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.
Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the hot tub regulations for size and height. The applicant proposes a hot tub in the rear yard that is 7 feet 9 inches by 14 feet 4 inches. Code limits hot tubs to 8 feet in diameter. The hot tub is also 4 feet 3 inches tall, while code allows a 4-foot tall hot tub. The applicant proposes this particular hot tub since it is also a swim spa. The applicant proposes a code conforming location and to screen it with arborvitae bushes. Staff supports this request.

Marc Pelletier said they are limited in the size of the yard for an in-ground pool due to their pie-shaped corner lot. This swim spa is a version of a hot tub. It is needed for therapy for his chronic back pain. They looked for one durable in different weather conditions. They originally wanted it on the patio but moved it to the rear corner of the yard to a code-conforming location.

Mayor Weiss said it is helpful to have the tub superimposed on the plan.

Mr. Malone asked if there are safety concerns.

Mr. Feinstein said no, the unit will not create any safety concerns. The tub has a locking cover and is surrounded by a 4 feet tall fence.

Dr. Ganning asked if this precedent for an above-ground pool.

Mr. Feinstein said this unit is defined as different than an above-ground pool. The unit is heated, has jets for therapy, and is constructed like a hot tub, unlike a regular above-ground pool.

Mr. Dreyfuss Wells said there is precedent listed in the staff report to support a pool for therapeutic uses. How is the unit mounted?

Dr. Pelletier said it is on a leveled 4 inch base of rock.

Mr. Boyle asked how you enter the unit.

Dr. Pelletier said there are two wooden steps at the side.

Mayor Weiss said it meets location requirements and is well landscaped and hidden from street view. He would not want it noticed from the street view.

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

It was moved by Mr. Boyle and seconded by Mr. Dreyfuss-Wells to approve the request based on the findings of fact and conclusions of law as set forth in the Action Sheet.

Roll Call:

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

Motion Carried

* * * * *
#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:
Mr. & Mrs. Herman at 2745 Belvoir Boulevard support the request to install the 4-foot tall aluminum fence 4 feet from Belvoir Boulevard and along their shared property line. They have discussed this work with the applicant and it makes complete sense. They can allow their family free roam of their property and provide them with a bit more privacy.

Mr. & Mrs. Klug, 2766 Belvoir Boulevard live directly across the street from the home and back yard of Peter and Joanna Carfagna. They would like to express their support of the Carfagna’s and their proposal to build a fence.

Laurie Billowitz, a Shaker Boulevard resident near Belvoir Boulevard, said she is not in favor of the fence proposed at the Carfagna residence. It is too close to the street and not in keeping with a Shaker corner lot.

Mr. Boyle said the Board has approved this kind of request when on a triangular lot. He supports the request with the staff suggestions.

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 condition that the fence can be on the north property line as long as the neighbor allows the applicant to plant barberry bushes on their property; and if not, the fence would be moved off the property line to allow barberry bushes planted on the applicant’s property.

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

Motion Carried

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CITY PLANNING COMMISSION

#2063. Boudreaux Residence – 3531 Stoer Road:

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

Mr. Feinstein showed slides of the site. He stated this is a request by the city to combine a vacant lot with the neighbor’s lot where their house is located. The applicant is approved to purchase the city-owned vacant lot next door. The vacant parcel (736-23-088) when combined with the next door lot with the house meets all lot and block size requirements for a lot in the SF-3 Single Family Residential zoning
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 Ladgate 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.
Michael David, BR Knez Construction, said they have been in business for 30 years doing urban infill. They are completing the house at 3609 Ludgate now, finishing the basement for the buyer. Today they request site plan review for a lot just 400 square feet smaller than code allows. This is the same house design as at 3609. This is their most popular model and can be built efficiently, and fits in well into the neighborhood. They worked to meet the city’s requirements for design and materials on the first house and are now replicating that house.

Mr. Dreyfuss-Wells said he walked the street and the new house at 3609 seems to fit into the neighborhood. He suggested using single lots for SF infill houses while leaving the double and triple lots for other houses. The city created an overlay zoning district to allow more innovative housing types on double and triple lots. He suggested the same 6 inch corner trim should be used on the rear corners as are on the front corners.

Mr. Boyle said the house fits the lot and is the same as the house down the street.

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

Mayor Weiss said the city and the Architectural Board of Review worked hard with the applicant to establish the design of the first house down the street.

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.

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

Motion Carried

** OFFICE (O) Zoning Text Amendment: **

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

Mr. Feinstein stated this is a request by the city for zoning code text amendments to the Office zoning district. The city proposes to add laboratories and research facilities and limited production/processing to Section 1230.03 a permitted uses in the Office zoning district. A reference to the office district also needs to be added to Section 1263.15 Conditional Use Standards for those uses. The City Planning Commission reviews zoning text amendments and makes a recommendation to Council. Council action requires a Public Hearing and three readings. These uses are listed in both the CM and C-3 commercial
zoning districts. They are limited by the standards in Section 1263.15 and Environmental Standards in Section 1260. The uses are further determined in the Definitions Section 1211.

Laura Englehart, Director of Economic Development, said the change allows facilities expansion of current Shaker business and allows growth in the office district within biomed and health offices. It helps position future investment with more flexibility in an uncertain environment with more flexibility. She said CTL has been in Shaker Heights since 2007. It is a global biotech company at 20521 Chagrin Boulevard that has outgrown their building. They are staying in Shaker Heights by purchasing the Chagrin Corporate Center at 20820 Chagrin south of their current location. They will expand into this building if zoning will facilitate these uses. These are the greatest impacts at this time but these changes also provide flexibility in the future.

Mayor Weiss said the city pursues all opportunities to expand businesses and expand flexibility. These changes have been considered and now a use is requesting just such flexibility. The city has worked closely with CTL in the past. It is important in this environment to facilitate their ability to grow.

Dr. Ganning said she discussed possible nuisances, guests, and business growth with staff and is satisfied all her concerns were addressed.

Mr. Boyle asked if any other Office zoning that is not nearby.

Mr. Feinstein said the only property in the Office district not nearby is at the corner of Warrensville Center Road and Shaker Boulevard, across from the Bertram Woods Library branch.

Mayor Weiss said the city does not have a lot of Office district zoning. There are protections against nuisance uses.

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

Mr. Malone said the use standards and nuisance regulations in the code do control the intensity of these uses, which are already permitted in other sections of the code. He supports the request.

It was moved by Mr. Boyle and seconded by Dr. Ganning to recommend approval to City Council, based on the findings of fact and conclusions of law as set forth in the Action Sheet.

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

Motion Carried

Council Action is Required.

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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