



SHAKER HEIGHTS

**Board of Zoning Appeals and City Planning Commission
Tuesday, January 8, 2019
7 P.M.
City Hall Council Chambers**

Members Present: David Weiss, Mayor, Chair
Rob Zimmerman, Council Member
John J. Boyle III, Member
Kevin Dreyfuss-Wells, Member
Joanna Ganning, Member

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

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

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Approval of the December 4, 2018 Meeting Minutes

It was moved by Mr. Dreyfuss-Wells and seconded by Mr. Boyle to approve the Minutes with corrections.

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

Motion Carried

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**6:00 PM WORK SESSION
CONFERENCE ROOM B**

1. In-Home Day Care Regulations

Discussion held.

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**7:00 PM
CITY PLANNING COMMISSION**

#2009. FERNWAY SCHOOL – 17420 FERNWAY ROAD:

A Public Hearing was held on the request of Chris Dewey, Van Auken Akins Architects, on behalf of the Shaker Heights School District, Fernway School, 17420 Fernway Road, to the City Planning Commission for site plan review in order to construct additions to the school as part of the rebuilding of the school. The applicant proposes to renovate the fire damaged school building including replacing the roof, adding a two story addition, a one story addition and a second floor addition. The two-story addition is proposed in the southeast corner of the building including classroom space and an elevator. The one story rear addition is proposed to be located off the gymnasium and will add gymnasium storage space. A second floor infill addition will add a library and other resource rooms. The building additions meet setback and location requirements as required by code. The City Planning Commission reviews the site plan of new construction over 2,500 square feet in size in the Institutional zoning district.

Mr. Feinstein showed slides of the site. He stated this is a request for site plan review for additions to the Fernway School building. The proposed renovation to the fire-damaged school building includes three (3) building additions. A two story addition is proposed on the southeast corner of the building with classrooms and an elevator. A one story addition is proposed off of the gymnasium for gym equipment storage. There is a second floor infill addition for library and resource rooms. The site plan on the ground is still in its preliminary stages. The school district requests approval of the building additions first, so they can begin construction as soon as possible. The Phase 1 and Phase 2 site plans for ground work will be brought back to a future meeting. The City Planning Commission reviews additions over 2,500 square feet to institutional buildings. The Architectural Board of Review approved the design of the addition at their meeting yesterday. Staff supports this proposal.

Chris Dewey, Van Auken Akins Architects, said he lives at 18301 South Woodland Road. He is the architect working with the school district to renovate this building, which was damaged by fire. The upper roof has now been removed. In renovating the school, they will restore the slate roof and propose additions to the building. Insurance is paying for restoration of the roof, and other school district funds are being spent on additions to the building. The rest of the site plan is presented as a preliminary draft as a phase 1 and phase 2 option, which is dependent on funding. The additions include a two story addition that will house classroom and elevator space on the southeast corner of the building. It matches the detail and design of the addition on the southwest side of the building from the 1950's. There is a small $\frac{3}{4}$ story addition off the gymnasium that will house storage for the gymnasium, freeing up interior space. The third addition will be at the second floor to add to the library and resource rooms. This addition will not be visible to the street as the roof will obscure the view. He explained the difference between the phase 1 and phase 2 landscape plans. Phase 1 is a constant, existing site plan, whereas phase 2 rearranges the playground on the south side of the property and adds parking to the Dorchester side of the building. This helps access the new front door, which will be the primary front entry to the building. The sidewalks will be ramped up to provide ADA accessibility to this entrance.

Mr. Zimmerman asked if the Ohio School Building Regulations are required for this project. Is safety and/or access being addressed?

Mr. Dewey said the state regulations for schools are not required for this project as they are not using state funding. They are working to get as close to those state regulations as possible. This is not fully possible in this existing building. They will address all safety and access issues, making the building better in both of those respects.

Mayor Weiss said the new elevator will add accessibility to the building.

Mr. Dewey showed where the elevator will be located. He explained how it works with the building and connects to the handicap accessible entry at the rear of the building.

Ms. Braverman asked when the site work will be further designed for full review by the Board. There are still parking, traffic and landscaping issues to be addressed. This project is being fast-tracked for just the additions, so that the school district can start construction.

Mr. Dewey said the site plans will be brought back for those issues. The plans show are a current condition and the second plan is the preferred site plan from the Fernway School renovations group which met many times. This phase 2 site plan is not fully developed.

Mayor Weiss asked the height of the new storage area off the gymnasium.

Mr. Dewey showed photos of the building. He said this addition is $\frac{3}{4}$ height of the building. It follows the line of the other entry on the western side of the rear of the building. It follows that roofline across the rear of the building.

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

Ms. Braverman indicated that the school district had an open house approximately two weeks ago for Fernway residents to view the plans.

Dr. Ganning said that Fernway residents have also been solicited by survey for input and feedback on re-building the school.

Mayor Weiss noted there is an advisory board made up of community members, PTO, the school district and teachers, who have met for months regarding the project.

Mr. Dewey said the information has been well distributed to the neighborhood by the school district over many months.

Mr. Boyle indicated he is confident that the permanent additions to the building are appropriate and seem to work on the site.

Mr. Boyle asked where the air conditioning condensing units will be located once the addition is complete.

Mr. Kontur said they will be moved to the other side of the house, in the side yard. This will not be visible to the street and will be screened with landscaping.

Mr. Feinstein said the new location for the air conditioning condensing units will meet code as long as it is screened.

Mr. Dreyfuss-Wells asked about the two options for windows on the sides and rear of the garage.

Mr. Kontur said they have gone with the single opening with double windows inside on both the rear and side elevations so that they feel like a portion of the house.

Mayor Weiss asked about the existing pavement. Is there any planned for removal toward the rear of the property?

Mr. Kontur said they will remove the extra pavement behind the garage, but there will be a turnaround area at the end of the driveway. This is because the garage will now face sideways instead of to the rear.

Mr. Zimmerman asked if notice had been sent to the neighbors. Were there any comments?

Mr. Feinstein explained the rear neighbor had contacted him for more information. All neighbors within 200 feet of the property received a notice, as required by Code.

Dr. Ganning said they are just adding a two car garage to replace the existing garage.

Mr. Kontur said yes, they are just replacing the same size garage and using the existing space as interior living.

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

Mr. Zimmerman said he could support this request with the condition as requested by staff regarding extending the existing hedge along the rear property line in order to create a buffer to the rear neighbor.

It was moved by Mr. Boyle 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 with the condition that the existing hedge is extended along the rear property line behind the garage, with staff approval of a detailed landscape plan.

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

Motion Carried

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#2011. BLASZAK RESIDENCE – 20975 CLAYTHORNE ROAD:

A Public Hearing was held on the request of Michael Beightol, Exscape Designs, on behalf of Rick and Kate Blaszak, 20975 Claythorne Road, to the Board of Zoning Appeals for a variance to the pool regulations. The applicant proposes to build an in-ground swimming pool as part of an extensive back yard improvement project including a patio, pavilion, outdoor kitchen, hot tub and landscaping. A variance is requested to surround the pool on two sides with the required amount of decking, instead of on four sides. Code requires a 4 foot wide deck surrounding a pool. One side of the pool will have a 1 foot 6 inch deck area and another will have an area of pavers set in grass. The other two sides of the pool meet code requirements for decking.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the pool regulations. The applicant proposes to install a pool in the rear yard, but only two sides will have the code-required 4 foot wide deck. The applicant proposes 1 side of the pool with a 1.5 foot wide deck and another side with pavers set in grass. The remaining two sides of the pool have the required 4 foot wide deck. The pool meets other location regulations. The applicant proposes a pavilion, outdoor kitchen, and patio as part of the pool project. Staff supports this proposal.

Michael Beightol, Exscape Designs, said they have redesigned the rear yard. This project includes a swimming pool. He explained the layout of new outdoor living space which includes a pavilion, fireplace, spa and pool. All of the elements meet setback requirements with the exception of the decking beside the pool. There will be 2.5 feet of open area between the lip of the pool to the north, where there is a landscape bed. The pool cover will be contained in that area. The area will be accessible and available if needed, but they do not need to have seating in this area. They wanted to expand the pool to be 25 feet 9 inches in length. Reducing the amount of deck allows this to be possible, while taking into consideration the existing arrangement of driveway and landscaping. Landscape screening is proposed adjacent to the north side so they can screen the pool from the neighbors.

Mr. Gruber asked if the pool cover will be flush or raised from the deck. Will it inhibit any safety maneuvers if needed.

Mr. Beightol said the pool cover is built into the end of the pool, so it is flush with the pool cap. If needed, one could move from one side of the pool to the other or assist an occupant of the pool at this end.

Mr. Boyle asked about the proposed shrubs on the side. What size will they be? How wide will they get?

Mr. Beightol said they will be emerald arborvitae. Their maximum width could be 3 to 4 feet wide, which is what is shown on the plan. This will allow for safe entry and exit from the pool. These are a very thin, columnar evergreen species.

Mr. Boyle asked about a fence.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to CM Commercial Mixed Use District Design Standards. The applicant proposes that the B-1 building entrances visible from Farnsleigh Road not have access to the primary first floor tenants. Code requires primary entrances to face the primary street. A variance was granted in August 2017 for the two corner entrances to not face Farnsleigh. The floor plan and tenancy of the building now only allow access to the second floor tenant from the corner entry. The corner entry will be the primary and only entry for the second floor space on this side of the building. The applicant asks for leasing flexibility to allow this same configuration for the east side to also be allowed, if needed, for the south side. This property was discussed at the City Planning Commission Working Group meeting on December 20, 2018. Staff supports this proposal with the condition that the signage design for the second floor tenant create a primary entrance feel.

Brian Meng, Bialosky Cleveland, explained the building layout and tenancy has changed. Now that there are two tenants, one on each floor, they have two entry doors. The upstairs tenant will have the door facing the corner of Farnsleigh and Tuttle, but the first floor tenant will only have a door which faces the Living Room park. It is directly accessible from Tuttle Road.

Mr. Boyle said the first floor tenant space doors face the Living Room park. What is between this doorway and the street? How close are they to Tuttle Road?

Mr. Meng said as you are looking at the building, the right side door is 17 feet off the Tuttle Road on-street parking. It does not face the street, but addresses the street, as the street is at an angle.

Mr. Boyle said the door does not look like a primary entrance. There will be tables in front of the door. It will look like you are entering a patio. He said he does not think it complies with the spirit of the code and their earlier approval for this building.

Mr. Meng said there will not be tables directly in front of the door. There will need to be a clear open path from the door through the patio.

Mr. Boyle said due to the tenant mix of the building, now they have a second floor tenant, which only gets access from one corner of the building and the first floor tenant faces the other direction.

Mr. Meng said there will be signage and an entry door which includes more design that will be branded by the tenant facing the Living Room park. They expect it to read, and the tenant wants it to look like, a primary entrance.

Dr. Ganning asked about the second door to the left. It looks the same as the primary door.

Mr. Meng said it is a patio access door, so that the servers and patrons can access the patio area.

Mayor Weiss asked about the redesign of the door at the corner of Tuttle and Farnsleigh Roads for the second floor tenant.

Mr. Meng said the tenant will be designing and branding this entry as a primary entry to the building for the second floor. There will be signage, presumably for the second floor tenant only. Interior design work is being done in the vestibule as well.

Mr. Boyle said the second floor tenant does have a door that faces Tuttle Road, so it does face a street. The first floor entry does not have a primary entrance, and it seems like this building is not facing the main street any longer. It seems that the first floor use has been designed to face inward on the property and turn its back to the main street. He would like to work with the developer to create the main entry feel for both of these doors, for both tenants. Right now that is not happening.

Mackenzie Makepeace, RMS Developers, said they certainly want to create a dynamic entry for the second floor as well. They would like to create a sequence of entry events moving into that space at the corner of Tuttle and Farnsleigh from the outdoor design to the inside, then a compelling entry to go upstairs. They were not able to create a shared entry on the Tuttle and Farnsleigh entry. It would reduce tenant seating on the interior, which is very important to the first floor restaurant space. They certainly could work with the Board, and is sure the first floor tenant also wants to make their entry look like a main entry.

Dr. Ganning said it is too bad that the primary entrance, as designed for the building, could not be co-located so that both uses could move through that door. This would allow foot traffic to move through the two uses within the building. She thinks that is a business issue and is regrettable.

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

Mayor Weiss asked to confirm that the temporary construction entrance on the first floor of the building is the same location as the storefront system and permanent doors that will be installed.

Ms. Makepeace said yes, there will be a door on the right side of that temporary construction storefront that will be the primary entrance. It will have signage and you will be able to access the first floor space from either of the two doors on that façade.

Mr. Boyle indicated that a revised primary entrance should not be just like the other door with a sign over it. It needs to be a place of entry that is recognizable as you approach the building.

Mayor Weiss said he thinks this is a unique building. He could support the request seeing as there are three façades that face streets and that there are two different entries on the building, one at the corner with Farnsleigh Road and one on the back. He thinks it is appropriate and acceptable to access the building from the Living Room elevation. It will be a very visible entry to many of the residents and visitors to the district. It is also visible from the parking garage exit.

Mr. Dreyfuss-Wells said the entry of the first floor restaurant more or less faces Tuttle Road. It faces public outdoor space, while not technically facing the street.

BOARD OF ZONING APPEALS/CITY PLANNING COMMISSION

#2005. LEE ROAD LEARNING CENTER – 3663 LEE ROAD:

Continuation of a Public Hearing was held on the request of Donqualla Hale-Peterson, Lee Road Learning Center, 3663 Lee Road, to the Board of Zoning Appeals and City Planning Commission for a Conditional Use Permit and a parking variance for a child day care center in the C-3 Commercial zoning district. This case was continued from the December meeting in order for the applicant to address parking and playground issues. The applicant proposes a child day care center in this building for children from 18 months to 12 years of age. A total of 33 children and several staff will be located at this property. The business is proposed to operate 7 days a week from 6:00 a.m. to 12:00 midnight. The younger children will share a playground at Bright Eyes Day Care at 3635 Lee Road, while the older children will share a playground at Bright Eyes Day Care III at 3877 Lee Road. The applicant operates both the Bright Eyes Day Care centers. A trash dumpster will be located at the rear of the lot inside a 6 foot tall wood fence enclosure. Code requires a 6 foot tall brick wall enclosing a dumpster adjacent to a residential lot. The existing parking lot has 7 parking spaces. The applicant proposes a shared parking agreement for 3 additional spaces at Nu Image Salon, 3659 Lee Road. Code requires 10 on-site parking spaces. The Board of Zoning Appeals must approve a variance to the number of on-site required parking spaces and a shared parking agreement as well as a Conditional Use Permit for the day care center. Council confirmation is required for the Conditional Use Permit.

Mr. Feinstein showed slides of the site. He stated this is a continuation of a request for a Conditional Use Permit for a child day care center. The case was continued at the December 2018 meeting with a list of items to address. The applicant has addressed some of these items and they are in the meeting packet. The applicant proposes no on-site playground. They propose to use of the playground at two other center they operate at 3635 and 3887 Lee Road. A shared parking agreement is now proposed with Nu Image Barber Shop at 3659 Lee Road for three spaces. Code requires a signed shared parking agreement. A dumpster is proposed in the rear yard surrounded with a solid fence. Code requires a solid brick wall. A total of 10 parking spaces are required. Seven (7) are proposed as well as a shared parking agreement for 3 more. Staff does not support this proposal for the reasons outlined in the staff report.

Coletta James, Bright Eyes Childcare, 3635 Lee Road, said she is here with Ms. Smith for the applicant. At the last meeting they were asked to revise plans. They have indicated that they will use the playgrounds at their other two facilities, both on Lee Road, for children to play outside. They submitted playground and site plans for those other facilities. They have submitted a shared playground schedule for the various facilities. The older children will go to the facility in Cleveland, at 3887 Lee Road, while the younger children will go to the 3635 Lee Road facility. She said Nu Image Barber Shop is in agreement for shared parking, but they were not able to produce a signed agreement. The peak hours for the barber shop are between 10:00 a.m. and 3:00 p.m. Tuesday through Saturday, whereas the daycare peak hours are 6:00 to 9:00 am. The Nu Image Barber Shop ownership has agreed to allow them to use their front 3 spaces for overflow parent drop-offs. The average drop-off time is 3 to 5 minutes. They have an app with facial recognition which makes those pick-up and drop-off periods quite short.

They have watched the peak traffic use of their facility at 3635 Lee Road. There are only one or two staff cars there at a time. There is a very quick turn-around for parents so there are no problems with parking needs at their other site. They will not be operating 7 days a week. They have decided that this facility will only operate Monday through Friday. In this way, the barber shop can use their entire parking lot all day on their busiest day, Saturday. With the three additional spaces to be shared they will meet the 10 parking spaces needed for this use.

Mr. Boyle asked how they think that they comply with the State regulations for the square footage for children in the building without an outdoor play area. He indicated that per the regulations submitted by the applicant, without an on-site outdoor play area, they are required to have 1,440 square foot separate indoor recreational space for the children. Due to the size of the building, they will not have enough space for both 35 square feet per child inside the building in addition to the separate indoor recreational space required when there is not an on-site playground.

Ms. James indicated their information from the State inspector was they do not have to have the outdoor space on site. They can go to an off-site space and that meets their requirements.

Mr. Boyle said this is not how the regulations read.

Mr. Gruber said Section 5101 of the State regulations submitted by the applicant reads that if you do not have on-site outdoor play area, then you need 1,440 square feet indoors for play. If there is only 1,980 square feet in the facility, it leaves room for approximately 9 children in the facility.

Mayor Weiss questioned whether this issue has been adequately addressed.

Mr. Boyle said this application is not complete. This issue has not been addressed.

Mr. Dreyfuss-Wells asked about the details of the proposal for the children to walk to the off-site playground areas.

Ms. James said one site is at 3635 Lee Road, Bright Eyes Childcare, where the younger children will go. The other site is at 3887 Lee Road, in Cleveland, where the older children will go.

Mr. Zimmerman asked how the children will get there on a regular basis. How far is it?

Ms. James said the children will walk. The 3635 Lee Road address is about 300 feet away. The 3887 Lee Road address will have the children walk or be transported by their vans. That location is approximately .5 miles from this address.

Mayor Weiss asked if there are any other day cares approved in the City without on-site outdoor play areas.

Mr. Feinstein said no, there are no other commercial daycare facilities without on-site play areas.

Mr. Gruber reiterated that there is 35 square feet required per child. He asked for the total usable interior square feet of the building.

Ms. Smith, architect, indicated there are 1,480 square feet. This leaves 80 square feet, which allows 1 or 2 children for the facility. This does not meet the state regulations.

Ms. James indicated the actual State of Ohio employee which they contacted was the one who suggested the type of operation of taking the children to off-site playgrounds.

Mr. Gruber said this is not how the regulations read. They should check with their State contacts and get that information back to the Board before that part of the regulations can be confirmed.

Mr. Boyle said the case should be continued for lack of information.

Donqualla Hale-Petersen, owner of the business, said the State contact person said it was acceptable as long as there is access to outdoor play within a reasonable distance. Then they could operate in this manner.

Mayor Weiss opened the Public Hearing.

Nick Fedor, Shaker Heights Development Corporation, said he is located at 3558 Lee Road. He opposes the parking variances. There is always a challenge on Lee Road for parking, especially in these smaller lots with small front parking lots. He does not want to exacerbate this issue. He does not support the parking variance.

Lawrence Crump, Nu Image Barber Shop, 3659 Lee Road, said he gives his word that they have a verbal agreement to allow use of three parking spaces. His clients are only there for 20 to 30 minutes at a time. His peak times do not conflict with the day care. There has always been shared parking in this block of Lee Road.

Craig Stout, building owner at 3689 Lee Road, and 3620 Lee Road, said he objects to the daycare. He is concerned about the mix and diversity of the commercial businesses on Lee Road. The Shaker Heights Development Corporation is trying to create that diverse business community to better serve the neighborhood. Process Canine is a start to that. There are other businesses and tenants that have started in order to create this diversity. There is more potential, but there are plenty of daycare providers on Lee Road.

Ms. Braverman said there is an email at the Board members' seats from Tommy Farmer, owner of the property next door to this day care. He is concerned with parking and the mix of businesses as well.

Mr. Petersen said he is the husband of Ms. Hale-Petersen. He asked who that email was from. What property do they own? The ownership from Nu Image Barber Shop is present, and just said he would approve the shared parking. These buildings are small. There are several that are vacant. He sees them with signs in the windows for long periods of time. Yes, a variety of business is desirable, but this business will occupy a long-vacant building. It will create a tax-paying business. He thinks this is an advantage to the City over a vacant building.

Mayor Weiss said the email is from Tommy Farmer, owner of CarTeCor, which has two buildings on Lee Road. He said he is concerned about the parking and the size of the building/site. It is a struggle for him to understand how the off-site outdoor play will work. He is concerned about setting that precedent for day cares in the city. This is the second time the Board has spent substantial time reviewing this project. They have tried to work on all of the issues. He does not want to keep them coming back.

Mr. Dreyfuss-Wells said he does not support the shared off-site playground idea. The playground is not even adjacent to the site. He does not see how that meets the intent of the zoning. He is concerned with the children's welfare.

Mr. Boyle said perhaps the case should be denied if there are such concerns.

Dr. Ganning said they need to fulfill the parking demand for this site. They need to work out the square footage for play area required by the state before anything can be decided.

Mr. Zimmerman said there has been significant time spent reviewing this case. The applicant needs to consider whether they really want to bring their request back to the Board. If they do, they need to have their information put together appropriately and address all of the issues.

Mayor Weiss said there is no reason for the case to come back to the Board without the state regulations being addressed.

Ms. Braverman said the applicant also needs to meet the direction from the Board and submit actual signed parking agreements.

The request was continued in order for the applicant to provide the following:

1. Demonstrate safe pedestrian path to Bright Eyes Childcare I at 3635 Lee Road including on- and off-site travel.
2. Demonstrate safe pedestrian path to Bright Eyes Childcare III at 3887 Lee Road in Cleveland including on- and off-site travel.
3. Submit a signed parking agreement with both adjacent property owners/business owners at 3657 and 3659 Lee Road, per the code requirements in Section 1251.06, including a site plan of that property with square footage of the building, number of parking spaces and indication of which spaces will be shared, as well as the hours of operation of both businesses;
4. Provide a signed document from the Ohio Department of Jobs and Family Services indicating how the proposed facility meets indoor space, indoor recreation space and off-site outside play area requirements as stated in State Child Center Rules 5101:2-12-11.

