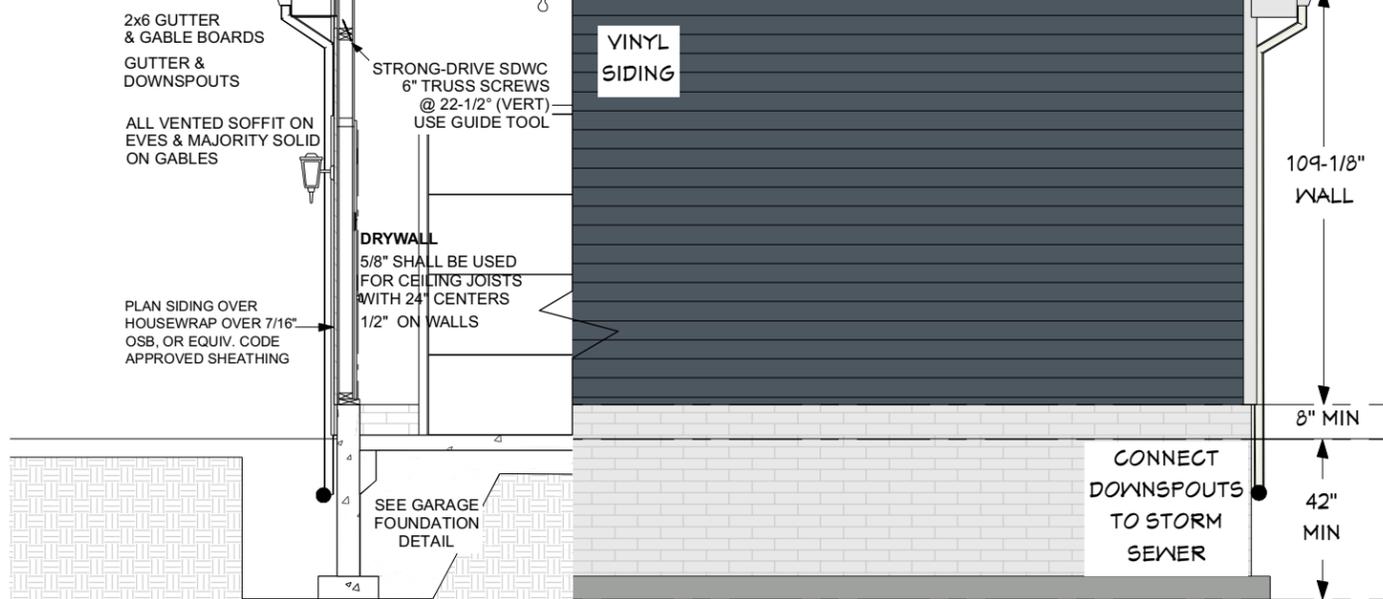


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DATE	REVISION	DRAWING SIZE
04/13/2020	04/25/2020	11 x 17 SHEET
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	ABR-C	



- SHINGLE INSTALLATION DETAIL:**
- 1st: ICE GUARD AT EAVES 2 TO 3" OVER FASCIA BOARD
  - 2nd: ICE GUARD IN VALLEYS
  - 3rd: ICE GUARD 18" UP ANY ROOF DECK PROTRUSION
  - 4th: DRIP EDGE AT EAVES
  - 5th: 15# FELT ON DECK
  - 6th: DRIP EDGE ON RAKES OVER FELT AND ICE GUARD
  - 7th: STARTER AND SHINGLES 3/4" MAX PAST DRIP EDGE
  - 8th: STEP FLASHING AND FLASHING ALONG ALL PROTRUSIONS
- 30 YEAR DIMENSIONAL SHINGLE ON 15# ROOFING FELT ON 7/16" OR APPROVED ROOF SHEATHING
- VENTILATED ROOF SYSTEM VENTED EVE SOFFITS & RIDGE VENT AT PEAKS
- PRE-ENGINEERED TRUSSES DESIGNED FOR 30 PSF SNOW



Scale: 1/4 inch = 1 ft



Metro Manor - 3 Bedroom Plan  
Detached Garage Elevations

3565 Ludgate Road  
PPN: T3522094  
Shaker Heights, OH 44120



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DATE 04/13/2020	REVISED 04/25/2020	DRAWING SIZE 11 x 17 SHEET
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# Board of Zoning Appeals City Planning Commission

June 2, 2020

# (O) Office Zoning Text Amendment

For amendments to the zoning ordinance text.

# Zoning Code Text changes:

Changes to Section 1230.03 Office Zoning District permitted uses and Section 1263.15.

Add to permitted uses Section 1230.03:

- D. Laboratories and research facilities, pursuant to Section 1263.15
- E. Limited production processing, pursuant to Section 1263.15

Amend Section 1263.15 to include

- **1263.15 LABORATORIES AND RESEARCH FACILITIES**
- Laboratories and Research Facilities and
- Limited Production/Processing Facilities **are permitted uses in the O Office district, and** may be granted a Conditional Use Permit in the C3 and CM Districts.

Applicant's Name: City of Shaker Heights Application No: \_\_\_\_\_

Property Address: \_\_\_\_\_ Parcel No: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant's Address 3400 Lee Road Phone No: \_\_\_\_\_

City: Shaker Heights State: OH Zip: 44125

Property Owner (if other than applicant) \_\_\_\_\_

Property Owner's Address (if different) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Zoning District: O - Office Present Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

CHECK INFORMATION ACCOMPANYING THIS APPLICATION

- Site Plan (to scale)
- Detail Drawings
- Landscape Plan
- Narrative Description
- Proof of Control (Option Lease Ownership)
- Product Information, etc.
- Other Descriptions or Materials as Appropriate
- Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA

1. VARIANCE (requires public hearing)

- Sign regulations
- Height Regulations
- Area and Yard Regulations
- Fence Regulations
- Off-street Parking

2. OTHER APPROVALS

- Appeal
- Other: \_\_\_\_\_

CPC

- Conditional Use Permit (requires public hearing)
- Planned Unit Development
- Site Plan Review
- Resubdivision of Land
- Amendment to Zoning Map or Ordinance
- Improvements to Public Land
- Other: \_\_\_\_\_

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

Amendment to Ordinance Sections 1230 and 1263.15

To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: *John M. Brown*

DATE: 05/18/2020

**ZONING TEXT AMENDMENT**  
**CHAPTER 1230 – OFFICE ZONING DISTRICT**  
Added language in red

**CHAPTER 1230**

**O Office District**

**1230.01 PURPOSE.**

The purpose of this district is to provide an environment for office and ancillary uses and facilities. This district should be located along major streets and function as a buffer between commercial and residential districts, where property size or other circumstances preclude commercial development adjacent to residential districts.

**1230.02 PLANNING AND ZONING CODE 114**

**1230.02 LOCATION OF DISTRICT.**

An O Office District should be located as a buffer between uses of substantially different character or intensity.

**1230.03 PERMITTED USES**

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

- A. Medical offices and clinics for the treatment and aid of humans.
- B. Offices.
- C. Parks and playgrounds, public.
- D. Laboratories and research facilities, pursuant to Section 1263.15
- E. Limited production processing, pursuant to Section 1263.15

**1263.15 LABORATORIES AND RESEARCH FACILITIES**

Laboratories and Research Facilities and Limited Production/Processing Facilities are permitted uses in the O Office district, and may be granted a Conditional Use Permit in the C3 and CM Districts..

- A. Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.
- B. Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.
- C. Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping. (Ord. 13-16. Passed 5-28-13.)



## NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by the City of Shaker Heights, 3400 Lee Road, to the City Planning Commission for amendments to the zoning ordinance text. Revisions are proposed to the regulations in Section 1230, the Office (O) zoning district. Revisions are proposed to the Permitted Use Section 1230.03 and to Section 1263.15 to add laboratories and research facilities and limited production/processing as permitted uses. The City Planning Commission reviews and makes recommendations to City Council on all zoning ordinance amendments.

The City Planning Commission will hold a Public Hearing on said application on **Tuesday, June 2, 2020 at 7:00 p.m.** via conference call. Please see the note below in regard to being heard with respect to this application.

The proposed amendments will be posted the Friday before the meeting date for public review online at <https://www.shakeronline.com/AgendaCenter>. Online plans and information are posted at the latest the Friday before the meeting date.

---

Dan Feinstein  
Secretary  
City Planning Commission

*To request an accommodation for a person with disability, call the City's ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.*

**Please Note: For the safety of our staff and residents, the public will not be permitted to attend this meeting in person, but live audio will be available to the public on a listen-only basis. Residents are encouraged to submit comments/questions regarding items on the agenda at least 12 hours in advance of the meeting by emailing [daniel.feinstein@shakeronline.com](mailto:daniel.feinstein@shakeronline.com) or by calling (216) 491-1435. Any comments or questions will be read into the record at the meeting.**

**You may listen to the meeting live that evening by calling 1-877-837-3954 and entering code 159 6547. The audio of the meeting will be available the following day on the City's [website](#).**

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

---

**ADDRESS:**

**Zoning Text Amendment  
City of Shaker Heights**

**HEARING DATE:**

June 2, 2020

**SUMMARY:**

**Public Hearing on zoning text amendments to revise Chapter 1230, Office zoning district and Section 1263.15 to add laboratories and research facilities and limited production/processing as permitted uses.**

**STAFF POSITION:**

- Staff suggests a recommendation of approval to City Council based on:
  - Laboratories and research facilities and limited production/processing uses have been existing listed conditional uses in the C-3 and CM commercial zoning districts with no issues.
  - The Office zoning district is of limited geographical scope in the city mainly on Warrensville Center Road and on Chagrin Boulevard near the eastern city line.
  - The Office district is situated just as proximate to residential zoning as the C-3 and CM Commercial zoning districts.
  - Laboratories and research facilities and limited production/processing uses will not conflict with other permitted uses in the Office zoning district, which include office, medical office and public parks.
  - These uses are conditional uses in the commercial zoning districts as those districts allow a mix of uses including residential uses in the same building.
  - It is in the city's interest to allow businesses the flexibility to consolidate operations to include mixes of office, laboratory, research, production and processing on the same property in the city.
  - It is in the city's interest and public good to have and regulate both laboratories, research, and limited production/processing uses.
  - It is in the city's interest and public good to add additional permitted uses to the Office zoning district to provide a flexible and vibrant list of uses in the Office zoning district as business adapt to the changing economy.
  - The zoning ordinance change is for the public good and is consistent with the city's adopted land use plans and the purposes of the zoning ordinance.
  - The proposed changes to the text are in furtherance of the purposes of the zoning code as follows:
    - Laboratories and research and limited production and processing are existing commercial uses that are consistent with other uses allowed in the existing office zoning districts.
    - The proposed changes will have minimal effects of the use on adjacent property values, use and enjoyment of neighboring property.
    - The proposed changes do not affect orderly development.
    - The proposed text changes do not affect adequate utilities or essential public services.
    - Laboratories and research and limited production/processing have been and continue to be suitable uses allowed in commercial zoning districts.

**ACTION:**

- Recommendation to Council to revise the O Office zoning district list of permitted uses.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

**Continued  
ADDRESS:**

**Zoning Text Amendment  
City of Shaker Heights**

**HEARING DATE:**

June 2, 2020

**FACTS:**

1. The city proposes text amendments to two sections of the zoning code that include the permitted uses in the Office zoning district.
2. The changes to the Office zoning district permitted use Section 1230.03 include:
  - a. Add laboratories and research facilities.
  - b. Add limited production/processing.
3. The changes to the Conditional Use Section 1263.15 which regulates these uses include to add it as permitted uses in the Office district.
4. Trends in office type uses include elements of these types of uses as part of the overall business. These amendments allows a business with both of these types of uses to combine their operations and locate on one property rather than on two separate zoning districts in the city.
5. This creates a more flexible and wider tenant list for parcels in the Office zoning district.

**CODE SECTIONS:**

1. 1213.07 – Amendments to the zoning text require a public hearing and recommendation from the City Planning Commission, as well as a public hearing and three (3) readings before Council.
2. Chapter 1230.03 – Office zoning district permitted uses.
3. Section 1263.15 – Conditional Uses – Add wording to include these uses as permitted in the Office district and regulated by these provisions.

**OTHER ISSUES:**

1. The Office zoning district is limited in geographical scope in the city mostly on Warrensville Center Road south of Chagrin and on Chagrin east of Warrensville Center.
2. The other commercial zoning districts that include these uses allow a mix of uses that includes residential uses in the same building, which is why laboratories and limited production are conditional uses in those districts. The Office district does not allow residential uses nor does it allow a wide mix of permitted uses. Permitted uses include only office, medical office and public parks.
3. A zoning text amendment review process includes:
  - a. Public Hearing by the City Planning Commission. City Planning Commission makes a recommendation to Council; and
  - b. Council holds three (3) readings on the amendment including another Public Hearing.
4. Laboratories and research facilities and limited processing/production uses have been conditionally allowed uses in the CM Commercial Mixed Use and C-3 Business Commercial zoning districts.
5. Examples of these types of combined and biotech type businesses approved in the city include:
  - a. CTL Cellular Technology Limited at 20521 Chagrin in the CM Commercial Use zoning district.
  - b. MWW1, a prototype, engineering, processing and office use in the C-3 Business Commercial zoning district.
  - c. LaunchHouse/The Dealership, a shared use facility with a combination office, prototype design, creation, production and assembly uses.

**The City of Shaker Heights  
Board of Zoning Appeals and City Planning Commission**

**STAFF REPORT**

---

**Continued  
ADDRESS:**

**Zoning Text Amendment**  
City of Shaker Heights

**HEARING DATE:**

June 2, 2020

**PRECEDENT:**

1. Zoning Code Re-write in 1995 – The entire code was re-written with extensive public input.
2. Zoning Text amendments to Sections referencing Small Lot Infill Development (SLID).
3. Zoning Text Amendments to Sections referencing CM Commercial Mixed Use zoning district sign regulations and the Landmark Commission process.
4. Zoning Text Amendments to Sections referencing Planned Unit Development (PUD). The lot size, density and other development standards were changed to reflect the type and size of development in the City.
5. Zoning Text Amendments to the CM Commercial Mixed Use zoning district. There were several new conditional use categories added to the district to allow more flexibility.
6. Zoning Text Amendments to the C-3 Business Commercial zoning district for a conditional use for self storage.
7. Zoning Text Amendments – Eliminated City Planning Commission Board Member compensation.
8. Zoning Code Text and Map Amendments to create the CM Commercial Mixed Use district in 2003.

**ZONING TEXT AMENDMENT**  
**CHAPTER 1230 – OFFICE ZONING DISTRICT**  
Added language in red

**CHAPTER 1230**

**O Office District**

**1230.01 PURPOSE.**

The purpose of this district is to provide an environment for office and ancillary uses and facilities. This district should be located along major streets and function as a buffer between commercial and residential districts, where property size or other circumstances preclude commercial development adjacent to residential districts.

**1230.02 PLANNING AND ZONING CODE 114**

**1230.02 LOCATION OF DISTRICT.**

An O Office District should be located as a buffer between uses of substantially different character or intensity.

**1230.03 PERMITTED USES**

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

- A.** Medical offices and clinics for the treatment and aid of humans.
- B.** Offices.
- C.** Parks and playgrounds, public.
- D.** Laboratories and research facilities, pursuant to Section 1263.15
- E.** Limited production processing, pursuant to Section 1263.15

**1263.15 LABORATORIES AND RESEARCH FACILITIES**

Laboratories and Research Facilities and Limited Production/Processing Facilities **are permitted uses in the O Office district, and** may be granted a Conditional Use Permit in the C3 and CM Districts..

- A.** Such uses shall not create a nuisance in terms of their smell, noise, or any other reason, shall comply with the applicable Codes of the City of Shaker Heights and shall be further regulated pursuant to Section 1260.06, Environmental Performance Standards, of this Zoning Ordinance.
- B.** Such uses shall be buffered with landscaping pursuant to Section 1253.09, Landscape Buffers and Screening. Where abutting residential districts, such buffer shall include a solid brick wall of at least six (6) feet in height.
- C.** Parking lots shall be landscaped pursuant to Section 1253.08, Parking Lot Landscaping. (Ord. 13-16. Passed 5-28-13.)



### **TITLE THREE - Commercial District Regulations**

- Chap. 1230. O Office District.  
 Chap. 1231. C1 Limited Commercial District.  
 Chap. 1232. C2 General Commercial District.  
 Chap. 1233. C3 Business Commercial District.  
 Chap. 1234. CM Commercial Mixed Use District.

#### **CHAPTER 1230 O Office District**

<b>1230.01</b>	<b>Purpose.</b>	<b>1230.10</b>	<b>Maximum height.</b>
<b>1230.02</b>	<b>Location of district.</b>	<b>1230.11</b>	<b>Maximum lot coverage.</b>
<b>1230.03</b>	<b>Permitted uses.</b>	<b>1230.12</b>	<b>Location of accessory uses and structures in required yards.</b>
<b>1230.04</b>	<b>Conditional uses.</b>	<b>1230.13</b>	<b>Allowable encroachments and distance.</b>
<b>1230.05</b>	<b>Accessory uses and structures.</b>	<b>1230.14</b>	<b>Site plan review.</b>
<b>1230.06</b>	<b>Minimum lot area.</b>		
<b>1230.07</b>	<b>Minimum lot width.</b>		
<b>1230.08</b>	<b>Minimum yard requirements.</b>		
<b>1230.09</b>	<b>Minimum landscaped area.</b>		

#### **CROSS REFERENCES**

- Sign regulations in commercial districts - see P. & Z. 1250.07  
 Off-street parking in commercial districts - see P. & Z. Table 1251.02  
 Landscape buffering and screening regulations - see P. & Z. 1253.09  
 Temporary uses - see P. & Z. Ch. 1261  
 Accessory uses and structures - see P. & Z. Ch. 1262  
 Permitted outdoor business activities - see P. & Z. 1260.02

#### **1230.01 PURPOSE.**

The purpose of this district is to provide an environment for office and ancillary uses and facilities. This district should be located along major streets and function as a buffer between commercial and residential districts, where property size or other circumstances preclude commercial development adjacent to residential districts.

**1230.02 LOCATION OF DISTRICT.**

An O Office District should be located as a buffer between uses of substantially different character or intensity.

**1230.03 PERMITTED USES**

The following are permitted uses in the O Office District, pursuant to any additional standards set forth herein.

- A. Medical offices and clinics for the treatment and aid of humans.
- B. Offices.
- C. Parks and playgrounds, public.

**1230.04 CONDITIONAL USES.**

Conditional Uses are those uses having some special impact or uniqueness that requires a careful review of their location, design, configuration, and special impact to determine the desirability of permitting their establishment on any given site. Permits for Conditional Uses may be granted pursuant to the requirements of Section 1213.05, Conditional Uses. General Standards for conditional use permits are found in Section 1213.05.H, Standards for Conditional Use Permits. Standards for specific conditional uses may be found in Chapter 1263, Conditional Uses or elsewhere as referenced herein.

In order to provide an appropriate environment for office and ancillary uses and facilities, the following may be permitted only as Conditional Uses in the O Office District:

- A. Assembly Halls.
- B. Colleges.
- C. Drive through facilities, pursuant to section 1263.10.
- D. Libraries.
- E. Mid-rise office development, pursuant to Section 1263.16.
- F. Museums.
- G. Places of Worship
- H. Planned Unit Developments, pursuant to Section 1213.09, Planned Development Review and Chapter 1242, Planned Unit Development Overlay District.
- I. Restaurants, sit-down.
- J. Utilities (including substations, transmission facilities and related facilities).  
(Ord. 18-25. Enacted 4-23-18.)

**1230.05 ACCESSORY USES AND STRUCTURES.**

A. All general standards for Accessory Uses and Structures and additional standards for specific Accessory Uses and Structures are found in Chapter 1262, Accessory Uses and Structures.

B. The following are permitted Accessory Uses and Structures in the O Office District:

1. Antennae, master radio, television and other telecommunications equipment, pursuant to Section 1262.02.
2. Day Care Centers, Child, pursuant to Section 1263.09.
3. Fences and Walls, pursuant to Section 1262.05.
4. Heating, ventilating and air conditioning equipment, motorized, pursuant to Section 1262.08.

5. Landscape features (including gardens, fountains, sidewalks, and lawns, but excluding fences and walls).
6. Loading, off-street, in rear yard only, pursuant to Chapter 1252, Off-Street Loading Regulations.
7. Maintenance, Storage, Utility and Waste Disposal Facilities, only if totally enclosed. Utility lines shall be entirely enclosed or buried for all new construction.
8. Ornamental Structures, in rear or side yard only, pursuant to Section 1262.10.
9. Outdoor Dining, accessory to a sit-down restaurant, located behind the building setback line, pursuant to Section 1262.11.
10. Parking, off-street, and Driveways, pursuant to Chapter 1251, Off-Street Parking Regulations.
11. Parking Structures, pursuant to Section 1262.12.
12. Recreational facilities, indoor, private.
13. Recreational structures, accessory to a Child Day Care Center, in rear yard only, pursuant to Section 1262.13.
14. Retail establishments including but not limited to bakeries, candy shops, clothing and shoe stores, camera and film processing shops, florists, jewelry stores, drug stores and gift shops.
15. Service establishments including but not limited to laundry and dry cleaning facilities, beauty salons and barber shops, travel agencies, shoe repair shops, banks and other financial institutions.
16. Signage, pursuant to Chapter 1250, Sign Regulations.

**1230.06 MINIMUM LOT AREA.**

The minimum lot area in the O Office District shall be fifteen thousand (15,000) square feet.

**1230.07 MINIMUM LOT WIDTH.**

**A. Standard Requirement.** The minimum lot width shall be one hundred (100) feet.

**B. Mid-Rise Office Requirements.** Standards for Mid-Rise Office developments are located in Section 1263.16, Mid-Rise Office Development.

**1230.08 MINIMUM YARD REQUIREMENTS.**

**A. Front Yard.** Each principal building shall have a front yard setback from the public right-of-way not less in depth than the setback line for its lot as shown on the zoning map. However, no front yard setback shall be less than one-half (1/2) the height of the principal building.

**B. Side Yards.**

1. **General Requirements.** Each side yard shall be no less than one-half (1/2) the height of the principal building. Mid-Rise Office standards are located in Section 1263.16, Mid-Rise Office Development.

2. **Corner Lots.** On a corner lot, the exterior side yard shall be no less than the greater of the following:
    - a. The required setback as shown on the zoning map
    - b. One-half (1/2) the height of the principal building
    - c. The standards for conditional use Mid-Rise Office developments as located in Section 1263.16, Mid-Rise Office Development.
  3. **Transitions With Residential Districts.** Side yards abutting any residential district shall be no less than forty (40) feet. In addition to this increased setback, a landscaped buffer of at least five (5) feet shall also be provided.
- C. **Rear Yard.** Each office development shall maintain a rear yard setback as follows:
1. **General Requirements.** The rear yard shall be no less than ten (10) feet.
  2. **Transitions with Residential Districts.** Rear yards abutting any residential district shall be no less than forty (40) feet and shall include an appropriate landscape buffer. For rear lot lines which abut a SF or TF district, such buffer shall be a minimum of twenty (20) feet in width.

#### **1230.09 MINIMUM LANDSCAPED AREA.**

Grassy yards and landscaped areas shall total no less than twenty percent (20%) of the lot area. This required amount of landscaping may include required yards, lawns, patios, rooftop gardens and parking garage roofs which are covered and maintained with earth and grass or other suitable landscaping features.

#### **1230.10 MAXIMUM HEIGHT.**

A. **Principal Buildings.** The maximum height of a principal structure in the O Office District shall not exceed thirty-five (35) feet above finished grade.

B. **Mid-rise Office Conditional Use.** Standards for conditional use Mid-Rise Office Development are located in Section 1263.16, Mid-Rise Office Development.

C. **Relationship to Lot Width.** No building shall be higher than twice the width of the lot on which the building is located.

D. **Rooftop Mechanical Equipment.** Rooftop mechanical housing and equipment may extend up to ten (10) feet above the maximum height limit and shall be designed as an integral part of the principal building or concealed with similar architectural treatment and materials as the exterior of the building.

#### **E. Accessory Uses and Structures.**

1. **General Requirements.** Pursuant to Chapter 1262, Accessory Uses and Structures.
2. **Mid-rise Office Conditional Use.** Standards for conditional use Mid-Rise Office development are located in Section 1263.16, Mid-Rise Office Development.

**1230.11 MAXIMUM LOT COVERAGE.**

The surface coverage of all above grade structures on a lot shall be no greater than sixty percent (60%) of the lot area.

**1230.12 LOCATION OF ACCESSORY USES AND STRUCTURES IN REQUIRED YARDS.**

The location of Accessory Uses and Structures in required yards shall be regulated pursuant to Chapter 1262, Accessory Uses and Structures.

**1230.13 ALLOWABLE ENCROACHMENTS AND DISTANCE.**

Allowable encroachments into the yards are listed in Table 1260.04, Allowable Encroachments.

**1230.14 SITE PLAN REVIEW.**

No building permit may be issued without first adhering to the site plan review standards set forth in Section 1213.06, Site Plan Review. Additionally, the following requirements shall be observed:

- A. The location, relation and separation of uses and buildings shall be designed and constructed so as to provide compatible utilization and functioning of all uses.
- B. The principal buildings shall be separated from other site uses according to the following schedule:
  1. Accessory Buildings = Ten (10) feet unless attached.
  2. Other principal buildings = Twenty (20) feet unless attached.
- C. Maintenance, utility, and waste disposal facilities must be located entirely within a principal building or parking structure.



# SHAKER HEIGHTS

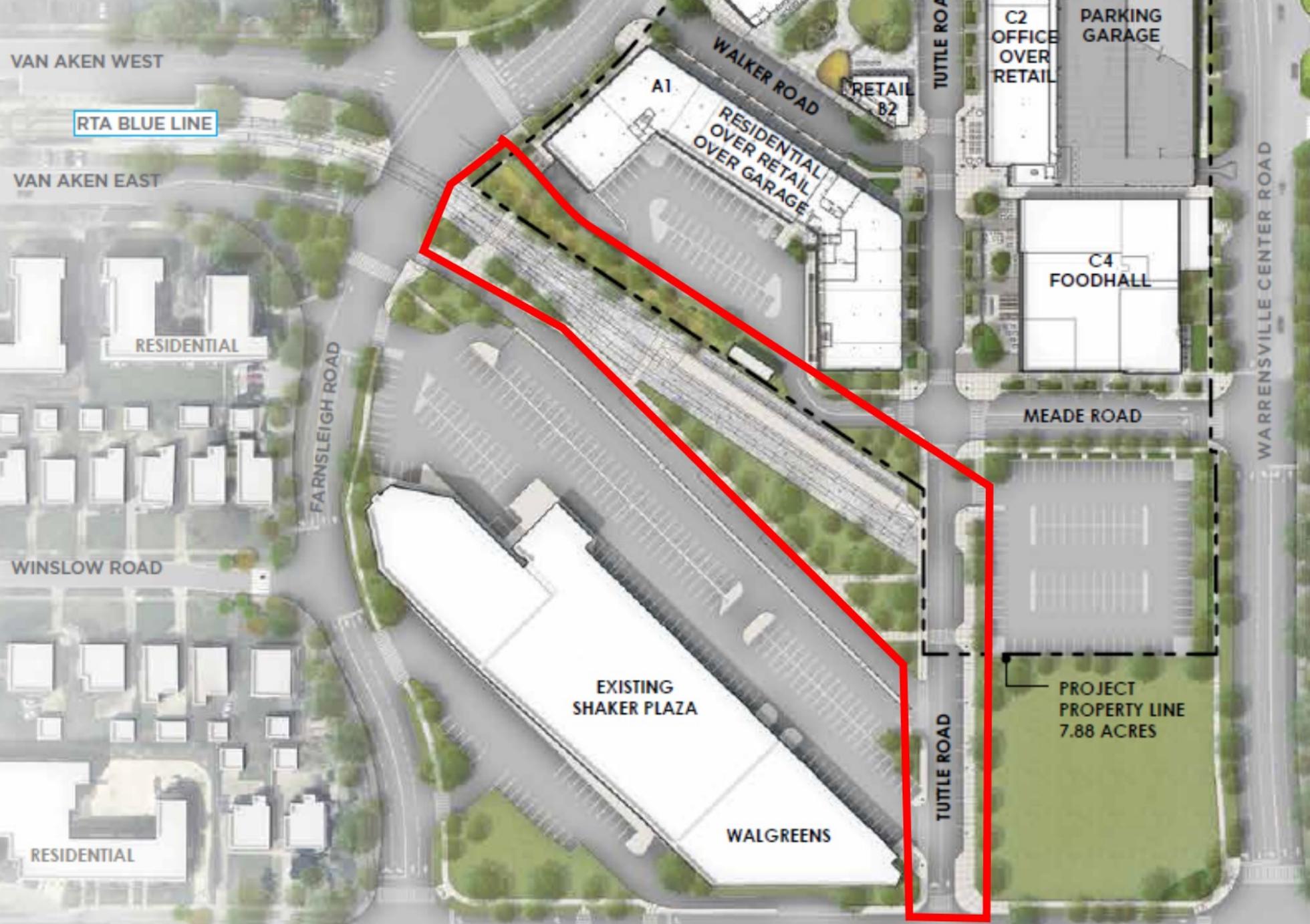
## Office District Amendment Schedule

The proposed amendment to the Office Zoning District are to be reviewed by the City Planning Commission and City Council. The review process is:

- City Planning Commission—Recommendation to City Council
  - Public Hearing required with a 20-day notice.
- City Council—Approval
  - 3 readings and a Public Hearing required with a 20-day notice

### Schedule

Meeting	Date	Action	Public Hearing Notice distribution date
CPC Public Hearing	June 2	Recommend	May 12 deadline for 5/14 Sun Press
Council	June 8	1 <sup>st</sup> reading	None
Council	June 15	2 <sup>nd</sup> reading	none
<b>Council Public Hearing</b>	<b>June 22</b>	<b>3<sup>rd</sup> reading Public Hearing</b>	<b>May 26 deadline for 5/28 Sun Press</b>



RTA BLUE LINE

VAN AKEN WEST

VAN AKEN EAST

WINSLOW ROAD

FARNSEIGH ROAD

WALKER ROAD

TUTTLE ROAD

C2 OFFICE OVER RETAIL

PARKING GARAGE

RETAIL 82

A1

RESIDENTIAL OVER RETAIL OVER GARAGE

C4 FOODHALL

MEADE ROAD

WARRENSVILLE CENTER ROAD

RESIDENTIAL

RESIDENTIAL

EXISTING SHAKER PLAZA

WALGREENS

PROJECT PROPERTY LINE 7.88 ACRES

TUTTLE ROAD