



**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

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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.

Mr. Dreyfuss-Wells 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.