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#2007. MASTER MARR’S TAEKWON-DO – 16720 CHAGRIN BOULEVARD:

A Public Hearing was held on the request of James Marr, Master Marr’s Taekwon-do, 16720 Chagrin Boulevard, to the Board of Zoning Appeals and City Planning Commission for a Conditional Use Permit for a specialized instructional school and a variance to the parking requirements. The applicant proposes to re-locate the existing Taekwon-do studio to this former retail space. The operation remains the same, but is moved three (3) buildings to the east. The applicant proposes operating hours of Monday through Friday 4:00 to 9:00 p.m. and Saturday morning. The studio will instruct children and adults in the martial arts of Taekwon-do. A parking variance is required since by code the use requires 50 parking spaces. Four on-street parking spaces plus a shared public parking lot of 123 spaces serves the businesses behind the south side of Chagrin commercial area. A Conditional Use Permit is required for a specialized instructional school in the CM Commercial Mixed Use zoning district. Council confirmation is required.

Mr. Feinstein showed slides of the site. He stated this is a request for a Conditional Use Permit and parking variance for a specialized instructional school. The applicant proposes to move their existing Taekwon-Do studio from down the street. A parking variance is required as 46 spaces are required by code. There is a shared public parking lot of 123 spaces in addition to on-street parking in front of the building. A Conditional Use Permit requires Council confirmation. Staff supports this request.

James Marr, owner, said he has owned and operated this business for 5 years just down the street. His business is doing well and they now need more space. He has already begun renovating this new space of 4,600 square feet. The upstairs business will remain in place. This larger space will help his business continue to grow and be successful in the community.

Ms. Braverman asked about signage on the new building.

Mr. Marr said there are two other signs, but his will be located over the door in the middle of the space.

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Mr. Dreyfuss-Wells recused himself from the meeting and left the room.

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Mayor Weiss opened the Public Hearing.

Nick Fedor, Shaker Heights Development Corporation (SHDC), said this is an existing business, expanding into a larger space. The SHDC supports this expansion.

Mayor Weiss asked if there are any changes to the operation or parking needs of this new space.

Mr. Marr said they are using the same parking lot behind the shopping center. The business will operate the same way it does now.

Kay Carlson, Executive Director of the Nature Center, described the management of the facility. They are using grant funding for the renovations to the All People's Trail. This is one of two trails at the Nature Center. This trail is heavily used by school districts. Up to 12,000 students a year in K – 6 grades visit during the school year. Their 2017 Comprehensive Plan included upgrading the All People's Trail, which was built in 1983. It is now beyond its life expectancy. This will upgrade the ADA accessibility to the trail, and continue to enhance the operations and mission of environmental education of the Nature Center at Shaker Lakes.

Jodi McCue, Environmental Design Group, explained the different portions of the project. The trail head feature is directly off the parking lot, with two hub platforms further down the trail, connected by a boardwalk. The features are approximately in the same location as the existing trail, with the addition of the hubs to allow for gathering of classes and students in particular sections of the trail. The concept is that 20 to 30 students would be able to use the pergola. They would like to replace the existing gazebo with a roofed structure. They have found a local artisan who will make a whimsical gazebo structure. This will add a covered area because the Nature Center does their activities in all types of weather.

Mr. Gruber asked about the height variance for the gazebo.

Mr. Dreyfuss-Wells asked about the height of the gazebo from grade, or the ground.

Ms. McCue said it is approximately 7 feet from the boardwalk to the marsh below. She estimated that the gazebo roof is 25 feet from the marsh.

Mr. Boyle asked about the entry on North Woodland that is in Cleveland Heights.

Ms. McCue said they will also be improving that entry with steps, but mostly natural trail. There will not be as much boardwalk on that end. They are working with the City of Cleveland Heights on that portion of the trail.

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

Mr. Boyle said the 16 foot gazebo height is from the boardwalk and that added to the 7 foot high platform is acceptable, since the gazebo is not very visible from the street.

Mayor Weiss said the gazebo is a very unique design. He is excited about the improvements to the trail.

It was moved by Mr. Boyle and seconded by Mr. to Zimmerman 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 height to the gazebo roof is no more than 25 feet from existing grade.

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

Motion Carried

Council action is required.

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There being no further business, the meeting was adjourned at 9:30 PM. The next meeting will be February 5, 2019.



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



Daniel Feinstein, Secretary
Board of Zoning Appeals
City Planning Commission