



SHAKER HEIGHTS

Board of Zoning Appeals & City Planning Commission Agenda Via Video and Audio Conference Due to COVID-19 Public Health Emergency Tuesday, August 4, 2020 7PM

For the safety of staff and residents, in-person attendance is not permitted. Join the Zoom meeting from a PC, Mac, iPad, iPhone or Android device. Join online to listen and watch at <https://zoom.us/j/99656786876?pwd=OU53V016QnNpeVFYR1k0aHQxc0pMQT09>, Password: 33553400, Description: Board of Zoning Appeals and City Planning Commission Meeting; or join by phone to listen at 833-548-0282 (toll free); Webinar ID: 996 5678 6876, Password: 33553400.

Residents may submit comments/questions regarding items on the agenda at least 6 hours in advance of the meeting by emailing Daniel Feinstein at daniel.feinstein@shakeronline.com; or by calling (216) 491-1435. Any comments or questions will be read into the record at the meeting. The audio of the meeting will be available the following day on the City's website.

1. Roll Call.
2. Approval of Minutes from the July 7, 2020 meeting.

BOARD OF ZONING APPEALS

#2072. Jolly Residence - 23150 Shaker Boulevard:

Public Hearing on the request of Emmitt Jolly, 23150 Shaker Boulevard, 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 6-foot tall ornamental aluminum fence on this corner lot at Shaker Boulevard and Hardwick Road. The brown ornamental aluminum fence is proposed to be located 12 feet behind the Hardwick Road 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 Hardwick Road is set back 40 feet. The fence is proposed to enclose the rear yard and the Hardwick Road side yard for the safety of the Applicant's Great Dane dog. Code allows a 3-foot tall fence in a corner side yard. The fence is proposed to be located behind existing evergreen and deciduous shrubs and trees, in addition to a row of irises proposed in front of the fence.

Documents:

[2072 23150 SHAKER - FENCE.PDF](#)

CITY PLANNING COMMISSION

#2073. Yépez Residence - 3558 Winchell Road:

Public Hearing on the request of the City of Shaker Heights, representing Dylan and Ricardo Yépez, 3558 Winchell Road, to the City Planning Commission for subdivision of land in order to join a city-owned vacant lot with the property on which the Yépez home is located. The Yépez's are purchasing the vacant lot next door. The house parcel (736-20-088) is proposed to be combined with the vacant adjacent lot (736-20-089). The Yépez's propose to integrate the vacant lot into their yard with a fence and a patio. This combined lot meets code requirements in the SF-3 Single Family Residential zoning district. Subdivision of land requires City Planning Commission approval.

Documents:

[2073 3562 WINCHELL - SUBDIVISION OF LAND.PDF](#)

#2074. VOLTZ RESIDENCE - 3690 DALEFORD ROAD:

Public Hearing on the request of the City of Shaker Heights, representing Noel Voltz, 3690 Daleford Road, to the City Planning Commission, for subdivision of land in order to join a city-owned vacant lot with the property on which the Voltz home is located. Ms. Voltz is purchasing the vacant lot next door. The house parcel (735-29-096) is proposed to be combined with the vacant adjacent lot (735-29-097). Ms. Voltz proposes to integrate the vacant lot into her yard with a fence for the family. This combined lot meets code requirements in the SF-3 Single Family Residential zoning district. Subdivision of land requires City Planning Commission approval.

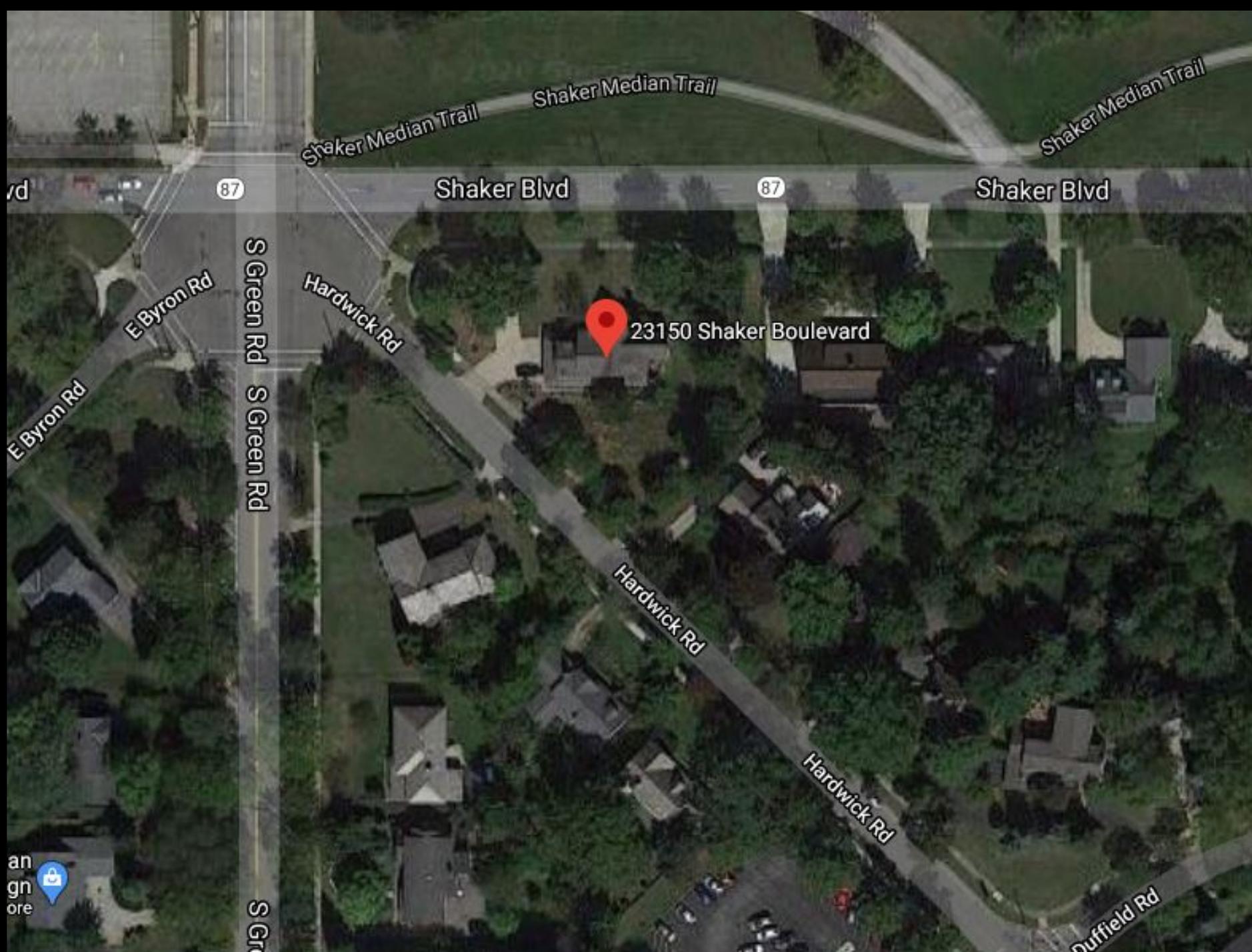
Documents:

[2074 3694 DALEFORD - SUBDIVISION.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.

23150 Shaker Boulevard

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

















CITY OF SHAKER HEIGHTS

3400 LEE ROAD

SHAKER HEIGHTS, OH 44120

Applicant's Name: Emmitt R Jolly Application No: 2072

Property Address: 23150 Shaker Blvd Parcel No: 734-36-025

City: Shaker Heights State: OH Zip: 44122

Applicant's Address 23150 Shaker Boulevard Phone No: 216-491-4740

City: Shaker Heights State: OH Zip: 44122

Property Owner (if other than applicant)

Property Owner's Address (if different)

City: State: Text Zip:

Zoning District: SF2 Present Use: Residential

Proposed Use:

E-Mail Address: emmitt.jolly@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

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:
The lot is located at the corner of Shaker Blvd and Hardwick with an irregular quazi-triangular shape. We have recently acquired Great Dane, Orion who is currently just over 1 year old and is 78 inches long from snout to tail. It is recommended that owners of Great Dnaes should have a minimal fence size of 6ft. We want to ensure the full use of our rear yard for a large dog, especially when near the busy intersection of Shaker near Mercer Elementary. Also, this prevents the occasional trespassers who traverse across the rear yard as a short-cut between Shaker and Hardwick. To the best of my knowledge, the foregoing statements in this application are true and correct.

SIGNATURE: Emmitt R. Jolly

DATE: 06/19/2020



NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Emmitt Jolly, 23150 Shaker Boulevard, 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 6-foot tall ornamental aluminum fence on this corner lot at Shaker Boulevard and Hardwick Road. The brown ornamental aluminum fence is proposed to be located 12 feet behind the Hardwick Road 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 Hardwick Road is set back 40 feet. The fence is proposed to enclose the rear yard and the Hardwick Road side yard for the safety of the applicant's Great Dane dog. Code allows a 3-foot tall fence in a corner side yard. The fence is proposed to be located behind existing evergreen and deciduous shrubs and trees, in addition to a row of irises are proposed in front of the fence.

The Board of Zoning Appeals will hold a Public Hearing on said application on **Tuesday, August 4, 2020 at 7:00 p.m.** via Zoom webinar. 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 staff and residents, in-person attendance is not permitted. Join the Zoom meeting from a PC, Mac, iPad, iPhone or Android device. Join online to listen and watch at <https://zoom.us/j/99656786876?pwd=OU53V016QnNpeVFYR1k0aHQxc0pMQT09>, Password: 33553400, Description: Board of Zoning Appeals and City Planning Commission Meeting; or join by phone to listen at 833-548-0282 (toll free); Webinar ID: 996 5678 6876, Password: 33553400.

Residents may submit comments/questions regarding items on the agenda at least 6 hours in advance of the meeting by emailing Daniel Feinstein at daniel.feinstein@shakeronline.com; or by calling (216) 491-1435. Any comments or questions will be read into the record at the meeting. 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:

23150 Shaker Boulevard
Jolly Residence
Case#: 2072

HEARING DATE:

August 4, 2020

SUMMARY:

Variance to the fence location and height regulations for a corner lot in order to install a 6-foot tall aluminum ornamental fence, set back 12 feet behind the Hardwick Road sidewalk at the corner of Shaker Boulevard and Hardwick Road, where code requires a 40-foot setback and permits a 3 foot high fence.

STAFF POSITION:

- Staff suggests approval with the following condition:
 - The fence is limited to 5 feet tall.
- Based on:
 - The applicant's Great Dane dog needs a taller fence in order to be contained in the yard and away from busy Shaker Boulevard and Green Road.
 - The applicant reports trespassing of people through their corner lot.
 - The formal front yard and front of the house faces Shaker Boulevard.
 - The Hardwick Road yard is the "back" yard of the lot.
 - An ornamental aluminum fence is significantly see-through and does not impose on the view of or through the yard from the street.
 - The existing shrubs and trees already create a partial visual barrier to the Hardwick Road 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.
 - Standards of practical difficulty are met because the location of the house on this pie-shaped corner lot only allows a code-conforming fence to enclose a small rear yard area and the applicant's Great Dane dog.
 - 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 shrubs and trees.

ACTION:

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

FACTS:

1. The applicant proposes to install a 6-foot tall aluminum ornamental fence at the corner of Shaker Boulevard and Hardwick Road.
2. The fence is proposed 12 feet behind the Hardwick Road sidewalk, inside of existing landscaping and proposed irises. Code requires a 40 foot setback from Hardwick Road, equal to the neighbor's house setback and a maximum of 3 feet height for a front yard fence.

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

STAFF REPORT

Continued:

ADDRESS:

23150 Shaker Boulevard
Jolly Residence
Case#: 2072

HEARING DATE:

August 4, 2020

FACTS (continued):

3. The fence is proposed to contain the applicant's Great Dane dog in the rear yard.
4. The existing trees and shrubs will remain and a row of proposed irises in front of the fence.

CODE SECTIONS:

1. 1262.05 E 2 – Corner lot fences shall not extend in front of the setback line of the adjacent houses. (40 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. (15 inches tall in this case)

OTHER ISSUES:

1. The 6-foot tall fence is requested to contain the Great Dane dog. Information has been submitted about the dog and the need for this height of fence.
2. The house faces Shaker Boulevard. A code-conforming fence would only enclose a small portion of the rear yard.
3. The fence does not impact the formal front yard of the property or the view along Shaker Boulevard.
4. The Hardwick Road yard is the "back" yard of the lot.
5. An ornamental aluminum fence is significantly see-through and does not block the view into the yard from the street.
6. The fence will enclose a portion of the Hardwick Road yard and return to the south wall of the house.
7. The existing bushes and trees will remain. A row of irises will be planted in front of the fence.
8. This yard is also at the corner of Green Road and has a large mature hedge, which shields the view from the corner.

PRECEDENT:

1. Carfagna Residence – 2762 Inverness Road – 4 foot tall fence 4 feet from the sidewalk.
2. Pelletier Residence – 19600 Shaker Boulevard – 4 foot tall fence 4 feet from the sidewalk.
3. Machmer-Wessels Residence (19701 South Woodland) – 4.5-foot tall ornamental aluminum fence at the corner of South Woodland and Kingsley Roads.
4. Nicolosi Residence – 5 foot tall French gothic picket fence at the corner of South Woodland and Fontenay Roads.

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

STAFF REPORT

-
5. Mendell Residence – 2676 Cranlyn Road - 4-foot tall ornamental aluminum fence at, located 3 feet off of Calverton Road.

Continued:

ADDRESS:

23150 Shaker Boulevard
Jolly Residence
Case#: 2072

HEARING DATE:

August 4, 2020

PRECEDENT (continued):

6. Priemer Residence – 20449 Shelburne – 6-foot tall board on board fence at Warrensville Center Road.
7. Gross Residence – Shaker boulevard – 4-foot tall ornamental aluminum fence 14 feet off the sidewalk
8. Hobbs Residence – 21749 Parnell Road – 5-foot tall ornamental aluminum fence at Shelburne Road.
9. Armon Residence – 22226 Parnell Road – 4 foot tall spaced picket fence at the corner of Shelley Road.
10. Mbanefo Residence – 2700 Inverness – 4-foot tall ornamental aluminum fence.
11. Milligan Residence – 19401 Shelburne – 4-foot tall fence at the corner of Courtland.
12. Livingston Residence – 2680 Inverness – 4-foot tall chain link fence at the corner of Shelburne.
13. Towe Residence (19501 South Woodland) – 4-foot tall ornamental aluminum fence at the corner of Courtland and South Woodland Roads.
14. Kruczynski Residence (19601 South Woodland) – 4 foot tall ornamental aluminum fence at the corner of South Woodland and Kingsley Roads.
15. Linihan Residence (19700 South Woodland) – 4 foot tall aluminum ornamental fence at South Woodland and Kingsley Roads.
16. Rosenthal Residence (2889 Manchester Road) – 4 foot tall fence at the corner of Carlton Road.
17. Horback Residence – a 4 foot wood fence at the corner of South Woodland and Torrington Roads behind existing arborvitae bushes.
18. Martin Residence – 4 foot tall ornamental aluminum fence at the corner of Lee and Aldersyde Roads, behind natural vegetation.
19. Cafaro Residence – 4 foot aluminum ornamental fence at Inverness and Dryden Roads, 6 feet off Dryden Road.

June 20, 2020

Dear Board of Zoning Appeals:

Thank you for taking the time to consider this variance application to install a 6 ft brown aluminum wrought iron fence in our back yard.

We are requesting a 6-foot fence to be built around the rear property of 23150 Shaker Blvd (734-36-025) which sits at the busy corner of Shaker Boulevard and Hardwick Road. The property is an irregular triangular shape and has visibility on all parts, except the very South side which has trees and greenery. **(Images A-F)**. We recently procured the services of Jones Surveying to survey the property in July 2019 which are included. **(Figures G-H)**.

The request for the fence is two-fold: 1) we acquired a Great Dane puppy named Orion (mother was 140 lbs, did not meet father, but grandfather was 200 lbs) and would like to provide a fenced location for Orion to roam in the yard that is visually appealing for a corner lot and meets the 6' expected fence height for Great Danes, and 2) this also prevents surprising observations of individuals cutting across the back yard between Hardwick and Shaker Blvd to avoid walking around the corner on the sidewalk. When the pictures were taken Orion was a puppy. Now he is 78 inches from snout to tail and stands at nearly 6ft in height.

We procured the services of Mike Wilgor, with Elyria Fence. The proposal for a 6 ft fence to circumscribe the border of the rear yard in the South of the house and connecting to the house along the two rear corners of the house- along the house setback line along Shaker Blvd to the East and past the house setback line on Hardwick Road to the West **(Figure I-** fence measurement included- see upper left corner of image). Two gates connecting the fence to the house are included that are 4ft on the West side of the house and 8ft wide on the East side to allow for large equipment needed to either cut trees, paint the house above the deck etc. The contour fence will be Ultra Aluminum with 5/8" pickets with flat post caps and a matching gate style. Posts will be 6ft apart **(Figure J)**. Consequently, visibility through the fence will not be severely limited.

To soften the proposed fence, greenery (permanent shrubbery and/or bushes) will be planted along Hardwick Road on the West and along the Eastern front facing proposed fence facing Shaker Blvd. This is represented by green stars on **Figure K**. The greenery used will be species of Irises which grow quickly and exceed the amount of greenery required for a these classes of fences. In addition, irises are beautiful flowers and both us and our neighbors think the irises would be a nice bordering for the fence **(Figure L)**. Iris bulbs will be planted 1 ft apart, preferably in late summer. By the following year, the full flower with growth between 20-36 inches will fill the space of the fence within 1 year with beautiful foliage.

Considerations:

We are requesting consideration to proceed beyond the front setback line on Hardwick Road. The proposed fence extends beyond the front setback line on Hardwick Road. In fact, the front setback line is set further East than the most Western side of our house **(Figure M, setback line in red)**. Without a variance, the fence would pass through the storage house located in the back yard **(Figure M, highlighted in yellow)**, connecting to the rear deck and consequently splitting the yard in half. Additional guards would have to be added to the deck

which is high enough to crawl under, in order to prevent Orion from crawling under the deck and exiting the unfenced portion of the yard on the Western side of the deck. The current guidelines consequently preclude our ability to build an appealing fence, and as such we are requesting consideration to proceed beyond the Hardwick front setback line.

We are requesting a 6 ft fence. Many guidelines for Great Danes strongly suggest a six foot fence. We currently have a temporary fence provided by Elyria Fence that is unappealing and requires replacing. This fence currently is connected to the East side of the deck with additional fencing below the deck to prevent Orion from crawling under the deck to escape. In addition, we have a dog gate on the other side (which we now know he can open) to prevent his escape from the West side of the deck.

For the reasons described above, we ask that you grant our this request for a variance which will inevitable enhance the area and create peace of mind while not altering the essential character of the neighborhood.

With thanks,

Emmitt R Jolly

IMAGES INCLUDED:

BZA__Application

Description

- A. Google aerial image of the property
- B. Street view (North side) of the house along Shaker Blvd (B_IMG_1264.JPG)
- C. East side of house along Shaker Blvd with property markers facing South (C_IMG_2400.JPG)
- D. East Side property line facing North toward Shaker Blvd (F_IMG_6966.JPG)
- E. West back yard property line along Hardwick facing South (E_IMG_2336.JPG)
- F. South property line of property along Hardwick Rd facing East (D_IMG4457.JPG)
- G. Property Survey 1
- H. Property Survey 2
- I. Elyria Fence property survey and Fence description and perimeter size
- J. Image (UAF2 Bronze Aluminum Fence)
- K. Elyria Fence property survey and Fence plan with amended vegetation additions
- L. Images of Iris next to a picket fence
- M. Google aerial image of the property with variance change request







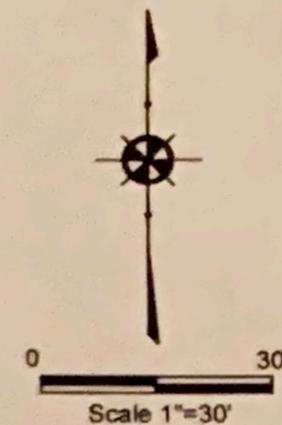
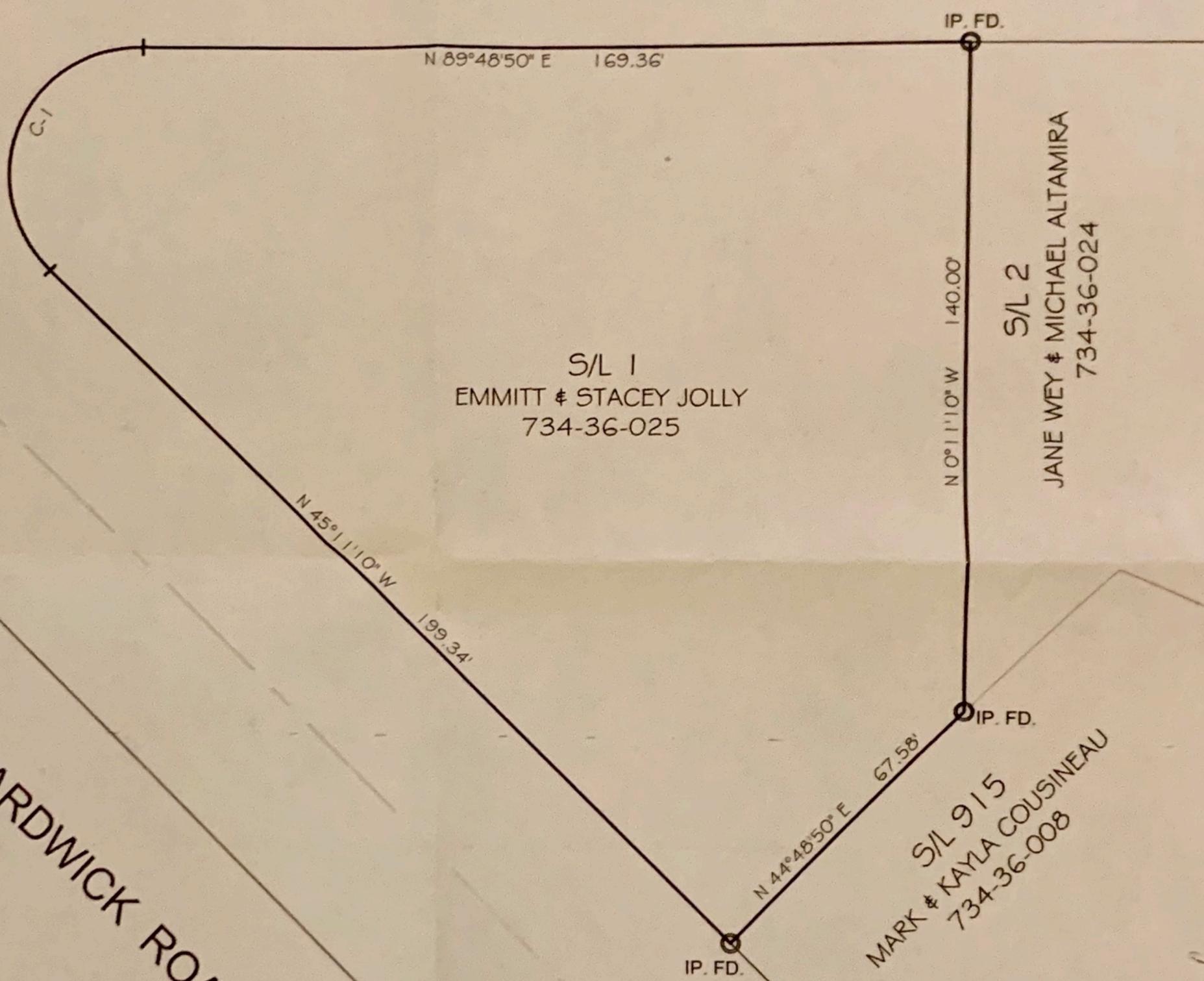




SHAKER BOULEVARD - 60'

Emmitt Jolly

23150 Shaker Boulevard
Shaker Hts. - Cuyahoga County
July 2019 Scale 1"=30'



HARDWICK ROAD - 60'

Harry S. Jones Jr. #6343
 Harry S. Jones Jr. P.S. #6343

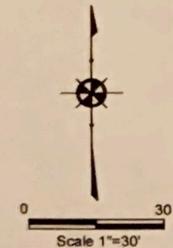
Plat of Survey

for

Emmitt Jolly

23150 Shaker Boulevard
Shaker Hts. - Cuyahoga County - Ohio
July 2019 Scale 1"=30'

SHAKER BOULEVARD - 60'



GREEN ROAD - 80'

HARDWICK ROAD - 60'

S/L 1
EMMITT & STACEY JOLLY
734-36-025

S/L 2
JANE WEY & MICHAEL ALTAMIRA
734-36-024

S/L 915
MARK & KAYLA COUSINEAU
734-36-008

CURVE TABLE					
Curve	Length	Radius	Chord	Bearing	Delta
C-1	64.65'	27.43'	50.69'	N22°19'00"E	135°02'21"

NOTES:

This plat was prepared without the benefit of an abstract of title and is subject to any state of facts revealed by a examination of the same.

Documents used in preparation of this survey are cited on the plat.

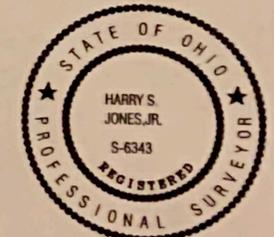
Occupation is consistent with the title lines except where noted on survey.

Size of monumentation found or set is noted on plat.

All iron pins set are 5/8" x 30" and are capped H. JONES PL56343

Bearings are based upon the centerline of Shaker Blvd. as being North 89°48'50" East and are used to describe angles only.

Harry S. Jones Jr. #6343 7/18/19
Harry S. Jones Jr. P.S. #6343 Date



REVISIONS				
NO.	DATE	BY		
1		CAD		
2		CAD		
3		DRAWN BY	GMB	SCALE 1"=30'
4		CHKD	HSJ	DATE 7/18/2019
5		CREW CHIEF	APPD	PHONE NO. 440-357-1811
				DRAWING NO. 19-171

Jones Surveying, LLC
ENGINEERS - SURVEYORS - PLANNERS
1924 MENTOR AVE., FAINESVILLE, OHIO
(PH.) 440-357-1811 (FAX) 440-357-9173
(E-MAIL) hjonesurveying@yahoo.com

PHONE 216-491-4740
 HIS WORK _____
 HER WORK 415-505-8088
 EMAIL LUNAMDMJOLLY
@YAHOO.COM

Elyria Fence Inc.

"Setting The Standards In The Industry Since 1932"
 230 Oberlin Rd. • Elyria, OH 44035
 Elyria (440) 323-7581 • Toll Free 1-800-779-7581
 Fax (440) 323-1685
 www.elyriafence.com

QUOTE DATE 8/14/19
 CONTRACT DATE 8/20/19
 LOG # 1343-38 MW
 P.O. # _____
 ATTN: _____
 OUPS OVHD
 P/L NO
 LAYOUT _____

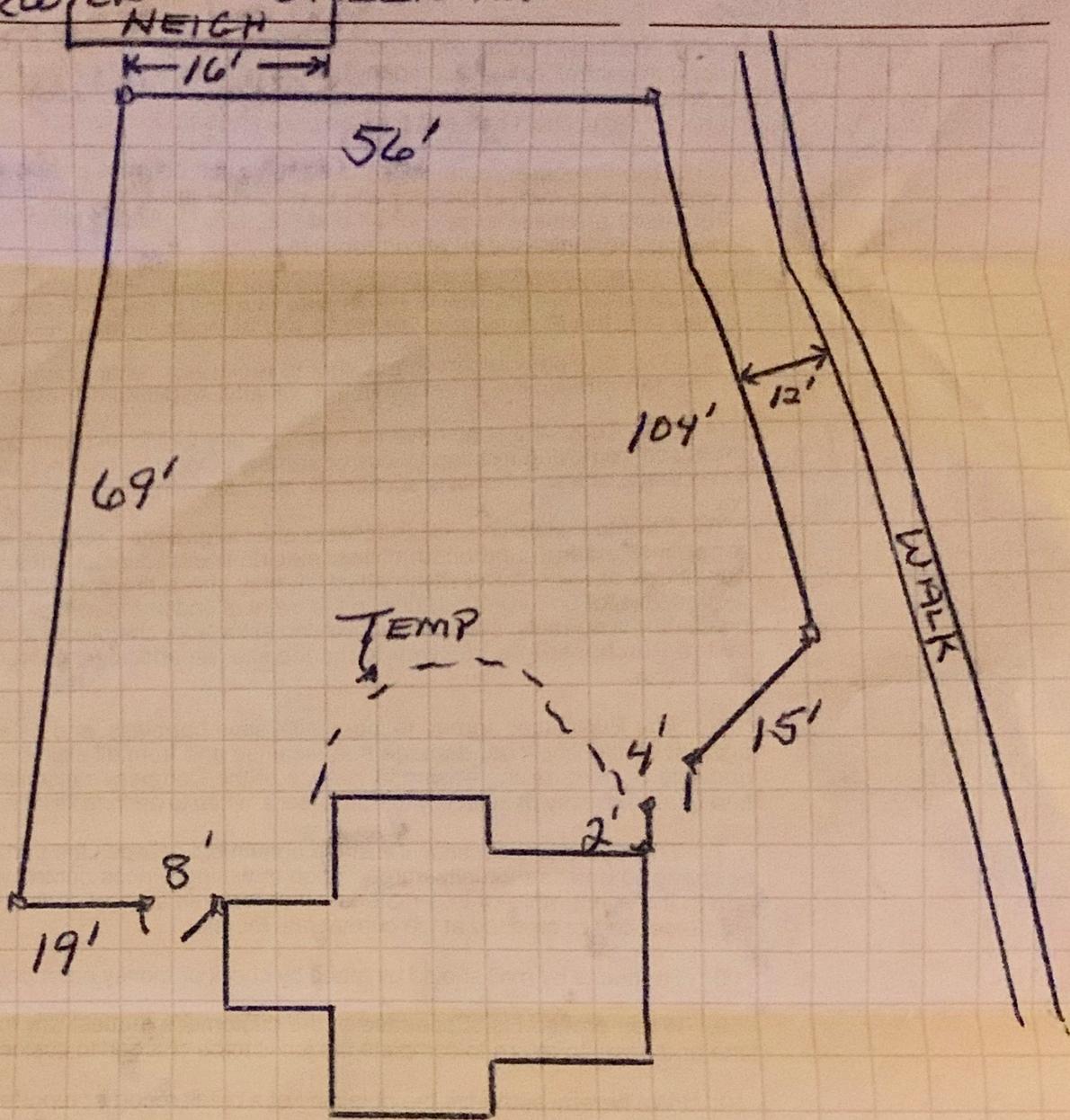
PROPOSAL TO: EMMITT + STACY JOLLY
 ADDRESS: 23150 SHAKER BLVD., SHAKER HTS.
 INSTALLATION SITE: _____
 DIRECTIONS SE CORNER w/ HARWICK AT GREEN RD. TWP. 44122

Height 6'
 Style _____
 Color _____

Material ULTRA ALUMINUM
 Boards 5/8" PICKETS
 Frame 1" x 1 1/8"
 Line Posts 2"
 Terminals 2"
 Gate Posts 2 1/2"
 Gate Frame 1" x 1 1/8"
 Post Caps FLAT
 Gate Style MATCH
 Bracing _____
 Tension Wire _____
 Post Spacing 6'
 Concrete Yes No
 Setting Depth 30"
 Grade 2"
 Contour Level Straight
 Dirt LEAVE
 Clearing NO

TEMP DOG FENCE

Permit Yes No Survey Yes No
 Financed Yes No
 Schedule _____



MATERIAL _____
 LABOR _____
 TAX/MISC _____
 TOTAL \$ 16420.00
 DEPOSIT 5473.33 #1313
 BALANCE # 10946.67
 TERMS: DUE UPON COMPLETION

Customer is responsible for the location of all property lines, underground utilities and drains, and miscellaneous underground hazards.
 This proposal is hereby accepted by the undersigned as Purchaser, and the undersigned, having read the same, agrees to the terms and conditions of this contract. The Purchaser also acknowledges that he has received a copy of this proposal at the time of execution hereof. **You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation for an explanation of this right. I/We hereby authorize the obtaining of a credit report or reports. See additional terms and conditions on reverse.**
 ACCEPTED X SIGNED DATE 8/20/19
 ESTIMATOR Mike Wilgor



Save Image

MITT + STACY JOLLY
SHAKER BLVD., SHAKER HTS.
TWP. 44122
NEIGH AT GREEN RD.
W/ HARWICK

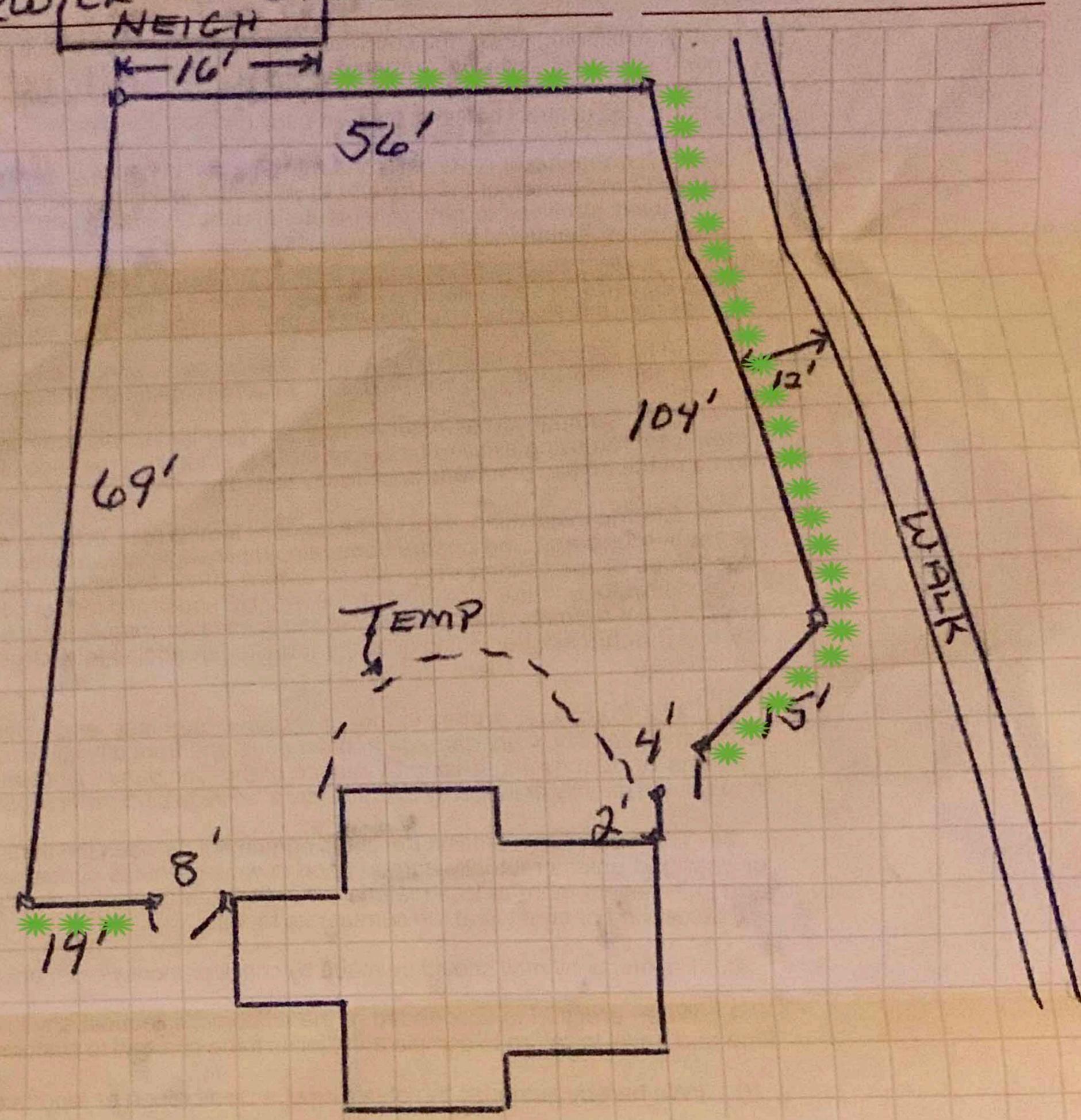
OUPS OVHD
P/L NO
LAYOUT _____

A
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11/18"
AT
TCH

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OG

Yes No

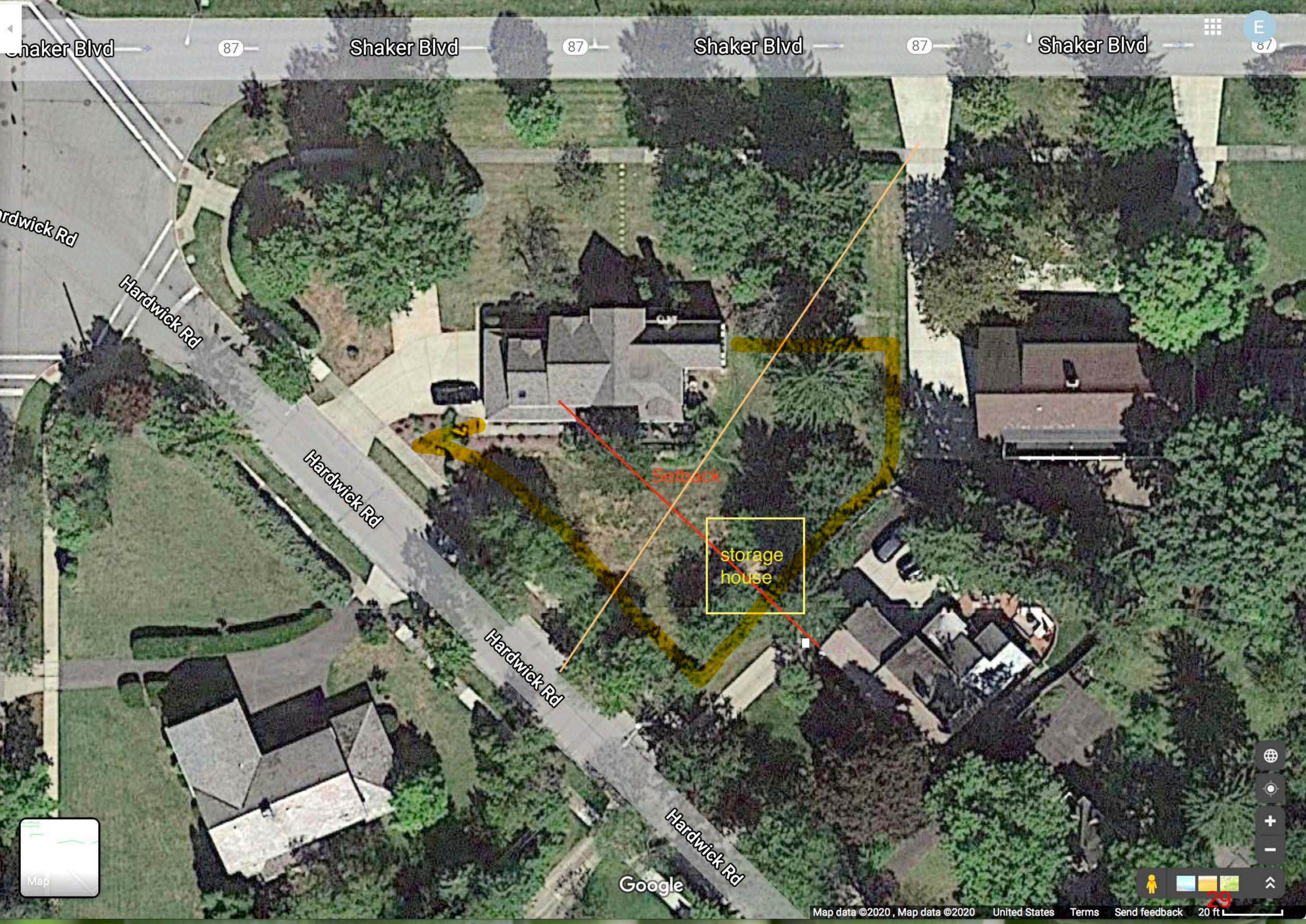


STREET

Customer is responsible for the location of all property lines, underground



28



Shaker Blvd

87

Shaker Blvd

87

Shaker Blvd

87

Shaker Blvd

E

87

Hardwick Rd

Hardwick Rd

Hardwick Rd

Setback

storage house

Hardwick Rd

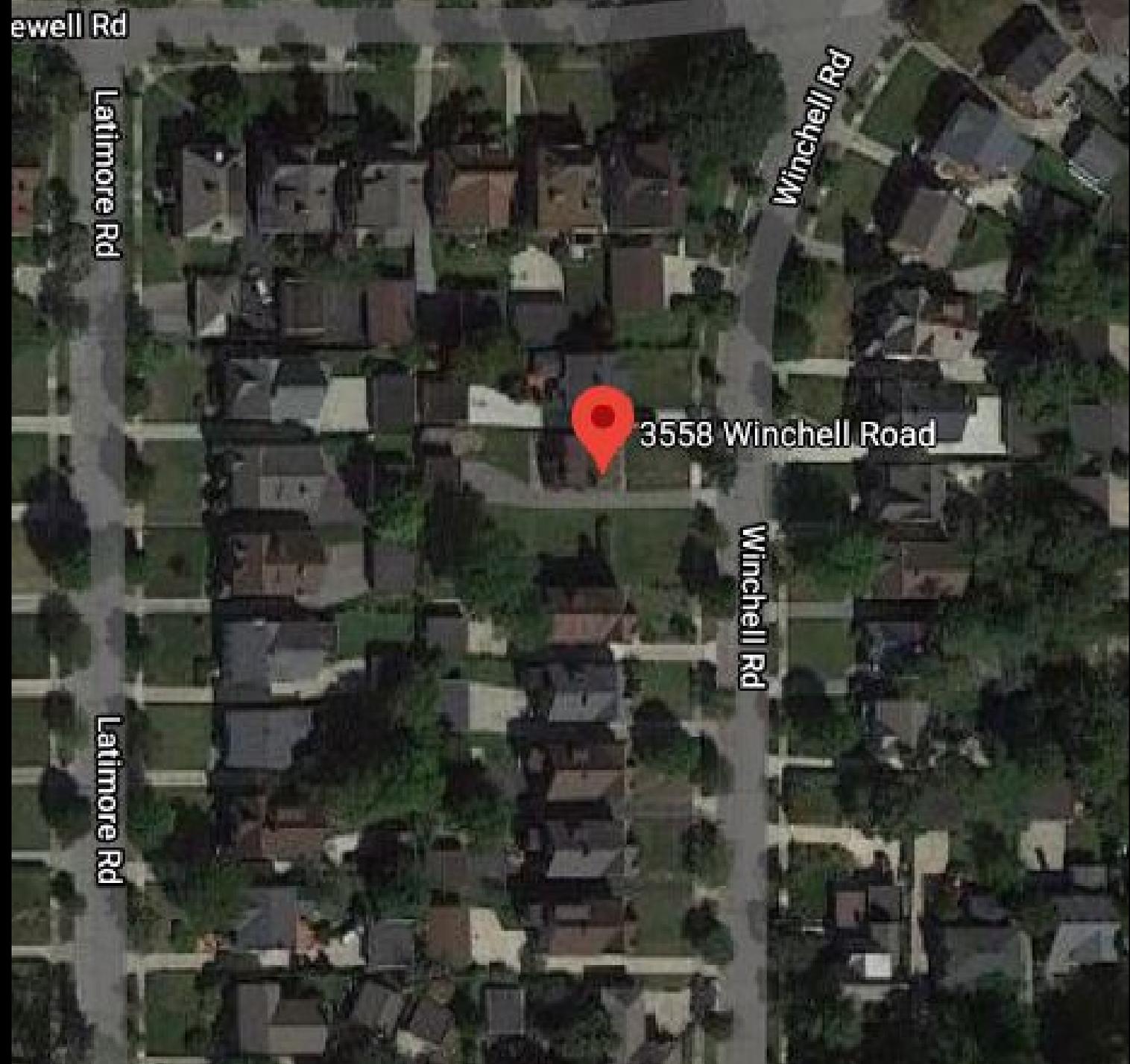
Hardwick Rd

Google

Map

3558 Winchell Road

For subdivision of land in order to join a city-owned vacant lot with the property on which the Yépez home is located.







Applicant's Name: City of Shaker Heights Application No: 2073

Property Address: 3558 Winchell Road Parcel No: 736-20-089

City: City of Shaker Heights State: OH Zip: 44122

Applicant's Address 3400 Lee Road Phone No: _____

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 Single Family Residential Present Use: vacant property

Proposed Use: Enlarged side yard

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:

Subdivision of land to add this lot to the property of Dylan and Ricardo Yopez at 3562 Winchell Road (736-20-088)

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

SIGNATURE: [Signature]

DATE: 07/23/2020



NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by City of Shaker Heights, representing Dylan and Ricardo Yèpez, 3558 Winchell Road, to the City Planning Commission for subdivision of land in order to join a city-owned vacant lot with the property on which the Yèpez home is located. The Yèpez's are purchasing the vacant lot next door. The house parcel (736-20-088) is proposed to be combined with the vacant adjacent lot (736-20-089). The Yèpez's propose to integrate the vacant lot into their yard with a fence and a patio. 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, August 4, 2020 at 7:00 p.m.** via Zoom webinar. 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

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.

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Residents may submit comments/questions regarding items on the agenda at least 6 hours in advance of the meeting by emailing Daniel Feinstein at daniel.feinstein@shakeronline.com; or by calling (216) 491-1435. Any comments or questions will be read into the record at the meeting. 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:

3558 Winchell Road
Yépez Residence
Case#: 2073

HEARING DATE:

August 4, 2020

SUMMARY:

Request for subdivision of land in order to join a vacant lot on Winchell Road with the adjacent property, where the Yépez 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.
 - 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 request to join the vacant, city-owned parcel 736-20-089 to the lot with the Yépez residence on it.
2. The new combined lot creates a double wide residential lot that is 80 feet wide and 11,200 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:**

3558 Winchell Road
Yépez Residence
Case#: 2073

HEARING DATE:

August 4, 2020

OTHER ISSUES:

1. City Council reviewed and approved the application to purchase the city-owned lot at their July 27, 2020 meeting.
2. The extra lot is proposed to be used as a side yard with a patio.
3. The city-owned vacant lot, parcel 736-20-089 would be joined with the house parcel, 736-20-088, 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 side residential lots in the city, in the neighborhood.

PRECEDENT:

1. Ciriaco Residence – Combine a vacant side lot with the owner’s lot containing their house on Strandhill Road.
2. Boudreaux Residence – Combine a vacant side lot with the owner’s lot containing their house on Stoer Road.
3. Neujahr Residence – Combine a vacant side lot with the owner’s lot containing their house on Stoer Road.
4. Mullin/Smith Residence – Combine a vacant side lot with the owner’s lot containing their house.
5. Henry Residence – Combine a vacant side lot with the owner’s lot containing their house.
6. Silberger Residence – Combine a portion of a vacant side lot with the owner’s lot containing their house.
7. Vokes Residence – Combine a vacant side lot with the owner’s lot containing their house.
8. Nordstrom Residence – Combine a vacant side lot with the owner’s lot containing their house.
9. Kennedy Residence – Combine a vacant lot with the owner’s lot containing their house.
10. Kogelschatz Residence – Combine a vacant lot with the owner’s lot containing their house.
11. Brooks-Horn Residence – Combine a vacant lot with the owner’s lot containing their house.
12. Foster Residence – Combine a vacant lot with the owner’s lot containing their house.

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

STAFF REPORT

Continued
ADDRESS:

3558 Winchell Road
Yépez Residence
Case#: 2073

HEARING DATE:

August 4, 2020

PRECEDENT (continued):

13. Reed Residence – Combine a vacant ½ lot with the owner’s lot containing their house.
14. Kerr/Bell Residence – Split and combine a vacant lot to each neighbor’s property.
15. Delany Residence – Combine a vacant ½ lot with the owner’s lot containing their house.

73620087

73620088

73620089

73620090

Parcel Number: 73620088

Property Data

- 736-20-088
- YEPEZ, DYLAN J. AND YEPEZ, RICARDO A.
- 3558 WINCHELL RD
- SHAKER HEIGHTS, OH. 44122

[Zoom to](#)

WINCHELL RD

Memorandum

To: Members of Council
From: Kamla Lewis, Director, Director of Neighborhood Revitalization
cc: Mayor David E. Weiss
Jeri Chaikin, CAO
Date: July 6, 2020
Re: **Application to Acquire City Owned Vacant Lot at 3562 Winchell Road (PPN 736-20-089) for Side Lot**

Summary

The City has received an application from Dylan & Ricardo Yepez, 3558 Winchell Road, who are interested in acquiring the city owned vacant lot adjacent to their home, 3562 Winchell Road (PPN 736-20-089) 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:** Dylan & Ricardo Yepez, 3558 Winchell Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard, build a new garage, lay a new driveway and install landscaping, at an estimated cost of approx. \$30-35,000.

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 December 2017, 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 June 2003. There was never a home on this lot.
- Through its vacant lot program, the City so far has sold twenty-four (24) 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 Yopez family application to acquire the City owned vacant lot at 3562 Winchell Road (PPN 736-20-089) 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.



Yopez home at 3558 Winchell Road and adjacent city owned vacant lot at 3562 Winchell Road



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 lots for redevelopment as owner-occupied single-family homes.
- The buyer or the developer may apply to acquire the lot.
- The City can take back the property if the home is not built and used as an owner-occupied single-family home.
- The City's Design Guidelines for new home construction must be adhered to and will be a requirement in the Development and Use agreement with the City, if approved.

Additional Resources:

- Shaker Heights Zoning Code: <https://www.shakeronline.com/DocumentCenter/View/659/Zoning-Code-PDF?bidId=>.
- Design guidelines for single-family infill housing on City-owned Lots: <https://www.shakeronline.com/DocumentCenter/View/549/ABR---Single-Family-Infill-Design-Guidelines-PDF?bidId=>.

Acquiring a City-owned Lot for Use as a Side Yard or Community Use

- The City is offering lots to adjacent property owners to use as side yards for \$1.00.
- Side yard applicants must owner-occupy the adjacent property.
- Applicants will be required to consolidate the vacant lot with their existing lot and bear all the costs associated with the consolidation and transfer of the vacant lot. These can range from \$1,500-\$3,000. There may be increased property taxes for the new larger consolidated lot. See estimates at <https://www.shakeronline.com/DocumentCenter/View/716/Vacant-Lot-List-PDF>.
- 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", complete this application and return it to the Shaker Heights Department of Neighborhood Revitalization, 3450 Lee Road, or by email to kamla.lewis@shakeronline.com.

Key Considerations:

- To be eligible, applicants must be in good standing with the City's Building and Housing, and Planning Departments, have no Criminal Nuisance Activity violations, be current with all property taxes in Shaker Heights and no properties they own can be in foreclosure.
- 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

If you have any questions about the program, application, or review process, please call Kamla Lewis at 216-491-1374 or kamla.lewis@shakeronline.com.

CITY OF SHAKER HEIGHTS | Neighborhood Revitalization

3450 Lee Road Shaker Heights, Ohio 44120 P 216.491.1370 F 216.491.1365 Ohio Relay Service 711
shakeronline.com www.shaker.life

SECTION 1

Vacant Lot Information

1. Permanent Parcel Number: 736-20-089
2. Property address: 3562 Winchell Road
3. Intended use: Build Single-family home Side Yard Community use

Applicant Information

1. Name of Applicant/s: Dylan J. Yépez and Ricardo A. Yépez
2. Mailing Address*: 3558 Winchell Road, Shaker Heights, Ohio 44122
- | | | | |
|----------------|------|-------|----------|
| Street Address | City | State | Zip Code |
|----------------|------|-------|----------|
- *Post Office Boxes are not acceptable as an address.*
3. Phone Numbers: (216) 375-1575 (202) 834-8314
4. E-mail address: dylanyopez@icloud.com
5. Are you a builder/developer proposing to build a pre-sold home? Yes No

If so, list the contact information for the buyer:

Name: _____

Current Address: _____

Phone Number: _____ Email address: _____

6. List all properties currently owned in The City of Shaker Heights. You may attach additional sheets if necessary. Enter "None" if you do not own property in Shaker Heights.

3558 Winchell Road

7. Do any of the properties you own in Shaker Heights have existing Building, Housing, or Zoning Code Violations? Any Criminal Nuisance Activity violations? Yes No N/A
8. Are property taxes current on all properties you own in Shaker Heights? Yes No N/A
9. Are any properties you own in foreclosure? Yes No N/A

SECTION 2 (complete A, B, or C as appropriate)

A. Side Yard Proposal

Are you an owner occupant of a property adjacent to the City owned lot? Yes No

Describe any improvements you plan to make on the City owned lot, including the estimated cost of the improvements (use additional sheets as needed and attach drawings as appropriate):

We plan to remove our existing garage and driveway, and then build a new garage, lay a new driveway, and install landscaping on the side lot. We estimate that this will cost \$30,000-\$35,000.

B. Community Use Proposal

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

What neighborhood is the project in? (select one) Lomond

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 and how the project will be funded (use additional sheets if necessary).

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 for Side Yards & Community Uses:

1. Review by city staff to determine that the application is complete and meets City requirements.
2. Staff presents qualified side lot proposals directly to City Council. Community use applications will be reviewed by the Neighborhood Revitalization & Development (NRD) Committee.
3. Successful side yard applicants must enter into a Purchase Agreement with the City so they can proceed with the survey and consolidation process.
4. Side yard applicants will work with Planning Department staff to obtain the required Planning Commission approvals for the consolidation and with the Law Department for the recording of the deed and transfer of the property once all approvals are in place.
5. Community Use applicants will work with Neighborhood Revitalization staff on any additional needed approvals, depending on the project specifics, and must enter into a Purchase or License Agreement with the City.

Review & Approval Process for Single Family Home Construction:

6. Review by city staff to determine:
 - a. That application is complete and meets City requirements
 - b. Builder/developer qualifications
7. Staff presents qualified single-family home construction proposals to the Neighborhood Revitalization and Development Committee (NRD) for their review and recommendation to City Council.
8. Successful applicants must enter into a Purchase and Development Agreement with the City so they can proceed with financing and developing architectural plans.
9. Applicants will work with Planning Department staff to develop a design that meets design guideline requirements and will meet zoning requirements.
10. Architectural plans and front elevation drawings will be reviewed by Architectural Board of Review (ABR) and City Planning Commission (CPC) for their approvals.
11. After proposals approved by ABR, and CPC, the property will then be transferred to the applicant.

Application for Acquiring City-owned Residential Lots

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 Department of Neighborhood Revitalization at 216-491-1374.

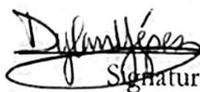
- | | Yes |
|---|-------------------------------------|
| Application Form | |
| 1. All questions are answered where applicable. | <input checked="" type="checkbox"/> |
| 2. Non-Collusion affidavit is completed, signed, and notarized. | <input checked="" type="checkbox"/> |
| 3. Application is signed. | <input checked="" type="checkbox"/> |
| Attachments for Single Family Home Applications | |
| 1. Front elevation drawing of proposed home | <input type="checkbox"/> |
| 2. Verification of financing (bank statements, letter of commitment from bank, etc.) | <input type="checkbox"/> |
| 3. Development schedule and Cost breakdown on Contractor letterhead and signed by Contractor. | <input type="checkbox"/> |

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. I/We understand that if the application is accepted I/we will be required to enter into an agreement with the City to complete the transaction.
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 underground 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. For single-family home proposals, 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.

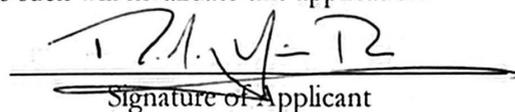
All information and supporting documentation supplied to the City of Shaker Heights is accurate to the best of my knowledge and belief. I understand that providing false information may violate Federal, State, and local laws and be punishable and as such will invalidate this application.



Signature of Applicant

July 6, 2020

Date



Signature of Applicant

July 6, 2020

Date

Non-Collusion and Disclosure Affidavit

Personally appeared, Ricardo A. Yépez 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 a Shaker Heights resident/homeowner 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.

Ricardo A. Yépez
Applicant Name

07/06/2020
Date

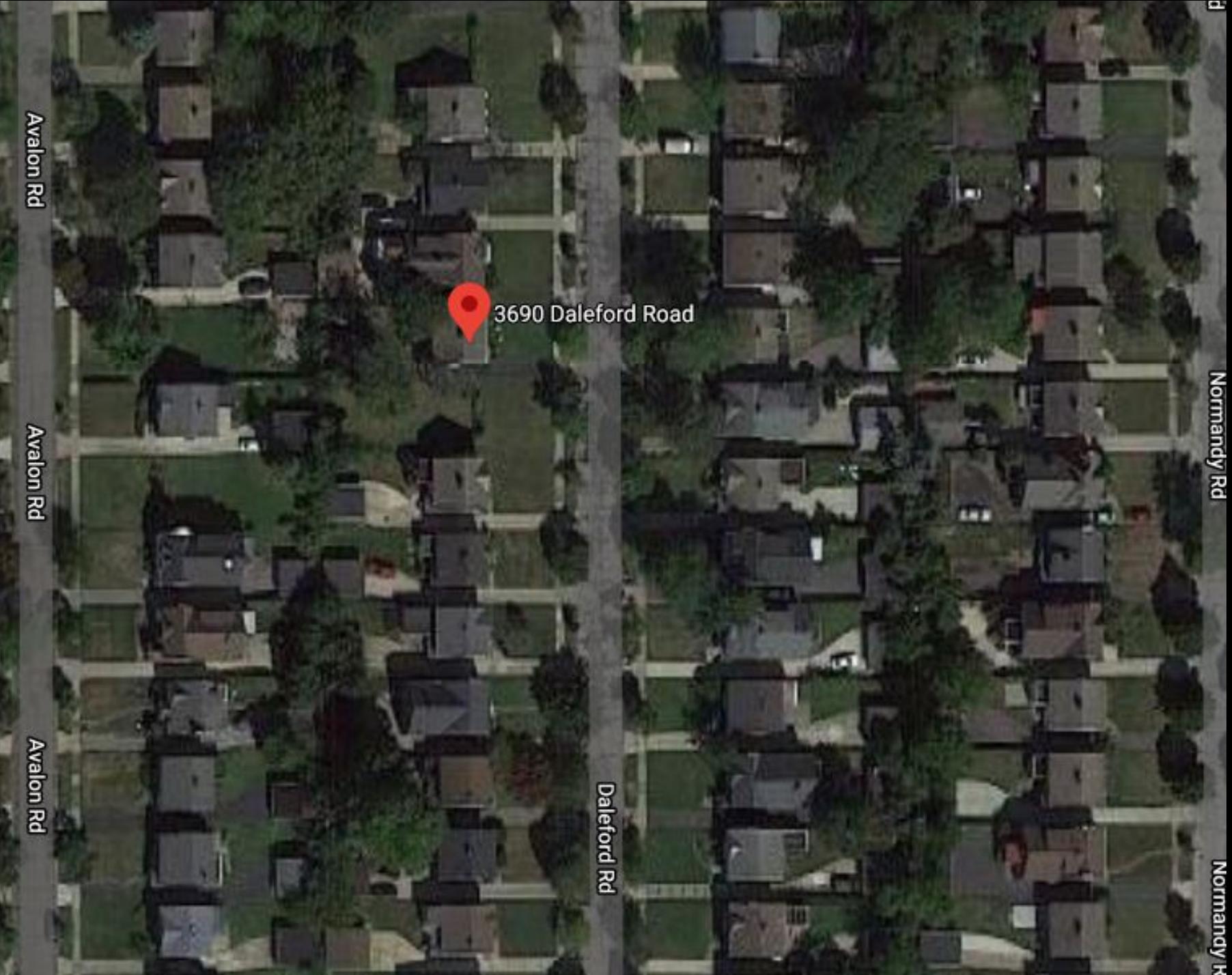
Personally appeared before me and swore to the truth of the truth of this affidavit, application, and all attachments on July 6, 2020.

Patricia Koch Windham
Notary Public

PATRICIA KOCH WINDHAM, ATTORNEY
Notary Public - State of Ohio
My Commission Has No Expiration
Section 1407.03 R.C.

3690 Daleford Road

For subdivision of land in order to join a city-owned vacant lot with the property on which the Voltz home is located.



Avalon Rd

Avalon Rd

Avalon Rd

3690 Daleford Road

Daleford Rd

Normandy Rd

Normandy Rd





Applicant's Name: City of Shaker Heights Application No: 2074

Property Address: 3692 Daleford Road Parcel No: 735-29-097

City: Shaker Heights State: OH Zip: 44120

Applicant's Address 3400 Lee Road Phone No: _____

City: _____ State: _____ Zip: _____

Property Owner (if other than applicant) _____

Property Owner's Address (if different) _____

City: _____ State: _____ Zip: _____

Zoning District: SF-3 Single Family Residential Present Use: Vacant Land

Proposed Use: Subdivide to adjacent lot

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:

Subdivision of land to add this lot to the property of Noel Mellick Voltz at 3690 Daleford (PPN 735-29-096)

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

SIGNATURE: *[Signature]*

DATE: 07/23/2020



NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by City of Shaker Heights, representing Noel Voltz, 3690 Daleford Road, to the City Planning Commission, for subdivision of land in order to join a city-owned vacant lot with the property on which the Voltz home is located. Ms. Voltz is purchasing the vacant lot next door. The house parcel (735-29-096) is proposed to be combined with the vacant adjacent lot (735-29-097). Ms. Voltz proposes to integrate the vacant lot into her yard with a fence for the family. 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, August 4, 2020 at 7:00 p.m.** via Zoom webinar. 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

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.

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Residents may submit comments/questions regarding items on the agenda at least 6 hours in advance of the meeting by emailing Daniel Feinstein at daniel.feinstein@shakeronline.com; or by calling (216) 491-1435. Any comments or questions will be read into the record at the meeting. 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:

3690 Daleford Road
Voltz Residence
Case#: 2074

HEARING DATE:

August 4, 2020

SUMMARY:

Request for subdivision of land in order to join a vacant lot on Daleford Road with the adjacent property, where the Voltz 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 several other residential lots in the neighborhood.
 - 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 735-29-097 to the lot with the Voltz residence on it.
2. The new combined lot creates a double wide residential lot that is 80 feet wide and 10,160 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 yard for her family.
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.

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

STAFF REPORT

Continued:

ADDRESS:

3690 Daleford Road
Voltz Residence
Case#: 2074

HEARING DATE:

August 4, 2020

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.

OTHER ISSUES:

1. City Council reviewed and approved the application to purchase the city-owned lot at their May 26, 2020 meeting.
2. The extra lot is proposed to be fenced as a side yard.
3. The city-owned vacant lot, parcel 735-29-097 would be joined with the house parcel, 735-29-096, 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, in this neighborhood.

PRECEDENT:

1. Boudreaux Residence – Combine a vacant side lot with the owner’s lot containing their house on Stoer Road.
2. Neujahr Residence – Combine a vacant side lot with the owner’s lot containing their house on Stoer Road.
3. Mullin/Smith Residence – Combine a vacant side lot with the owner’s lot containing their house.
4. Henry Residence – Combine a vacant side lot with the owner’s lot containing their house.
5. Silberger Residence – Combine a portion of a vacant side lot with the owner’s lot containing their house.
6. Vokes Residence – Combine a vacant side lot with the owner’s lot containing their house.
7. Nordstrom Residence – Combine a vacant side lot with the owner’s lot containing their house.
8. Kennedy Residence – Combine a vacant lot with the owner’s lot containing their house.
9. Kogelschatz Residence – Combine a vacant lot with the owner’s lot containing their house.
10. Brooks-Horn Residence – Combine a vacant lot with the owner’s lot containing their house.

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

STAFF REPORT

Continued:

ADDRESS:

3690 Daleford Road
Voltz Residence
Case#: 2074

HEARING DATE:

August 4, 2020

PRECEDENT (continued):

11. Foster Residence – Combine a vacant lot with the owner’s lot containing their house.
12. Reed Residence – Combine a vacant ½ lot with the owner’s lot containing their house.
13. Kerr/Bell Residence – Split and combine a vacant lot to each neighbor’s property.
14. Delany Residence – Combine a vacant ½ lot with the owner’s lot containing their house.

73529091

73529094

73529089

73529095

73529089

73529096

73529096

73529088

73529097

73529087

73529098

73529086

73529099

Parcel Number: 73529096

Property Data

- 735-29-096
- VOLTZ, NOEL M.
- 3690 DALEFORD RD
- SHAKER HEIGHTS, OH. 44120

[Zoom to](#)

LEGEND:

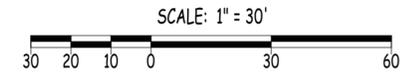
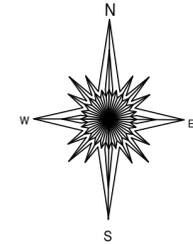
- P.P.N. = PERMANENT PARCEL NUMBER
- A.F.N. = AUTOMATIC FILE NUMBER
- Calc. = CALCULATED
- Obs. = OBSERVED
- S / L = SUB-LOT
- I.P. = IRON PIN
- Fnd. = FOUND
- Rec. = RECORD

PLAT OF CONSOLIDATION

PREPARED FOR

NOEL M. VOLTZ

SITUATED IN THE CITY OF SHAKER HEIGHTS, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING ALL OF SUBLOTS NO. 640 AND 641 IN THE RE-SUBDIVISION OF PART OF THE VAN SWERINGEN CO. SUBDIVISION NO. 21 ORIGINAL WARRENSVILLE TOWNSHIP LOT NO. 53, AS SHOWN BY THE RECORDED PLAT IN VOLUME 65, PAGE 22 OF CUYAHOGA COUNTY RECORDS.



DATE: JUNE 26, 2020

THIS PLAT WAS PREPARED FROM A FIELD SURVEY DONE UNDER MY DIRECTION AND CONFORMS TO THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO (OAC 4733-37). ALL IRON PINS SET BEAR CAPS INSCRIBED "D.J.B. PS 6939". BEARINGS SHOWN HEREON ARE TO AN ASSUMED MERIDIAN AND ARE INTENDED TO DENOTE ANGLES ONLY. DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. ALL OF WHICH I ACKNOWLEDGE TO BE CORRECT.

DAVID J. BRUCKNER, P.S.
REGISTERED OHIO PROFESSIONAL
SURVEYOR NO. 6939

DAVID J. BRUCKNER
4270 WEST 182ND. ST.
CLEVELAND, OHIO 44135
216-941-0720

TRANSFERS:

P.P.N.: 735-29-097
FROM CITY OF SHAKER HEIGHTS
LAND REUTILIZATION PROGRAM
TO NOEL M. VOLTZ
A.F.N.:

OWNERS ACCEPTANCE:

I, THE UNDERSIGNED OWNER OF THE LAND SHOWN HEREON, DO HEREBY ACCEPT THIS PLAT AND CONSOLIDATION OF THE SAME.

NOEL M. VOLTZ

NOTARY:

STATE OF OHIO
COUNTY OF CUYAHOGA } S.S.

BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE NAMED OWNER WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS HIS OWN FREE ACT AND DEED.

IN WITNESS WHEREOF I HAVE HEREONTO SET MY HAND AND OFFICIAL SEAL

AT _____, OHIO THIS ____ DAY OF _____, 2020.

NOTARY PUBLIC

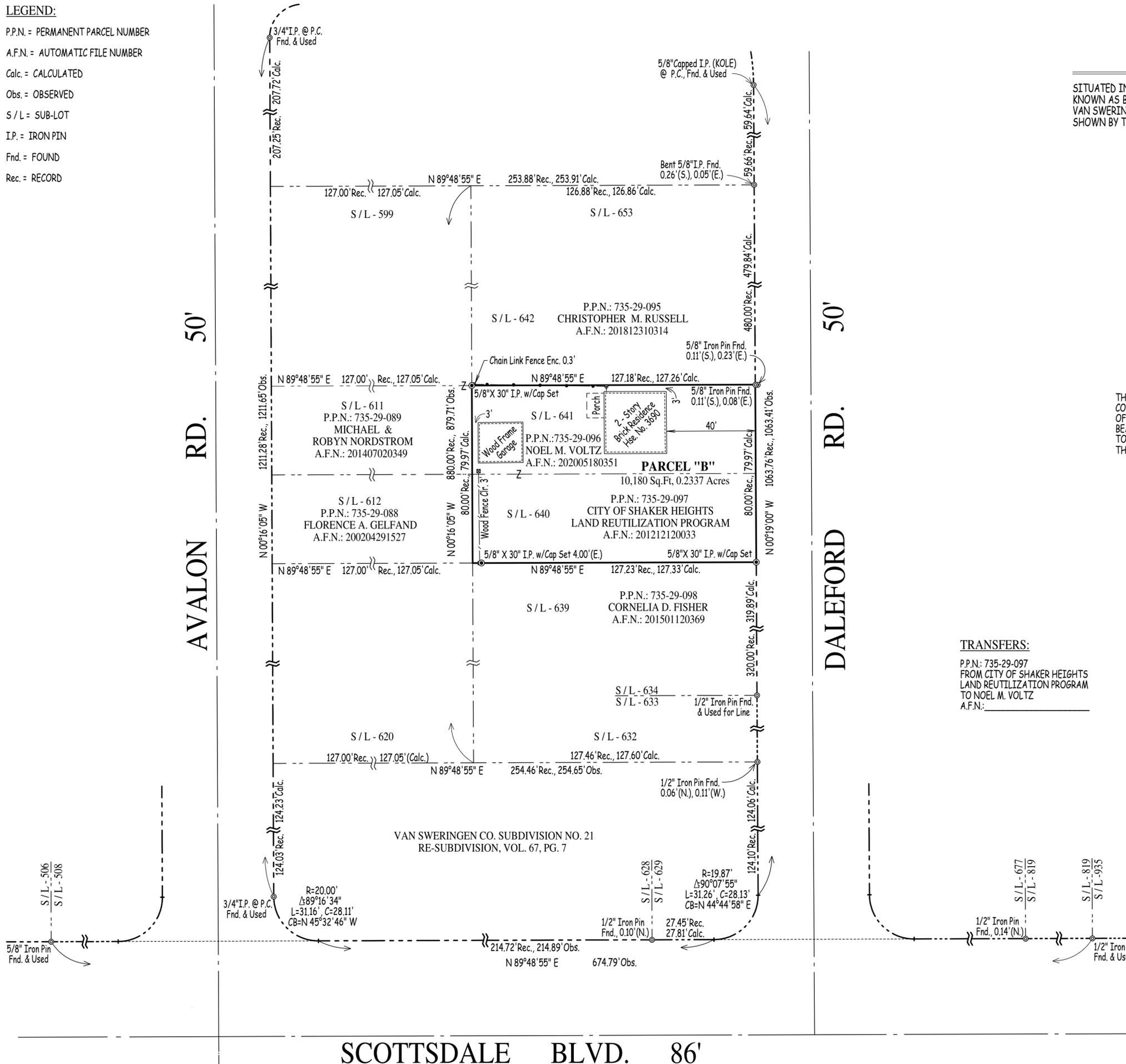
MY COMMISSION EXPIRES

APPROVALS:

THIS PLAT AND CONSOLIDATION IS ACCEPTED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF SHAKER HTS., OHIO.

THIS _____ DAY OF _____, 2020.

DAN FEINSTEIN, SECRETARY, CITY PLANNING COMMISSION



SCOTTSDALE BLVD. 86'

AVALON RD. 50'

DALEFORD RD. 50'



SHAKER HEIGHTS

Memorandum

To: Members of Council
From: Kamla Lewis, Director, Director of Neighborhood Revitalization
cc: Mayor David E. Weiss
Jeri Chaikin, CAO
Date: May 20, 2020
Re: **Application to Acquire City Owned Vacant Lot at 3694 Daleford Road (PPN 735-29-097) for Side Lot**

Summary

The City has received an application from Noel Mellick Voltz, 3690 Daleford Road, who is interested in acquiring the adjacent city owned vacant lot located at 3694 Daleford Road (PPN 735-29-097) in order to expand her 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:** Noel Mellick Voltz, 3690 Daleford Road
- **Proposal summary:** to purchase this vacant lot to use as an enlarged side yard, and add privacy fencing, a play structure, a mini garden and seating area.

Staff Review of Application

- The applicant's property is not in foreclosure, she is current in her property taxes, and there have been no criminal nuisance activity complaints. There are no outstanding Housing or Zoning Code violations. She purchased her home in Shaker Heights on May 18, 2020, and plans to owner occupy 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 December 2012 through tax foreclosure. The house previously on the property was demolished by the City in February 2012. The previous owner was deceased.
- Through its vacant lot program, the City so far has sold twenty-one (21) vacant lots.
- One additional vacant lot on Rolliston Road is being leased to a community group for use as a Community Garden.

Recommendation

Staff recommends approval of the Voltz application to acquire the City owned vacant located at 3694 Daleford Road (PPN 735-29-097) 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.



Voltz home at 3690 Daleford Road and the adjacent city owned vacant lot directly south

ORDINANCE NO.

BY:

Approving and authorizing execution of a Purchase Agreement under the City's Side Lot Program, for the sale of the City-owned property located at 3694 Daleford Road, Shaker Heights, Ohio (PP# 735-29-097), for a purchase price of \$1.00, authorizing the disposition of City-owned property without competitive bidding, and declaring an emergency.

WHEREAS, in February 2020, the City modified its Side Lot Program, which was originally created in 2008, and which makes City-owned vacant lots available for purchase for \$1.00 by adjacent neighbors to encourage them to acquire the lots to enhance their properties and the neighborhood, and to thereby reduce the costs incurred by the City in maintaining such lots; and

WHEREAS, the property located at 3694 Daleford Road, Shaker Heights, Ohio (PP# 735-29-097), is a City-owned vacant lot (the "Property"); and

WHEREAS, the owner of the property at 3690 Daleford Road (PP# 735-29-096), Noel Mellick Voltz, submitted an Application for Acquiring City-Owned Residential Lots; and

WHEREAS, the Property will be consolidated with the Mellick Voltz property at 3690 Daleford Road (PP# 735-29-096), and the lot will be used as the Mellick Voltz side yard; and

WHEREAS, the Director of Neighborhood Revitalization has recommended that the City enter into a Purchase Agreement with Noel Mellick Voltz for the Property, for the purchase price of ONE DOLLAR (\$1.00); and

WHEREAS, this Council has determined that the value to the City of the proposed transfer of this vacant lot and its consolidation with the purchaser's adjacent property, as well as the elimination of the City's maintenance costs, provides sufficient consideration and value to the City to justify the sale of the property for \$1.00, and Council hereby declares that this property is not needed by the City for governmental purposes.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, Ohio, as follows:

Section 1. This Council hereby accepts the offer of Noel Mellick Voltz to purchase the City-owned Property located at 3694 Daleford Road, Shaker Heights, Ohio, also known as Permanent Parcel Number 735-29-097, for ONE DOLLAR (\$1.00).

Section 2. The Mayor is hereby authorized and directed to enter into a Purchase Agreement with Noel Mellick Voltz for the purchase of the Property, and for the consolidation of the Property with the property of the purchaser at 3690 Daleford Road, Permanent Parcel No. 735-29-096. Said Purchase Agreement shall be in the form as approved by the Director of Law.

Section 3. Pursuant to the terms of said Purchase Agreement, the Mayor is further authorized and directed to sell the City-owned property located at

3694 Daleford Road, Shaker Heights, Ohio, on the terms and conditions set forth in the Purchase Agreement and without advertising further for competitive bids.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary to enter into the Purchase Agreement in order to expedite the sale of this City-owned property to reduce the use of City resources to maintain the lot for which there is no municipal purpose, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this ____ day of _____ 2020.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council
coun20/0520PPN73525008sidelotmellickvoltz

May 27, 2020

Noel Mellick Voltz
3690 Daleford Road
Shaker Heights, Ohio 44120

Dear Noel,

Congratulations! Your application to acquire the City owned vacant lot located at 3694 Daleford Road (PPN 735-29-097) has been conditionally approved by City Council at their meeting on May 26, 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:
 - LMS Surveying Ltd.: <http://www.lmssurveying.com>; (330) 329-6812.
 - Edward Dudley, Riverstone Land Surveying: www.riverstonesurveying.com ; (216) 491-2000.

– David Bruckner: (216) 941-0720

– Dempsey Surveying: 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.
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 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,



Kamla Lewis
Director

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

Print

Application for Acquiring City-Owned Residential Lots - Submission #3714

Date Submitted: 5/19/2020

Thank you for your interest in acquiring a City-owned residential lot. Before completing this online application, please be sure to:

• Review the guidelines on the City's [Vacant Lot Program page](#), if you haven't already.

• Download, complete (including notarize), and scan to a PDF file the [Non-Collusion and Disclosure Affidavit](#), which you will be required to upload as part of this online application. You might consider using an [online notary service](#).

Incomplete applications will not be accepted. 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.

You may consider creating an account using the link in the yellow box at the top of your screen, if you have not already done so. This will allow you to save your progress and complete this form at a later date.

If you have any questions about the program, application, or review process, please contact Kamla Lewis at 216-491-1374 or kamla.lewis@shakeronline.com. Thank you.

Applicant Name*

Noel M. Voltz

Street Address (PO Box is not acceptable)*

3690 Daleford Rd.

City*

Shaker Heights

State*

OH

Zip*

84121

Phone*

614-307-0002

Use format ###-###-####

Email*

noel.voltz@utah.edu

Are you a builder/developer proposing to build a pre-sold home?*



Yes



No

If yes, please provide the buyer's contact information.

Name

Address

Phone

Use format ###-###-####

Email

Do you own property in Shaker Heights?*



Yes



No

If yes, list all properties currently owned in Shaker Heights.

3690 Daleford Road

Do any of the properties you own in Shaker Heights have existing Building, Housing, or Zoning Code Violations? Any Criminal Nuisance Activity violations?*

Yes

No

N/A

Are property taxes current on all properties you own in Shaker Heights?*

Yes

No

N/A

Are any properties you own in foreclosure?*

Yes

No

N/A

VACANT LOT INFORMATION

Permanent Parcel Number*

735-29-097

Use format ###-##-###

Property Address*

3694 DALEFORD RD

Intended use:*

Side lot

Community use

Build single-family home

After making your selection, please fill out the required fields below to complete your application.

Are you an owner occupant of a property adjacent to the City-owned lot?

Yes

No

Describe any improvements you plan to make on the City-owned lot (include estimated cost).

I plan to fence in the side lot, combining it with my current property (per the fencing guidelines from Shaker Heights) to create a larger yard our family. I plan to install a play structure as well as a mini garden and seating area in this backyard space.

Describe your proposed community use of the City-owned lot.

What neighborhood is the project in?

-- Select One --

Does the relevant neighborhood association support the project?

Yes

No

If applicable, upload a letter of support from the neighborhood association.

Choose File

No file selected

How many residents will be involved with the project?

How many residents will benefit from the project?

Describe how residents/community will benefit from the project and how the project will be funded.

Is the design of the home one of the City's pre-approved plans?

Yes

No

If you answered No, what is the name of the architect who is designing the home?

Architect's firm

Architect's mailing address

Architect's phone

Architect's email

Use format ###-###-####

What is the name of the company constructing the home?

Provide name of the builder, developer or general contractor.

Company contact

Company address

Company phone

Company email

Use format ###-###-####

Estimated time to complete home after property transfer.

Estimated construction cost.

How do you plan to finance the project?

Check all that apply.

Loan

Personal assets

Other (please specify)

If you selected Other, please specify.

Loan

Personal assets

Other

Total

Enter \$ amount

Enter \$ amount

Enter \$ amount

Enter \$ amount

Upload front elevation drawing/sketch of the home you propose to build.

Choose File

No file selected

Applications without a drawing/sketch will not be considered.

Upload construction schedule and cost breakdown.

Choose File

No file selected

Must be on builder's letterhead.

Upload proof of financing.

Choose File

No file selected

For example, copies of loan commitments, bank statements, etc. Applications without proof of financing will not be accepted.

Non-Collusion and Disclosure Affidavit*

Scan May 19, 2020.pdf

Please upload a PDF scan of the completed and notarized [Non-Collusion and Disclosure Affidavit](#).

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. I/We understand that if the application is accepted I/we will be required to enter into an agreement with the City to complete the transaction.
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 underground 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. For single family home proposals, 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.

Applicant Electronic Signature Agreement*

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.



I agree.

Electronic Signature*

Noel M. Voltz

Co-Applicant Electronic Signature Agreement

By checking the "I agree" box below, you agree and acknowledge that 1) your application will not be signed in the sense of a traditional paper document, 2) by signing in this alternate manner, you authorize your electronic signature to be valid and binding upon you to the same force and effect as a handwritten signature, and 3) you may still be required to provide a traditional signature at a later date.



I agree.

Electronic Signature

PARCEL B

PPN'S 735-29-096 & 097

Situated in the City of Shaker Heights, County of Cuyahoga, and State of Ohio and known as being all of Sublots Nos. 640 and 641 in a Re-Subdivision of part of the Van Sweringen Co. Subdivision No. 21 of part of Original Warrensville Township Lot No. 53 as shown by the recorded plat in Volume 65 of Maps, Page 22 of Cuyahoga County Records. Said Sublots together being 79.97 feet front on the Westerly line of Daleford Rd. (50 feet wide) and extending back of equal width, 127.26 feet on the Northerly line and 127.33 feet on the Southerly line to a line parallel with Avalon Rd. (50 feet wide).

Containing within said bounds an area of 10,180 square feet (0.2337 acres) of land according to the Consolidation for Noel Voltz, designating said Sublots together as "Parcel B", by David J. Bruckner, P.S., Registered Ohio Professional Surveyor No. 6939, dated June 26, 2020 and recorded as A.F.N. _____ of Cuyahoga County Records, be the same more or less but subject to all legal highways, easements, and restrictions of record.

David J. Bruckner, P.S.
Registered Ohio Professional
Surveyor No. 6939

July 1, 2020