



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, August 4, 2020
7 P.M.
Via 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 Title/Name at Time.

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Approval of the July 7, 2020 Meeting Minutes

It was moved by Mr. Boyle and seconded by Dr. Ganning 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

#2072. Jolly Residence – 23150 Shaker Boulevard:

A Public Hearing was held on the request of Emmitt Jolly, 23150 Shaker 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 6-foot tall ornamental aluminum fence on this corner lot at Shaker Boulevard and Hardwick Road. The brown ornamental aluminum fence is proposed to be located 12 feet behind the Hardwick 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 Hardwick Road is set back 40 feet. The fence is proposed to enclose the rear yard and the Hardwick Road side yard for the safety of the applicant’s Great Dane dog. Code allows a 3-foot tall

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fence in a corner side yard. The fence is proposed to be located behind existing evergreen and deciduous shrubs and trees, in addition to a row of irises proposed in front of the fence.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the location and height of a corner lot fence. The applicant proposes a 6-foot tall aluminum fence 12 feet from the Hardwick Road sidewalk at this corner lot with Shaker Boulevard. Code requires a corner lot fence not extend in front of the adjacent house, which is 40 feet in this case, and is limited to a maximum of 3 feet tall. The applicant's Great Dane dog is to remain in the rear yard of this pie-shaped lot. The applicant proposes to maintain the existing shrubs and trees, and add a row of irises. Staff supports the request with the condition the fence is limited to 5 foot tall.

Mr. Jolly, homeowner, said they will add irises to the outside of the fence. The fence is meant to keep their dog in the yard. He noted the view down the street is not altered, nor is the character of the neighborhood.

Mayor Weiss asked if the existing landscaping along Hardwick will remain in front of the new fence.

Mr. Jolly said yes, the fence will be located behind the existing landscaping.

Mr. Malone asked if the applicant objects to the 5 foot height recommended by staff instead of the 6 feet requested in the application. He asked if there is precedent for this type of installation.

Mr. Jolly said he does not object to the 5 foot height.

Mr. Feinstein explained the precedent as mostly 4 foot tall fences on corner lots. Some taller fences of 4.5 and 5 feet tall have been approved especially if they are ornamental aluminum fences.

Mayor Weiss opened the Public Hearing. No comments were received regarding this application.

Mr. Dreyfuss-Wells asked about the landscaping. There are open areas between the existing arborvitae. Irises will work for spring and summer, but he would like a more year-round solution.

Mr. Jolly said he is open to suggestions.

Mr. Dreyfuss-Wells said the height of the fence will be mitigated with additional landscaping. He suggested the applicant work with staff. A rhododendron or something like it would be acceptable.

Dr. Ganning said this is not following the precedent for height.

Mr. Jolly said it is recommended that a 6 foot fence be used for the breed of his dog. He accepts a 5 foot tall fence but is uncomfortable with a 4 foot tall fence, which would increase the chances of the dog escaping.

Mr. Dreyfuss-Wells said the ornamental aluminum style of fence helps as it is more transparent than wood picket.

Mr. Jolly said he wants the fence to be appropriate and good looking.

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#2074. Voltz Residence – 3690 Daleford Road:

A Public Hearing was held on the request of the City of Shaker Heights, representing Noel Voltz, 3690 Daleford 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 Voltz home is located. Ms. Voltz is purchasing the vacant lot next door. The house parcel (735-29-096) is proposed to be combined with the vacant adjacent lot (735-29-097). Ms. Voltz proposes to integrate the vacant lot into her yard with a fence for the family. 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 for subdivision of land to join a vacant lot to the lot with the Voltz house. Ms. Voltz is purchasing the city-owned vacant lot (735-29-097) to her house lot (735-29-096). The combined lot meets the lot and block standards for the SF-3 Single Family Residential zoning district. Council approved the sale of the lot on May 26, 2020. Subdivision of land requires City Planning Commission review. Staff supports the request with the condition of submission of a final plat to the City and filed with the County.

Noel Voltz, owner, said they moved here recently. She is excited to add to their yard and need a fence for their toddler. They will use the space for play in the future.

Mayor Weiss opened the Public Hearing. No comments were received regarding this application.

Mr. Malone asked how they found out about the possibility of the adjacent yard purchase.

Ms. Voltz said their realtor let them know. They were looking at another house, but jumped at this one when they found out about the additional lot.

Dr. Ganning extended a welcome to Shaker Heights and to Daleford Road. She is excited to have her join the community.

It was moved by Dr. Ganning 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 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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There being no further business, the meeting was adjourned at 8:00 p.m. The next meeting will be September 1, 2020.



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



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission