



**Board of Zoning Appeals & City Planning Commission Minutes  
Tuesday, September 1, 2020  
7 P.M.**

**Via Video and Audio Conference Due To  
COVID-19 Public Health Emergency**

Members Present: Sean P. Malone, Council, Acting Chair  
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 Mr. Malone at 7:00 p.m.

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Approval of the August 4, 2020 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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**BOARD OF ZONING APPEALS**

**#2075. Silver Residence – 23606 Duffield Road:**

A Public Hearing was held on the request of Richard and Laurie Silver, 23606 Duffield Road, to the Board of Zoning Appeals for a variance to the driveway width requirements. The applicants propose to widen the front yard driveway from 9 feet wide to 15 feet wide extending to the sidewalk. The existing driveway narrows from 22 feet wide at the front-facing garage to 9 feet wide at the sidewalk. Code allows a maximum 12 foot width for a residential driveway.

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existing mature landscaping and the gates match the existing 4-foot tall ornamental aluminum fence approved by variance in 2013. Staff supports this request.

Hilary Henry, East Side Landscaping, said they would like to implement gates as a garden feature. One gate is tucked behind arborvitae hedge and 6 feet in from the hedge. The other gate is by the garage. This coordinates with the fence on the south property line.

Mr. Dreyfuss-Wells said the side of the house is close to the sidewalk. It is only 16 feet away. There is not much room for landscaping on this corner lot.

Ms. Harwood, owner, said this maximizes the usable back yard of their small lot.

Mr. Malone opened the Public Hearing.

Mr. Feinstein read into record the letter of support from the neighbor at 19001 Lomond Boulevard.

Mr. Dreyfuss-Wells said with the arborvitae the gates are nicely positioned in the small rear yard.

It was moved by Mr. Dreyfuss-Wells 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.

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

Motion Carried

**#2077. 3570 Warrensville LLC – 3570 Warrensville Center Road:**

A Continuation of a Public Hearing was held on the request of Dmitry Belkin, 3570 Warrensville LLC, 3570 Warrensville Center Road, to the Board of Zoning Appeals for a variance to the location requirements for air conditioning condenser units. The request was continued from the September 2018 meeting for more information. The applicant proposes to locate eight air conditioning condenser units in the rear yard, behind this commercial building. Code requires that motorized equipment in a commercial zoning district be located either inside the building or on the roof. The units are proposed to be located directly behind the building and each unit is 3 feet 10.5 inches tall. The applicant proposes maiden grass plantings in concrete planters along either side of the units and to screen the units with a 6-foot tall white vinyl fence.

Mr. Feinstein showed slides of the site. He stated this is a continuation of a request for a variance to the location regulations for air conditioning condensing units at a commercial property. The case was continued from the September 2018 meeting for more information. The applicant has submitted additional information. The applicant removed the HVAC system from the building and proposed replacing it with eight (8) air conditioning condensers located at the rear of the building. Code allows units on the roof or inside a commercial property. The units are proposed to be screened with a 6-foot tall white vinyl fence. Staff does not support this request as outlined in the staff report.

Mr. Gruber gave an update on the city's enforcement actions. The city and the applicant have reached agreement including a court-overseen plan to renovate the building.

Leon Sampat, LS Architects, said there are 6 new units at the northwest corner and two additional on the southern corner. They propose a 6 foot tall vinyl fence around the units and spaced to meet code and removable to allow maintenance. The function of the planters is to protect the fence and the units from cars. The existing units will be removed and new units installed.

Mr. Boyle said planters are a poor way to install landscaping. The fence seems to screen the whole back of the building and entries in a material that does not relate to this brick commercial building. This is not an appropriate design for the rear of this building.

Mr. Sampat said there is minimal driveway aisle width in order to maintain the parking on site. The proposed planters and fence do fit in the narrow space behind the building.

Ms. Braverman said this is a residential solution to HVAC with a residential type fence to screen it. If A concrete curb with landscaping could be considered in a wider space behind the building. The driveway aisles could be narrowed with one way traffic circulation allowing more space behind the building for screening.

Dr. Ganning asked the justification of the units being proposed on the ground other than a flat roof.

Mr. Sampat said commercial rooftop or chiller system not as efficient. Those type of units are as loud or louder and are designed for 50 to 60,000 square foot buildings while this building is approximately 17,000 square feet.

Ms. Braverman asked if they researched an interior chiller system that would fit this building.

Dr. Ganning said she would prefer to see more information than has been provided. She may be convinced that enough screening may make this proposal appropriate. The proposed screening plan is not appropriate. How loud are the condenser units as a group?

Mr. Dreyfuss-Wells agrees with others comments about the current screen plan. They should remove pavement and alter parking configuration if we are to consider exterior condensers. Planters are not a good option as it is hard to keep plants alive. This is not appropriate fencing. A more substantial screen is needed before the request should be considered again.

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

Ms. Braverman said the recording of the other condenser unit is at a house. A noise rating for all the units in this location should be submitted.

Mr. Belkin said when they looked at different solutions for the HVAC, including a similar chiller in the pit in the building. The original chiller was installed 60 years ago. There was no zoning of heat or cooling for a building. These units allow control of each unit. If they replace with an interior chiller system, it is not an improvement. New units are more effective and can create zones for each tenant or area. The fence can be removed to allow service for each unit. A permanent wall would hinder access. They can revise plans for fence so it blends better with the building and there are more bushes. They

want to bring area up to code and have spent time and resources to make sure it is occupied. There is a long story of maintenance and all renovation plans have been submitted. They are ready to construct.

Ms. Braverman said asked if they could work with the HVAC company. Maybe a chiller will work for this building and can be located inside.

Mr. Belkin said the issue is the ductwork within the building. Maybe a letter from a licensed HVAC company would help explain the situation. If there were a flat roof then this would be done.

Mr. Malone said they need more information to understand. There is no precedent for a commercial HVAC outside. There seems to be engineering issues. The applicant should submit an explanation for not having a chiller and improved landscaping.

Mr. Dreyfuss-Wells said there are a number of other mechanical solutions. Other systems could be effective.

Mr. Belkin said they would submit a letter explaining the system. Any system cannot be cost prohibitive. They do not have a flat roof on top of building. Plans submitted were approved. They will supply the information requested.

Mr. Dreyfuss-Wells said gates on the ends of any enclosure would aid maintenance and they may need more space so they should consider pushing them further from the building. Change the layout of the parking lot.

Dr. Ganning said the specification sheet says 76 decibels. The applicant does not know what the sound rating is of the 8 units together. The current application does not have a demonstration of hardship. They need to get a licensed professional to submit the information requested.

Mr. Malone said this case should be continued. The applicant can submit the information requested.

The request was continued with the following comments:

- The demonstrated sound rating is 76 decibels per the unit specifications submitted. The demonstrated sound from a single similar unit is not the same as from 8 units.
- Submit sound decibel information for the combined noise level of all 8 condensing units.
- Submit information detailing a comparison of an interior chiller type HVAC system verses the proposed system with ground mounted condensing units. A licensed HVAC professional should be engaged to conduct this report. The report should include cost, feasibility and performance standards for this building.
- A vinyl fence and planters are not an appropriate screen nor aesthetic treatment for the building.
- Investigate a continuous curb, evergreen landscaping and screen wall system for the rear of the building that is aesthetically appropriate for this commercial property and complies with building code regulations.
- Investigate increasing the available space behind the building for screening treatment by changing the parking lot pattern to one way aisles while maintained the required number of parking spaces.

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**CITY PLANNING COMMISSION**

**#2078. Gus and Guvnor Trust Residence – 18100 South Park Boulevard:**

A Public Hearing was held on the request of Lanie McKinnon, Nelson Byrd Woltz Landscape Architects, representing the Gus and Guvnor Trust, 18100 South Park Boulevard, to the City Planning Commission for subdivision of land in order to join the adjacent vacant lot with the property on which the home is located. The adjacent lot is owned jointly with the house lot. The house parcel (732-07-002) is proposed to be combined with the vacant lot (732-07-003). The combined lot is to be integrated into the active use of the yard. This combined lot meets code requirements in the SF-1 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 combine two lots. The applicant proposes to combine the adjacent vacant lot with the lot on which the house is located. The adjacent lot (PPN 732-07-003) is proposed to be combined with the house lot. This combined lot meets the lot and block standards for the SF-1 Single Family Residential zoning district. Staff supports this request with the condition that a final plat is submitted to the City and filed with the County.

Lanie McKinnon, Nelson Byrd Woltz Landscape Architects, said this consolidation would allow recreational activity and allow the applicant to build a basketball court toward the back of the lot. The court will then be code conforming.

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

Dr. Ganning asked the history of this vacant parcel.

Ms. Braverman said it has probably always been vacant.

Ms. McKinnon said the previous owner of the house had also owned the lot.

It was moved by Dr. Ganning 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 a final plat is submitted to the City and filed with the County.

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

Motion Carried

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**#2080. City of Shaker Heights – 3642 Daleford Road:**

