



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, July 7, 2020
7 P.M.
Zoom Webinar**

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 June 2, 2020 Meeting Minutes

It was moved by Mr. Dreyfuss-Wells 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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BOARD OF ZONING APPEALS

#2070. Hajek/Leighton Residence – 19235 Scottsdale Boulevard:

A Public Hearing was held on the request of Karie Hajek and Gabriel Leighton, 19235 Scottsdale 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 3.5-foot tall open picket wood fence on this corner lot at Scottsdale Boulevard and Tolland Road. The fence is proposed to be located 9 feet behind the Tolland 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 Tolland Road is set back 42 feet. The fence is proposed to enclose the rear yard and the Tolland Road side yard, including an existing patio and driveway, for the safety of the applicant’s children

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and dogs. Code allows a 3 foot tall fence in a corner side yard. The fence is proposed to be located behind a proposed boxwood hedge planted at 24 inches tall.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the corner lot fence regulations to location and height. The applicant proposes a 3.5-foot tall open picket wood fence, set back 9 feet from Tolland Road on this corner lot. Code allows only a 3-foot tall fence, set back 42 feet from Tolland Road. The fence will be screened with boxwood bushes planted at 2 feet tall. The fence is needed to enclose an existing deck, patio and attached garage. The applicant wants to protect their children and dogs from the street. Staff supports the request with the condition the fence is installed 3 feet in from the north property line in order to allow bushes planted outside the fence and remain on the applicant's property.

Ms. Hajek said they have children of 5 and 3 years and a 20 month old. They are outside much of the time and Scottsdale Boulevard is very busy. The oldest child is special needs, which limits instructional understanding. Their garage is attached to the house and the primary way in and out of the house. A code compliant fence does not enclose access to the garage. They propose a 3 ½ foot tall fence, when code allows a 3 foot tall fence. This will allow them to keep the children in the yard. They will plant bushes in the space to the sidewalk.

Dave Schwalm, Trueline Fence, said the new fence will fit into the neighborhood and be a good looking fence.

Mr. Boyle said he does not want to affect the trees on the property. If the applicant accepts a 3 foot setback off the north property line that would be better.

Ms. Hajek said they accept that revised fence location.

Mayor Weiss asked about the neighbor to the north. Has the applicant discussed the fence with them?

Mr. Leighton said they talked to the neighbor and he is supportive of the request. The children have a restricted level of activity now especially with so many activities closed in the community, so they need a fence in order to be outside.

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

Mr. Feinstein said he spoke with the neighbor across Scottsdale Boulevard, who approves of the proposal.

Dr. Ganning said the sight line to the side neighbor already has a visual break with trees.

Mayor Weiss said he agrees that the trees there are nice and helps with the request.

Mr. Malone said he agrees and the materials match the rear yard. The request is a textbook example of practical difficulty for the children's use and access to the rear yard through the garage. The request does not change neighborhood character.

It was moved by Mr. Malone and seconded by Mr. Boyle 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 is set

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#2069. Ciriaco Residence – 3683 Strandhill Road:

A Public Hearing was held on the request of the City of Shaker Heights, representing Ryan and Samantha Ciriaco, 3683 Strandhill 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 Ciriaco’s home is located. The Ciriacos are purchasing the vacant lot next door. The house parcel (736-15-099) is proposed to be combined with the vacant adjacent lot (736-15-098). The Ciriacos propose to integrate the vacant lot into their yard with a fence and children’s play set. 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 to subdivide land to join an adjacent vacant lot to the owner’s house lot. They propose to acquire the adjacent vacant city-owned lot. The proposed double lot meets SF-3 Single Family Residential zoning lot and block standards. Council has approved the sale of the lot. The applicant proposes the yard for their children to play. Staff supports the request with the condition of a final plat submitted to the city and recorded with the county.

Mr. Ciriaco said they have two toddlers and plan to use the extra lot for more space. They plan to install a play set for the children.

Mayor Weiss opened the Public Hearing.

Jacqueline Patterson, 18108 Lomond Boulevard, said the applicants will create a truly wonderful asset to the neighborhood.

Mr. Boyle said he supports approval as described by staff.

It was moved by Mr. Boyle 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

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#2071. Dance by Sha’ran – 3445 Warrensville Center Road:

A Public Hearing was held on the request of Sha’Ran Marshall, Dance by Sha’Ran, located at Christ Episcopal Church, 3445 Warrensville Center Road, to the City Planning Commission for a Conditional Use Permit for a specialized instructional school. The applicant proposes to utilize a lower level space in the church, formerly occupied by Verb Ballet, for a dance classroom space. Half of the basement level “parish hall” area of the church and adjacent space will be used for offices and

dresser rooms, which is the same spaces previously used by Verb. The applicant proposes dance classes for various age groups both in-person and combination Zoom classes with a maximum of 10 students, but will transition to up to 20 students after COVID-19. Hours are proposed to be Monday – Thursday 9 a.m. to 8 p.m., Friday from 6 p.m. to 10 p.m., and Saturday from 8 a.m. to 1 p.m. A 40-space parking variance was approved for the Verb Ballet use. All employees and visitors are proposed to use the church’s north parking lot. Council confirmation is required.

Mr. Feinstein showed slides of the site. He stated this is a request for a Conditional Use Permit for a dance school in Christ Episcopal Church. The applicant proposes a dance school to take over the former Verb Ballet space. Various dance classes for various ages will be offered Monday through Thursday from 9 a.m. to 8 p.m., Friday evenings and Saturday mornings. Verb Ballet received a parking variance to use only the north parking lot in 2011, which is still in effect for this use. The classes are a mix of Zoom and in-person classes for up to 10 students currently, but will eventually expand to 20 students. The request meets the Conditional Use Permit standards. Council confirmation is required. Staff supports the request.

Sha’Ran Marshall, owner, explained her business and the various types of dance that she teaches to different ages of students. She explained that the number of students is about half of what she hopes to have after COVID. They have combination real and zoom classes now. She had sublease dance instructors as listed in the materials she submitted as dance instructors for a wide variety of activities. She has spoken with Jason Russell at the Van Aken District about collaboration. She is committed to helping the mental and physical health and wellbeing of the community.

Mayor Weiss said it is good to hear the background of the applicant and her plans for her business.

Mr. Dreyfuss-Wells said this use is using the space very similarly, to how Verb Ballet used the space previously.

Ms. Braverman ask about the maximum number of clients.

Ms. Marshall said currently the space is limited to about 10 but she hopes to have roughly 20 per class after COVID restrictions are eased.

Mr. Malone appreciates the detailed description and asked about the hours of the business.

Mr. Marshall listed the hours and said there are Friday evening classes to accommodate her client’s schedules.

Mayor Weiss welcomed the business to the city and predicts it will flourish due in no small part to the business owner’s enthusiasm. He agrees the business is a similar use as Verb Ballet was in the same space.

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.

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

Motion Carried

City Council confirmation is required.

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There being no further business, the meeting was adjourned at 8:00 p.m. The next meeting will be August 4, 2020.



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



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission