



**Board of Zoning Appeals & City Planning Commission Minutes  
Tuesday, October 1, 2019  
7:30 P.M.  
Council Chambers**

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

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

The meeting was called to order by Mayor Weiss at 7:30 p.m.

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Approval of the September 3, 2019 Meeting Minutes

It was moved by Mr. Dreyfuss-Wells and seconded by Dr. Ganning to approve the minutes with corrections.

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

Motion Carried

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**BOARD OF ZONING APPEALS**

**#2035. KITCHENS RESIDENCE – 18900 SHELBURNE ROAD:**

A Public Hearing was held on the request of Nicholas Caserio, Caserio Enterprises LLC, on behalf of Charles F. and Ginger Kitchens, 18900 Shelburne Road, to the Board of Zoning Appeals for a variance to the front yard paved area. The applicant proposes to construct a 1,100 square foot circular driveway in the front yard of this single family home. The existing driveway plus the proposed driveway will encompass 30 percent of the front yard. The code limits front yard

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pavement to 25 percent coverage. The additional driveway is proposed to be between 10 and 12 feet in width and to be landscaped with evergreen bushes.

Mr. Feinstein showed slides of the site. He stated this is a request for a variance to the front yard pavement requirement in order to install a circular driveway. The applicant proposes a circular driveway in the front yard. The existing driveway and the proposed driveway equal 29.7 percent of the front yard. Code allows a total of 25 percent of the front yard to be paved. The 10 to 12 foot wide driveway is to be landscaped with transplanted 2 and 4 foot tall evergreen bushes. The driveway plan has been revised to protect the neighbor's tree. The city's Forester suggested additional methods to protect the tree. Staff supports the request.

Nick Caserio, Caserio Enterprises, said he is the concrete contractor who would be working on the residence. He explained the applicant is looking for a horseshoe shaped driveway. They have modified the layout after speaking with the neighbor. The neighbor had concerns regarding the location of the driveway in relation to a very large tree. They are taking the driveway an additional 7 feet away from the tree. The original plan had the driveway edge 4 feet away from the tree, where the driveway is now 11 feet away from the tree. They have reduced the width of the driveway to help keep the pavement away from the tree. The zoning ordinances do not restrict a driveway off a side property line. The owners understand the neighbor's concerns and will hire a professional tree service to take appropriate precautions to preserve the integrity of the tree. The variance for more than 25 percent of pavement in the front yard adds up to 260 square feet. They have revised the plan to make the driveway as slim and small as possible.

Mr. Dreyfuss-Wells asked if there are any shade trees in the front yard.

Mr. Caserio said they will be using boxwoods and two evergreen trees to help screen the view of the driveway from the street as is required by code.

Mayor Weiss opened the Public Hearing.

Tom Ciccarella, 18820 Shelburne Road, said he is the neighbor. They have had ongoing discussion with their neighbor about the driveway. They do not have a problem with the driveway as it is now 11 feet off the property line. He supports their proposal to have an arborist and tree professionals in addition to the concrete contractor. He supports the project.

Mr. Boyle said the neighbors have worked well together to come to a resolution. He asked that the Forester's recommendations become part of any approvals.

Mr. Caserio said they will hire a tree professional to follow the City staff recommendations.

Mr. Dreyfuss-Wells encouraged the owners to add a shade tree to the front yard.

Mr. Boyle said he would recommend approval with the Forester's recommendations. It would be nice for additional shade in the front yard.

It was moved by Mr. Boyle and seconded by Dr. Ganning 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. A tree protection fence is erected before and during construction to protect the adjacent neighbor's tree; and
2. Engage an arborist or other tree professional to implement the City Forrester's recommendations to trim overhanging tree branches prior to construction, use a straight-cut trencher, hand clip roots, and limit any disturbance near the adjacent tree.

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

Motion Carried

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### CITY PLANNING COMMISSION

**#2033. Mullen/Smith Residence – 3689 Winchell Road:**

A Public Hearing was held on the request of Victor Mullen and Yvonne Smith, 3689 Winchell Road, to the City Planning Commission, for subdivision of land in order to join a city-owned vacant lot with the property on which their home is located. The applicant is purchasing the vacant lot next door at 3685 Winchell Road. The house parcel (736-18-146) is proposed to be combined with the vacant adjacent lot (736-18-147). The applicant proposes to integrate the vacant lot into their yard with a fence, landscaping and a play area. 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 the vacant next door lot to the applicant's lot which is their house. The applicant proposes to purchase the city-owned lot next door and combine it with their house lot. The combined lots (736-18-147 and 146) equal an 80 foot wide and 11,200 square foot lot which meets SF-3 Single Family Residential zoning requirements. The Neighborhood Revitalization Committee and Council have already approved the sale. Staff supports the request with conditions.

Mr. Mullen said they live next door to this vacant lot. They are going through the process to purchase the land from the city. They would like to install a fence behind the bushes already on the lot. They would move their child's play area to this additional yard space.

Dr. Ganning asked about the zoning regulations regarding the fencing and play structures.

Mr. Feinstein explained the fence can go no further toward the street than the front of the applicant's house. The play structure must be behind the rear edge of the house in the rear yard. These are both standard zoning requirements.

Mayor Weiss opened the Public Hearing. No one was present to speak in regard to this application. He said this proposal has gone through the process for purchasing a lot from the city.



Mayor Weiss clarified that the applicant will be purchasing the building from its current owner. They will be working with the school regarding the existing lease of the space they occupy on the property.

Mr. Zimmerman said the business seems appropriate for the building. He asked about the use in the rear storage area and what occurs out there now.

Mr. Boyle asked about a truck and trailer that are shown on the plans. What about supplies in the storage area?

Mr. Wright said currently the operation in the rear yard is the school district has their materials out there. His business will use a portion of the rear yard area for materials and vehicles.

Mr. Dreyfuss-Wells asked about the size and types of prototypes the business makes.

Mr. Wright explained sometimes those prototypes are the size of your hand. The largest is probably 2 feet cubed. They do design and fabricate a prototype, test it, and then that is shipped. They can do larger items if they can, but typically that is the size.

Mayor Weiss opened the Public Hearing.

Nick Fedor, Shaker Heights Development Corporation, said they have been working with this business since 2018 to find a location in Shaker Heights. They have facilitated this arrangement to buy the building and property. He fully supports the proposal in order to bring this business to the city.

Craig Stout said he is the current owner 3620 Lee Road. He has confidence that the plans for the building will enhance the property and the city. He is excited about the interest by the business to work with students. There are students in Shaker Heights that are not best served by going to college. These student need to find other hands-on opportunities in the business community. This business could be a great starting point for many students.

Dr. Ganning indicated the application was very thorough and well put together. Getting approval from the SHDC is also helpful.

Mr. Boyle said it is good to hear the school district will improve the rear yard as was required.

Mr. Feinstein said he has communicated with the school district, and they are in agreement with, and will complete the required improvements.

It was moved by Mr. Boyle and seconded by Dr. Ganning 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 rear yard outdoor storage area must come into compliance with the 2011 approval including:
  - a. An 8 foot tall, solid wood fence, must be erected along the west property line, while maintaining the existing trees;

- b. The chain link fence facing Hampstead must be covered with green fabric, including the gate; and
- c. The missing evergreen bushes must be replaced along the Hampstead Road fence.

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

Motion Carried

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**#2032. Cole Residence – 3606 Lytle Road:**

A Public Hearing was held on the request of James Haas, Westwork Architectural Studio, representing Jason and Victoria Cole, 3606 Lytle Road, to the Board of Zoning Appeals and City Planning Commission for site plan review, subdivision review, and a setback variance for a new single-family house. The applicant proposes to construct a 4-bedroom house on this vacant lot, where the previous house was destroyed by fire. The house will have four (4) bedrooms including a third floor master suite and Tudor style detailing. The City Planning Commission reviews the site plan of all new houses. A two-car garage located in the rear yard will remain. The house will replace the former house on nearly the same footprint. A bay window will extend from the front of the house to be 38 feet from the street. Code requires a 40-foot front yard setback on Lytle Road. The house parcel (736-28-013) has an extra side lot parcel (736-28-014). The applicant proposes to combine the two lots. Subdivision review is required to join the two lots.

Mr. Feinstein showed slides of the site. He stated this is a request for a new house, a setback variance, and subdivision of land. The new house is proposed to replace the house that was destroyed by fire. The new 4-bedroom house is proposed in almost the same footprint. A bay window will extend to 38 feet from the street. Code requires a 40-foot front yard setback. The Architectural Board of Review approved the house design at their September 3, 2019 meeting with conditions including: 1) require simulated divided lites on the front façade only instead of the whole house as the infill design guidelines required. The applicant proposes to combine the two lots that have always been owned by the house owner. Parcels 736-28-013 and 014 will be combined to a code conforming double lot in the Sf-3 zoning district. Staff supports the request with conditions as required by the Architectural Board of Review and as noted on the Staff Report.

James Haas, Westwork Architects, said there is an existing foundation. They propose to build on the same basic footprint with a few changes. The existing foundation is 39.5 feet from the property line, which is closer than the 40-foot setback allows. They would like to stay within that footprint for the most part while adding a bay window. The bay extends 18 inches into the setback, necessitating the variance. The night before the applicant moved in, there was a fire and the remainder of the house had to be demolished. They would like to re-build. The costs are getting to be quite expensive. Recently the estimate was \$480,000 to re-build the house as designed. The applicant may not be in a position to afford that much investment, particularly in this neighborhood where that price is twice the normal house value. They are asking for the ability to, and have discussed with the Architectural Board, use vinyl siding if that would reduce the cost. There were discussions with the Architectural Board regarding having simulated divided lite windows exclusively on the front façade of the house. He said there are other homes on this street that already have vinyl siding.

Ms. Braverman said new houses are held to a higher standard of design and materials per the Single Family Infill Design Guidelines.

Mr. Haas said the house could be built and re-sided within years. The point is the cost for this new house is double the value of other homes on the street. The city should be flexible. It would not be detrimental to the neighborhood to have vinyl shake siding on the house.

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

Mr. Boyle asked the cost difference between cedar shake siding and vinyl shake siding.

Mr. Haas said it could be about half the cost for the vinyl siding.

Mr. Dreyfuss-Wells said vinyl shake siding does not stand out and looks similar to wood shake siding.

Mr. Haas said he thinks they can get a good vinyl shake product. There are trim details on the house. He will work to ensure that this house has a nice design.

Mr. Feinstein summarized the Architectural Board of Review's approval. He indicated they were not in favor of vinyl shake siding. They said simulated divided lite windows on the front of the house exclusively was acceptable.

Dr. Ganning said she is impressed with the level of design and details of this house. She will stand with the Architectural Board of Review as far as the exterior materials.

Mr. Boyle said if the Architectural Board could be convinced that vinyl shake siding is appropriate the Planning Commission could defer action to the Architectural Board of Review.

Mayor Weiss said if the Architectural Board of Review could be convinced, the applicant would then only need to return to the Architectural Board of Review.

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 following conditions:

1. Simulated divided light windows only required on the front elevation, with windows having grids between the glass allowed on the side and rear elevations.
2. The alternate siding material of vinyl shake siding is deferred to the Architectural Board of Review for any further discussion and decision.
3. A final consolidation plat is submitted to the City and filed with the County.

Roll Call:                      Ayes:    Weiss, Zimmerman, Boyle, Dreyfuss-Wells, Ganning  
   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 Wednesday, November 6, 2019.

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

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Daniel Feinstein, Secretary  
Board of Zoning Appeals  
City Planning Commission

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