



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, September 3, 2019
7 P.M.
Council Chambers**

Members Present: David Weiss, Mayor, Chair
Rob Zimmerman, Council Member
Kevin Dreyfuss-Wells, Member
Joanna Ganning, Member

Others Present: Joyce G. Braverman, Director, Planning
William M. Gruber, Director, Law
Dan Feinstein, Senior Planner

The meeting was called to order by Mayor Weiss at 7:00 PM.

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Approval of the August, 7 2019 Meeting Minutes

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

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

* * * Motion Carried *

#2029. BARLAGE RESIDENCE – 19700 SHELBURNE ROAD:

A Public Hearing was held on the request of John Siegel, Siegel’s Construction, representing Nicholas and Traci Barlage, 19700 Shelburne Road, to the Board of Zoning Appeals for variances to the garage regulations in order to construct a new detached 2 car garage facing the street, located in the rear yard. The applicant proposes an additional 2 car detached garage located behind the house. Code only allows garages to face the street where the majority of garage doors already face the street. Code requires an attached garage on a street block where the majority of garages are attached. All garages on this street block are attached and do not face the street. Code allows one garage structure on the property, located in the rear yard only. The existing 18.5 foot wide, 324 square foot, rear facing attached garage is proposed to remain, but only fits one vehicle. When added to the proposed 528 square foot 2 car garage, it creates a total of 3 garage spaces and 852 square feet of garage area. Code allows a maximum of 800 square feet of garage area.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the garage requirements in order to build a detached 2 car garage in the rear yard. The applicant proposes the 2 car

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garage behind the house, facing the street, while maintaining their existing attached garage for a total of 852 square feet. Code allows only 1 garage structure of a total of 800 square feet. Code also only allows an attached garage that does not face the street like the majority of garage on this street block. The Architectural Board of Review approved the garage design with revisions at their August 5, 2019 meeting. Staff supports this proposal.

John Siegel, Seigel's Construction, said the inside of the existing attached garage is unable to accommodate two cars. There is only 15 feet of width in the current garage. If there is a car on the left side of the garage you cannot exit the interior of the home as the door opens out into the garage. There is no way to extend the existing garage as it is adjacent to the driveway and the kitchen. They propose to add a garage behind the house. The Architectural Board of Review agreed to their proposal with revisions to the front façade. The design has been revised. The garage needs to face the street in order to be able to enter the garage.

Dr. Ganning asked about the interior door into the garage. Why can't the hinges be changed to have the door swing in?

Mr. Siegel said the door cannot be turned to swing into the house as there are stairs directly adjacent.

Mr. Dreyfuss-Wells suggested the new garage could be more contextual to the house design if it were all brick.

Mayor Weiss said he is not sure the garage will be visible from the street as it is behind the house.

Mr. Zimmerman asked if the garage is actually just functionally small or does it meet code.

Mr. Feinstein said it does not meet code as two cars cannot fit inside the garage at the same time and be accessed.

Mr. Barlage indicated he had spoken with his adjacent neighbor to one side and they approve of the proposal. He had previously spoken with the other neighbors directly adjacent to the garage location. They approved of it. They would have supplied a written document stating such, but have been out of the country. He has tried to contact the owners that live behind their house, but despite the two times he attempted to call them and visit their house, he has not been able to contact them. That rear neighbor would be the least impacted of his neighbors as there is a significant amount of landscaping between the new garage location and the neighbor's house.

Mr. Zimmerman thanked the applicant for attempting to reach out to his neighbors.

Mayor Weiss asked what the required setback is for a garage of this size.

Mr. Feinstein said it meets setback requirements per the zoning code of 5 feet to both the side and rear property lines. There is other precedent on the next block over on Shelburne Road for a front facing detached garage, just not on this block.

Mayor Weiss opened the Public Hearing. No one was present to speak in regard to this application.

It was moved by Mr. Zimmerman 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, Zimmerman, Dreyfuss-Wells, Ganning
Nays: None

Motion Carried

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#2030. GOLDSMITH RESIDENCE – 2679 BELVOIR BOULEVARD:

A Public Hearing was held on the request of Kevin Berger, P.K. Wadsworth, representing Jim and Nancy Goldsmith, 2679 Belvoir Boulevard, to the Board of Zoning Appeals for a variance to the location and setback requirements for an air conditioning condenser unit. The applicant proposes to replace an existing air conditioning condenser unit in the side yard with a new unit in the same location, 7 feet 8 inches from the side property line. The existing side yard is 12 feet wide. The code requires that air conditioning condenser units in the side yard be located in side yards measuring a minimum of 25 feet wide and be screened by a solid wood fence or evergreen vegetation. The applicant proposes to screen the unit from the street and the side neighbors with an existing solid wood fence.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the air conditioning condensing unit location requirements in order to locate the unit in the side yard. The applicant proposes to replace the existing air conditioning unit with a new unit in the same location. The existing unit never had a permit. The new unit is proposed in the 12 foot wide side yard 7 feet 8 inches from the property line in the same location. Code requires a 25 foot wide side yard or a 15 foot wide side yard with an Administrative Modification. An administrative modification includes a note from the neighbor and other conditions. The unit is screened by a wood fence and landscaping. The adjacent neighbor does support the request. Staff also supports the proposal.

Kevin Berger, P.K. Wadsworth, said his company is replacing the existing air conditioning unit in the Goldsmith’s side yard. The unit never got a permit per city records, but has been in this location for approximately 25 years. The new unit will be lower than the existing unit. Therefore, it will be covered completely by the existing fence and landscaping that is present. You cannot see the location, even from the street, due to the trees.

Mayor Weiss asked about the noise level generated by this unit.

Mr. Berger said it is much quieter than the 90 decibel unit that is currently in place.

Dr. Ganning said the unit would need to stay screened in its current manner. It seems to be an appropriate location to replace the existing unit.

Mayor Weiss opened the Public Hearing. No one was present to speak in regard to this application.

It was moved by Dr. Ganning and seconded by Mr. Dreyfuss-Wells to approve the request based on

There being no further business, the meeting was adjourned at 8:15 p.m. The next meeting will be October 1, 2019.



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



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission