



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, June 2, 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 David Weiss at 7:00 p.m.

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Approval of the May 5, 2020 Meeting Minutes

It was moved by Dr. Ganning and seconded by Mr. Dreyfuss-Wells to approve the minutes with corrections.

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

Motion Carried

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BOARD OF ZONING APPEALS

#2062. Pelletier Residence – 19600 Shaker Boulevard:

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

CITY OF SHAKER HEIGHTS

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#2065. Carfagna Residence – 2762 Inverness Road:

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

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the corner lot fence regulations for location and height. The applicant proposes a 4-foot tall ornamental aluminum fence at this corner lot at Belvoir Boulevard and Inverness Road. The fence is proposed to enclose the Belvoir Boulevard yard and be 4 feet off the Belvoir Boulevard sidewalk. Code requires a 50-foot setback on this corner lot, to match the front wall of the neighbor's house. Code only allows front yard fences to be 3 feet tall. The applicant proposes viburnum bushes to screen the fence. Staff supports the request with the condition that if the neighbor does not approve bushes on their property, then the fence must be moved to allow bushes to be planted on the applicant's property.

Mr. Carfagna said they are at the corner of Inverness Road and Belvoir Boulevard. They have three small children and pedestrians with dogs often cut through their yard. They treat it like a public space. They propose a 4 foot tall black aluminum ornamental fence which will not block any views. There is precedent on similar corner lots and fences that do not alter the essential character of the neighborhood. There are similar fences on other properties in their neighborhood.

Dr. Ganning said there is a challenge of social distance on the sidewalk when plants are overgrown. Should the fence be moved back to allow more room for the bushes to grow without impacting the sidewalk?

Mrs. Carfagna said they are asking the company to install the compact variety of the bush so it will not grow too wide. The evergreen trees and the mounding underneath make it difficult to move the fence further back.

Mr. Carfagna said the bushes will be professionally maintained and kept off the sidewalk.

Mr. Dreyfuss-Wells asked about an angle instead of a sharp corner of the fence where it returns to the house.

Mrs. Carfagna said she thinks fence corner is less visible as proposed since it dies into an existing evergreen tree.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein read the following comments into record:

district. The City Planning Commission reviews subdivision of land. Council approved the sale of the land to the Boudreaux's at their April 13, 2020 meeting. Staff supports the request.

JoVanna Boudreaux reiterated they have small children and not a large yard. They would love to have an area for the children to play. The fence they propose will contain the children.

Mayor Weiss said it is good to see families making use of the opportunity to expand their property.

Dr. Ganning said she is happy to see a good use of the space.

Mr. Malone thanked the applicant for taking on the property.

Mayor Weiss opened the Public Hearing. No comments were received in regard to this request.

Mayor Weiss said he is pleased to see this happen. The improvements require additional approvals.

Mrs. Boudreaux said yes, they are aware of the requirements and will submit to staff.

It was moved by Mr. Dreyfuss-Wells and seconded by Dr. Ganning to approve the request based on the findings of fact and conclusions of law as set forth in the Action Sheet with the condition that a final plat is submitted to the City and filed with the County.

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

Motion Carried

#2064. BR Knez Construction – 3565 Ludgate Road:

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

Mr. Feinstein showed slides of the site. He stated this is a request for site plan review and a variance to build a new house. The applicant proposes this new house on one of two adjacent vacant city-owned lots. The three bedroom house with a detached 2-car garage meets all zoning location requirements. The lot is smaller than required in the SF-3 zoning district. The lot is 5,200 square feet when code requires 5,600 square feet. The house is the same design on the same size lot as has been built at 3609 Ludgate Road. The Architectural Board of Review approved the new house with a different color scheme than the house down the street using the Infill Design Guidelines policy statement for distressed neighborhoods. The exterior materials are the same as the recently built house. Staff supports the request for site plan review and the lot size variance.

WORK SESSION

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

Ms. Braverman said the Board is acting as an advisor to the city on recommendations to award a contract for ongoing Van Aken District planning to WSP to help plan for transit-oriented work in the area. RTA is completing improvements to track, platform and comfort station. RTA is also installing a power substation. The city has future grant funds for this project. The city wants to do a plan and coordinate this investment now and for the future.

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There being no further business, the meeting was adjourned at 8:30 p.m. The next meeting will be July 7, 2020.



David E. Weiss, Chair
Board of Zoning Appeals
City Planning Commission



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission