



SHAKER HEIGHTS

Board of Zoning Appeals and City Planning Commission
Tuesday, December 5, 2017
7:30 P.M.
Council Chambers

Members Present: Rob Zimmerman, Acting Chair, Council Member
John J. Boyle, III, Member
Kevin Dreyfuss, Wells, Member
David Weiss, Member

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

The meeting was called to order by Mr. Zimmerman, Acting Chair at 7:30 p.m.

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Approval of the November 8, 2017 Meeting Minutes

Approved.

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Board of Zoning Appeals

#1965. 3592 LEE LLC – 3592 LEE ROAD:

Continuation of a Public Hearing was held on the request of Shannon Meyer, Digital Forensics Corporation, representing Dmitry Belkin, 3592 Lee LLC, 3592 Lee Road, to the Board of Zoning Appeals for parking variances in order to renovate the property for individual salon businesses. The request was continued at the last meeting in order for the applicant to address parking and landscape issues. The proposed businesses will initially utilize the first floor of this vacant building, creating 33 individual salon spaces. A parking variance is required as 42 parking spaces are proposed while code requires 47 spaces. Code requires 4 interior parking lot landscape islands with trees and 20% of the overall parking lot to be landscaped. The applicant proposes no interior landscaping but 20% of the lot is now landscaped. Code requires a 20 foot landscape buffer and a 6 foot tall brick wall and landscaping adjacent to the residential district along the rear property line. A variance is required to provide an 8 foot tall solid wood fence in the existing 29 foot landscape area adjacent to the rear property line. Landscaping is required along the north and south side parking lot boundaries. A 5 foot wide perimeter parking lot landscape strip is now proposed on both sides, but the proposed landscaping does not meet code requirements. Code requires 50% coverage of 5 foot tall landscaping in the side yard parking lot landscaping.

Mr. Feinstein showed slides of the site. He explained this is a continuation of a request for parking space and parking lot landscaping variances in order to renovate this property. The City Planning Commission continued the case at their November 7, 2017 meeting in order for the applicant to provide additional information on parking generation, storm water, landscaping, an 8 foot tall rear property line fence and off-site parking possibilities. The applicant has revised their site plan and submitted a parking survey. The site plan has been revised with options. The applicant prefers Option 1, without interior landscape islands. Variances are required to the following: 1) 42 parking spaces where 47 are required; 2) rear yard buffer of an 8 foot tall fence and existing landscaping when code requires a brick wall and additional landscaping; 3) no interior landscape islands at the parking lot where 4 are required; and 4) minimal shrubs in the existing side yard landscape bed where a 5 foot bed containing 2 to 3 foot tall bushes is required. Staff suggests approval with conditions. 1) parking reviewed in 2 years by staff with the possibility of further off-site parking requirements at that time; 2) Option 1 layout without islands, but with 4 shade trees added to the side yard landscape and 50% coverage of bushes planted at 2 feet tall.; 3) 8 foot tall rear wood fence; 4) existing trees protected during construction; 5) no off-site signage; and 6) submission of storm water management and signage plans.

Shannon Meyer, representative, said they conducted a survey of the parking demand for salons based on the 9 units in their building on Warrensville Center Road. They attempted to get an accurate count of the parking demand for these salons, including peak times. That information was submitted to staff. They are requesting no interior parking lot landscaping because they want to maintain the highest number of parking spaces possible in the lot they have available. They are seeking a balance between parking and landscaping. They have added landscaping around the side of the parking lot, as well as at the rear property line. They are willing to submit revised plans that will bring the landscaping up to meet the code requirements in these two areas. They are currently working on a drainage plan, which will be submitted to staff. They are asking to implement no landscape islands, but increase landscaping at the side and rear property lines, in order to strike a balance between parking and landscaping.

Mr. Zimmerman opened the Public Hearing.

Nick Fedor, Shaker Heights Development Corporation Executive Director, said they are not taking a position of support or opposition for this proposal or the variances. He would like to relay a conversation he had with Mr. Belkin, the owner of the property. He told Mr. Belkin that the use is not ideal but gave him feedback in order to enhance the use on the property. He would like for the owner to develop the second floor as office space. The current plan for the building is to only use the first floor for salon use and not the second floor at all. He encourages further use of the building. He encourages renovation of the front of the building, including signage, to be well designed, in order to enhance the district.

Mr. Weiss wanted to make sure this Board is not reviewing any signage.

Mr. Feinstein said the Board is not reviewing signage as part of this application. Signage needs to be submitted to the Architectural Board of Review. Such signage would only be seen by the Board of Zoning Appeals if it needs a variance.

Mr. Boyle asked if the 8 foot tall fence at the rear property line, along with the landscaping, meets code.

Mr. Feinstein indicated the 8 foot tall fence is allowable, but a brick wall is required. The depth of the landscaping at the rear property line does meet code requirements, but the landscaping proposed for that area does not meet requirements.

Ms. Meyer indicated they could resubmit for staff approval of the code conforming landscaping at the rear property line.

Mr. Gruber suggested that a storm water drainage plan needs to be submitted to the city. The staff report lays out a condition of approval that there will be no off-site signage for this property. He asked if this is acceptable to the applicant.

Ms. Meyer said the off-site signage condition is acceptable.

There was discussion regarding the length of time given before staff would re-evaluate the parking.

Mr. Zimmerman said staff suggested 2 years from the time of this approval. He suggested another option as 1 year from the date of occupancy.

Mr. Weiss said he prefers the option from date of occupancy. He said one year from time of opening, allowing them time to occupy the salon spaces, and allow them time to recognize any parking issues. He said there may still be room for a turnaround or another space possible at the rear of the lot in the landscape area, as it is currently deeper than required by code.

It was moved by Mr. Weiss 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 following conditions:

1. Parking space variance conditioned upon a re-evaluation of the parking in one year (after the date of issuance of the occupancy permit by the Building and Housing Department), by staff, to evaluate the option of adding additional off-site parking spaces;
2. Implementation of the "Option 1" layout without interior landscape islands;
3. Revised landscape plan as approved by staff in order to meet code requirements, including:
 - Side yard:
 - a. 4 shade trees in the side yard landscape beds.
 - b. 50% coverage of bushes in the side yard landscape beds planted at 2 feet tall, to grow to 5 feet.
 - Rear yard:
 - a. 2 shade trees planted at 3 inch caliper.
 - b. Continuous evergreen or dense deciduous shrub hedge installed at 4 feet tall to attain 100% screening.
 - c. Ground cover or grass.
4. An 8 foot tall wood fence on the rear property line as approved by staff;
5. Existing trees on the rear property line be protected during construction and maintained;
6. No off-site signage or advertising;
7. Submission of a storm water drainage plan to be approved by staff.

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

Motion Carried

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#1966. KAISER RESIDENCE – 2936 GLENGARY ROAD:

A Public Hearing was held on the request of Patrick Beam, 9th Avenue Designs, on behalf of Paul and Lariza Kaiser, 2936 Glengary Road, to the Board of Zoning Appeals for a variance to

construct a 2 story addition in the same footprint. The existing porch and new addition are located 5 feet from the side property line. Code requires an enclosed portion of a house to be set back 10 feet from the side property line in the SF 2 Single Family Residential zoning district. The former open porch was allowed to encroach into the side yard setback. The 2 story addition includes an enlarged living room and master bath. Existing 8 foot tall Rose of Sharon bushes help buffer the addition from the side neighbor.

Mr. Feinstein showed slides of the site. He explained this is a request for a variance to the side yard setback for a 2 story addition. The applicant proposes to replace an open porch with a 2 story addition in the side yard as part of the renovation of this house. The old porch and new addition are 5 feet off the side property line. Code requires a 10 foot setback in the SF-2 zoning district. Existing bushes are proposed to remain. The neighbor has submitted a letter of approval. Staff suggests approval with the retention of the existing mature bushes.

Mr. Khmelnitsky, owner, said he is the owner of the property. They are renovating the house. He knows new buyers in Shaker Heights want a larger first floor living room and a second floor master suite. The existing porch foundation is sound. They will not be expanding the footprint.

Mr. Weiss asked about how the fence relates.

Mr. Khmelnitsky showed the fence in the photos. It extends to just about the rear of the addition. It does not fully go along the property line. There is existing shrubbery along the property line, which will remain.

Mr. Gruber asked if he knows exactly where the property line is located.

Mr. Khmelnitsky said the property line is right at the fence, which is just off the neighbor's driveway.

Mr. Weiss indicated that the house shown on Huntington Road with the side porch that was enclosed, is not very tasteful. This proposal is certainly more appropriate than that example.

Mr. Zimmerman opened the Public Hearing. No one was present to speak in regard to this application.

It was moved by Mr. Weiss 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 following condition:

1. The existing 8 foot tall bushes in the side yard remain and are protected during construction.

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

Motion Carried

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#1968. DUBCHUK RESIDENCE – 19300 SOUTH PARK BOULEVARD:

A Public Hearing was held on the request of Dustin Pettrey, Portman Electric, on behalf of Vlad Dubchuk, 19300 South Park Boulevard, to the Board of Zoning Appeals for a variance to the location requirements for an emergency generator. The applicant proposes to locate an

emergency generator in the rear yard, 17 feet from the side of a detached garage. The unit is proposed to be located between the garage and the side property line. The unit is 5 feet from the side property line. The code requires that motorized equipment located in the rear yard be located within 10 feet of the rear of the house and screened by a solid fence or evergreen vegetation. Motorized equipment is permitted in the side and front yards as well. The generator is proposed to be 2 feet 9 inches high by 2 feet 9 inches by 6 feet 6 inches. The applicant proposes to screen the unit with existing landscaping, the garage and a chain link fence.

Mr. Feinstein showed slides of the site. He explained this is a request for a variance to the generator location requirements. The applicant proposes an emergency generator 5 feet off the side property line in the rear yard. Code requires the generator to be within 10 feet of the structure it serves. It is 12 feet off a garage and 30 to 40 feet from the house. The neighbor's generator is 12 feet from the property line, adjacent to the proposed generator. That neighboring generator was approved in 1998. Staff suggests approval with a 6 foot tall wood fence and sound attenuation blanket hung on the inside of that fence.

Mr. Dreyfuss-Wells asked the material of the fence.

Mr. Feinstein said the fence is proposed by staff to be a wood fence around the unit, with a sound proofing type of blanket hung on the inside.

Mr. Pettrey said they have looked into several different sound absorbing materials that they can use on the inside of a fence. They would like the fence to be no taller than the brick wall so it does not look out of sorts. The neighbors will not be able to see the unit. It is in a better location here, because neither the neighbors nor the homeowner can see it. They would like to make that fence just tall enough to stay under that wall.

Mr. Dreyfuss-Wells said he thinks the fence could be taller so that you cannot see into the enclosure to see the unit.

Mr. Pettrey said they may be able to move the unit to be 6 feet off the property line if they can scoot it toward the driveway.

Mr. Gruber asked when the unit will be exercised.

A suggestion was made that it be exercised during the day on a weekday.

Mr. Boyle said he could support this request as long as there is a fence all the way around the generator unit.

Mr. Dreyfuss-Wells agreed that a 6 foot tall fence should surround the generator inside the brick wall and make it invisible. The homeowner can decide the style of fence.

Mr. Zimmerman opened the Public Hearing. No one was present to speak in regard to this request.

It was moved by Mr. Dreyfuss-Wells and seconded by Mr. Weiss 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:

1. The unit is re-located to approximately 6 feet off the side property line;
2. A 6 foot tall fence surrounds the unit on all four sides;
3. A sound blanket type material is attached to the inside of the fence, as approved by staff; and
4. The unit must be tested only during daylight hours on weekdays.

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

Motion Carried

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There being no further business, the meeting was adjourned at 8:30 p.m. The next meeting will be January 2, 2018.



Rob Zimmerman, Acting Chair
City Planning Commission



Daniel Feinstein, Secretary
City Planning Commission