



SHAKER HEIGHTS

**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, June 7, 2022
7 P.M.
City Hall Council Chambers**

Members Present: David E. Weiss, Mayor, Chair
Sean P. Malone, Council Member, Vice-Chair
John 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 Sean Malone, Council Member, at 7:00 p.m.

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Approval of the May 3, 2022 Meeting Minutes

It was moved by Mr. Boyle and seconded by Mr. Dreyfuss-Wells to approve the minutes.

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

Motion Carried

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Mr. Malone recused himself from this item.

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#2157. ST. DOMINIC SCHOOL – 3455 NORWOOD ROAD:

A continuation of a Public Hearing was held on the request of Maureen Covington, Principal, St. Dominic School, 3455 Norwood Road, to the Board of Zoning Appeals for variances to the recreational structure height and location, number of parking spaces, and dumpster enclosure requirements. The review was continued at the April 2022 meeting for additional detailed information. The applicant has submitted additional information regarding a new playground and relocated dumpster enclosure on the Van Aken Boulevard side of the site. The proposed play structure is 19 feet tall and located 17 feet from the eastern property line. Code allows a 15 foot

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height limit for a recreational structure and a 25-foot setback from the property line. The dumpsters are proposed to be relocated and enclosed with a 6-foot tall solid wood fence. Code requires a 6-foot tall brick wall to enclose a dumpster. Nine (9) parking spaces are being eliminated for the playground and dumpster enclosure from the 93 parking space parking lot. The additional 50 on-street spaces adjacent to the property totals 142 available parking spaces. Code requires 175 parking spaces for the church and 23 for the school for a total of 197 parking spaces. The existing mature evergreen trees along Van Aken Boulevard will remain to screen the view from the street. A line of 18 arborvitae are proposed to screen the eastern property line planted at 6 feet tall.

Mr. Feinstein showed pictures of the site. He stated this is a continuation of a request for variances to the recreational structure regulations for height and location, and number of parking spaces. The case was continued at the April 2022 meeting for more detailed information. The applicant has submitted revised plans. A variance is requested to the height of the proposed recreational structure. The structure is 19 feet tall when 15 feet is allowed. The structure is required to be set back 25 feet from the property lines and is proposed 17 feet off the eastern property line. The dumpsters are being relocated and screened with a 6 foot tall wood fence when code requires a 6 foot tall brick wall. Nine (9) parking spaces are being eliminated. The 84 space parking lot and 85 on-street spaces totals 169 available spaces. Code requires 198 parking spaces. There are an additional 50 spaces along Van Aken Boulevard in the rapid transit stop spaces. The Landmark Commission approved the plan at their May 25, 2022 meeting with the condition that the fence is stained grey or left natural. Staff supports the request.

Mr. Manning said he would like to thank the City Planning Commission for their guidance at the last meeting. The comments helped them formalize their site plan.

Maureen Covington, Principal, said they are excited to have a play structure. This is a wonderful opportunity for the school.

Mr. Dreyfuss-Wells thanked the applicants for the additional information. He asked where the gates for the fence are located.

Ms. Covington said they are located at the back and southwest corners. There are only two gates for access.

Mr. Dreyfuss-Wells asked where the arborvitae will be planted. Will they be in the landscape bed or in planters on the parking lot?

Ms. Covington said they will be located in the existing landscape bed adjacent to the playground.

Mr. Malone opened the Public Hearing. No comments were received in regard to this request.

Mr. Boyle asked if the applicant was accepting of the conditions of approval as listed in the Staff Report.

Mr. Manning said they are in agreement with the staff report conditions.

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 with the following conditions:

are Sunday through Thursday from 6:00 to 9:00 p.m. Upstairs office tenants are all closed by that time. There is an abundance of public parking in the area. He has 8 – 12 employees that will park across Warrensville Center Road. They need a variance to Section 1262.05 of the zoning code for a gate and outdoor seating. They need a fence for their liquor permit in order to operate in the outdoor seating. There are two other restaurants on the block with this type of outdoor seating.

Mr. Boyle said this application is only for the left side of the first floor space.

Mr. Dreyfuss-Wells asked the intent of the privacy wall.

Mr. Segal said it helps protect the outdoor seating next to the Wendy's drive-through. It is an aesthetically pleasing slatted wall.

Mr. Malone asked about parking spaces across Warrensville Center Road.

Ms. Braverman said University Hospitals currently leases these parking spaces from the city. They have said they are inclined to allow them to be shared in the evening hours.

Mr. Gruber said University Hospitals and the city have agreed in principle. They do not use the north end of the lot as much after they built their parking lot to the south.

Mr. Malone asked where staff will park.

Mr. Segal said staff and any other patrons would use the Warrensville Center Road lot for overflow.

Mr. Dreyfuss-Wells asked about the other tenant on the first floor.

Ms. Oliver said that tenant is not ready to apply as of yet.

Mayor Weiss opened the Public Hearing.

Nancy Newman, 20137 Lomond Boulevard said this BBQ and a proposed Brewery in same building is too much. There is one space to use for a dumpster. Different uses in the area have similar hours. Saffron patch is open until 9:30. It is optimistic to think others will allow cross parking. All of this traffic will pull in and out of the same Lomond entrance driveway. This drive is only 18 feet wide. It could create a backup. The traffic and pollution will be high. Consider re-opening the exit on the east end of the parking lot. The brewery request will add another 82 seats of patrons that will need to park.

Jeff Rothman, 20145 Lomond Boulevard, said his concern is congestion in front of houses facing Lomond. The patrons will first try to get a spot in the lot. The estimated total of 109 indoor seats and 30 outdoor is a lot of parking spaces. He thinks the Board should look at the whole plan, not just this one application.

Ms. Braverman said all of the properties share the roadway entry. The narrow driveway in the rear is a congested entry. She suggests employees park elsewhere in order to minimize congestion.

Mr. Malone asked when the eastern driveway was removed.

open space for rotating tenants in the 2,176 square foot building. The business will allow local vendors to sell their wares such as jewelry, antiques, used items and electronics arranged on tables. The C-3 Business Commercial district requires a Conditional Use Permit for uses similar to a farmer's market. City Council confirmation is required for a Conditional Use Permit.

Mr. Feinstein showed pictures of the site. He stated this is a request for a conditional use permit for a use similar to a farmer's market in order to operate a mini indoor flea market. The mini flea market is proposed inside the 2,000 square foot building. Various vendors are proposed to rotate through the space with their wares such as jewelry, antiques, used items, and electronics displayed on tables. A conditional use permit is requested for a use similar to a farmer's market, which is a listed temporary use, and requires a conditional use permit. Staff suggests continuation of the request with a list of comments and questions which are listed in the Staff Report.

David Aronovich said he will speak and translate for his father, Boris. They just wish to set up tables inside and be open Friday, Saturday and Sunday. Vendors will rotate through the space. His father will also sell wares and manage the space.

Mr. Boyle asked about the sale of food.

Mr. Aronovich, said they may have a vending machine for food.

Mr. Dreyfuss-Wells asked about on-site parking and improvements to the property at the rear property line or in the front parking lot.

Ms. Braverman asked about landscaping at the front and rear of the building.

Mr. Malone asked if the applicant has operated a flea market.

Mr. Aronovich said no.

Mr. Malone asked about any shared parking on Lee Road.

Ms. Braverman said there is overflow between the properties, but not by agreement. The applicant has not presented any parking alternatives.

Mr. Gruber said the next door building is vacant. Can an agreement be done there?

Mr. Boyle said it appears information is incomplete.

Dr. Ganning said no information has been submitted regarding a fence at the rear property line. They do not have a complete picture of this proposal and how it will affect the building or other properties.

Ms. Braverman asked when the trash would be picked up. They need to look into that.

Mr. Boyle asked if this is a prospective lease.

Mr. Feinstein said no. The owner has given permission for the applicant to apply to the City Planning Commission.

Mr. Aronovich said there will be 2 or 3 vendors in addition to him.

Mr. Dreyfuss-Wells asked if the applicant is the main vendor. Other vendors will be present to sell their own wares as well.

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

Mayor Weiss noted additional information is required per the Staff Report.

Mr. Gruber said he would like to make sure the applicant understands what he is being asked to provide.

Mr. Aronovich indicated he understood.

The request was continued with the following comments for the applicant:

1. Determine where overflow parking is proposed.
2. Determine where loading/unloading for vendors will occur. Where will vendors park?
3. Outline how many different vendors will occupy the space. A total of 14 tables are shown on the floor plan.
4. Revise business plan to include hours of operation.
5. Revise the site plan to include handicap accessible parking. This parking space must have an 8 foot wide striped access area adjacent.
6. Revise the site plan to include 9 by 18 foot parking spaces. Proposed spaces are not large enough.
7. Renovate the parking lot by repaving the lot to meet building code maintenance standards and zoning code standards, stripe appropriate size parking spaces and wheel stops to meeting standards in Zoning Code Chapter 1251.
8. Install landscaping to screen the front parking lot and the rear property line to meet standards in Zoning Code Section 1253.08.
9. Identify the dumpster type, location and screening.
10. Provide a statement explaining how the proposed use is similar to a farmer's market or retail establishment as required in Section 1213.05.

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Mr. Dreyfuss-Wells recused himself from the meeting and left the room.

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#2164. VALENTIN RESIDENCE – 3608 HILDANA ROAD:

A Public Hearing was held on the request of Alexander Hosack, RDL Architects, representing M. Valentin, 3608 Hildana Road, to the Board of Zoning Appeals and City Planning Commission for site plan review and variances to the rear yard pavement, garage regulations and air conditioning condenser location for a new single-family house. The applicant proposes to construct a new three-bedroom house on this vacant lot, with a two-car attached garage. The two car attached garage is located behind the house and faces the rear yard. Code requires garages to be detached where the

majority of existing garages on the street block are already detached, as is the case on this block of Hildana Road. The rear yard driveway and turnaround area exceeds the allowable percentage of pavement in the rear yard. The proposed pavement is 56 percent of the rear yard while code only allows 40 percent rear yard pavement. Site plan review is required for all new houses.

Mr. Feinstein showed pictures of the site. He stated this is a request for a new single-family house with variances for garage regulations and rear yard pavement. The applicant proposes a new single family house on this city-owned lot. The attached garage faces the rear yard. Code requires garages to be the same type, attached vs. detached, as the majority of garages on the block. All but one garage on this block of Hildana Road is detached. Due to the rear-facing garage, the rear yard pavement exceeds the maximum 45% coverage, as 50% of the rear yard is paved. The Architectural Board of Review approved the design with conditions regarding the front step and stoop, in addition to the rear foundation treatment. Staff supports the request with the condition of tree protection fencing around the trees in the rear corner of the lot.

Alexander Hosek, RDL Architects, said this is a new house for a current resident of the City who wishes to remain. The house has an attached garage and a lower first floor level so an attached garage to allow the owner to age in place. The attached garage is also for safety and weather concerns. In order to get in and out of the garage, they need the additional pavement to provide movement area in the rear yard.

Mayor Weiss said the attached garage variance seems to create the driveway issue.

Mr. Boyle said he supports the attached garage to facilitate aging in place. The house looks attractive and fits into the neighborhood.

Ms. Braverman said the boxwoods proposed in the front landscaping should be filled in with additional plantings.

Mayor Weiss asked about the floor plan.

Mr. Hosek explained the floor plan of the residence with its first floor bedroom, yoga studio and connection to the garage.

Mayor Weiss opened the Public Hearing.

Crystal Montgomery, 3389 Ludgate Road, asked about the attached garage. Detached garages are typical in this neighborhood. There are different styles of homes, but the garages are detached. An attached garage takes more space and pavement. If there is green space, then it should be used. Breaks up the rhythm of the area.

Mr. Hosek said he is not sure of the procedure to consider other lots. This design has been approved by the Architectural Board of Review. They have changed the rear pavement to get close to the percentage of the rear yard with just a 5% variance.

Mayor Weiss complimented the design of the house and welcomed the new housing that has its own design and fits into the neighborhood.

Approved with the following conditions:

Brandon Christowski, Edwin's owner and applicant, said he has a 6 month training program with a return of 1% recidivism rate. Child care is an issue for his workers. Eighty (80) percent of their students with children do not finish their program. They have provided housing and this is another layer of help.

Elicia Gibbon, project architect, said this daycare is only for the Edwin's training staff and students. The capacity is 12 children and is not for public use. Most students do not have personal vehicles. This is only one block from the restaurant and 3 blocks from the campus. There are limited spaces for play on this property. Not all of the children will be outside at the same time. Typically half would be out at any given time. They will work with the Police Department to create a 15 minute drop off space for their one street space. Across the street, there are 3 spaces at HITT that they have an agreement to use. There is overflow parking on Cheshire Road, but do not think they will need it. The 4 foot tall fence is comparable with the others at the same area. It has the same design so it is aesthetically consistent.

Mr. Christowski said it is easy to see improvement for students out of the criminal justice system. There is precedent for other uses in the neighborhood. This use helps create a brighter future for all of Larchmere. He said 4 parking spaces are available next to the adjacent driveway. It is also a good drop-off location.

Mr. Gruber said parking in the eastern driveway is not allowed exclusively by the documents submitted by the applicant.

Mr. Christowski said there is a long-standing understanding.

Ms. Gibbon said they intend to keep the trees in the front yard. They will plant grass and have the trees.

Mr. Dreyfuss-Wells said he is concerned it will become bare soil.

Ms. Gibbon said they are open to artificial turf or shredded bark but will work with their landscape designer for the best solution.

Mr. Dreyfuss-Wells said a green lawn with the fence and trees would be preferred.

Ms. Gibbon said the drop transition zone enclosed by the fence is easily accessible. Parents can go up the steps with the gate closed behind.

Mayor Weiss asked if there will be play equipment.

Mr. Boyle said there are 4 parking spaces on the east side, but no easement onto other with current owner.

Dr. Ganning said while parking is not an issue now, may be for a future user. Would feel better about it. Does the interior meet code requirements for children.

Ms. Sarantini said she is consulting with the applicant to make sure the codes are met for small children. They are part of the state licensing process.

Ms. Gibbon explained egress in and out of the daycare and the restrooms.

Ms. Braverman asked if it will have to get state licensure for the daycare.

Mr. Christowski said yes. They will have three infants, three toddlers and 3 school age with a good staffing ratio.

Mayor Weiss agreed this is a unique type of use and daycare. It is not the same as other commercial daycare operations reviewed by the City Planning Commission.

Mr. Malone said providing child care for employees is important. How do they meet the state law of 60 square feet per child of outdoor space?

Ms. Saraniti said they need the entire front yard to meet the state rules.

Ms. Gibbon said the space is sized for up to 7 children at a time. It is usual for outdoor play to be grouped into similar age groups. She said the 4 foot fence will help keep the children in the yard and the front area landscaping private. They will work with the landscaper and staff to fashion and maintain the front yard.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein summarized the letters submitted regarding the proposal.

Brenda Logan, owner of 13015 Larchmere Boulevard, is not in favor of the proposed daycare. She is concerned with the traffic pulling in and out.

Harriett Logan, Loganberry Books owner at 13015 Larchmere Boulevard, is not in favor of the proposal. It is a worthy project but not good in this location. She is concerned with traffic and front yard fence.

Eric Meister, Shaker Quality Auto Body at 12916 Larchmere Boulevard, supports the request.

Kevin Lovas and Janet Alter, 2585-87 Cheshire and 2565-67 Kendall Roads, do not support the project.

Kim Thomas, Mayor of Richmond Heights and Larchmere business owner, supports the project.

Kelly McKinney, Pastry Chef, supports a daycare being available for the employees.

Ciera Campbell, student in the Edwin's program, supports the daycare operation.

Sahithya Wintrich, a Shaker Square business owner, supports additional daycare in the neighborhood.

Mr. Harris, a general contractor, worked with Mr. Christowski. He is a product of the change of this businessman. He helps bring his vision to the forefront. He said he supports this new project.

Ellen Strong, Strong Bindery owner at 13015 Larchmere Boulevard, said she likes that cars can pull up in the driveway and then circle the building to leave. Interested in retention of the two existing trees in the front yard. She would encourage keeping both.

Amira Thomas, 12306 Larchmere Boulevard, said she is an education executive director of 15 schools. The applicant providing child care is admirable.

