



SHAKER HEIGHTS

**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, December 6, 2022
7 P.M.
City Hall Council Chambers**

Members Present: David E. Weiss, Mayor
Sean P. Malone, Council
John J. Boyle III, Member
Joanna Ganning, Member
Jason Russell, 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 Mayor David Weiss at 7:00 p.m.

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Approval of the November 1, 2022 Meeting Minutes

It was moved by Mr. Russell and seconded by Mr. Malone to approve the minutes.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning, Russell
Nays: None

Motion Carried

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#2192. BANK OF AMERICA – 16450 CHAGRIN BOULEVARD:

A Public Hearing was held on the request of Lauren Farrow, Project Expeditors Consulting Group, representing Bank of America, 16450 Chagrin Boulevard, to the Board of Zoning Appeals for variances to the sign regulations. The applicant proposes to locate a second primary sign for a Bank of America branch building in the Chagrin Lee Plaza development. The monument sign is proposed in the front yard. The 12 square foot, two sided, sign is the second primary sign for this new bank building. There is an approved primary wall sign located on the front building façade. Code only allows one primary sign. The sign meets size and location regulations for monument signs. A landscape plan has been provided.

Mr. Feinstein showed pictures of the site. He stated this is a request for a variance to the sign code regulations for a second primary sign. The applicant proposes the second primary sign as a monument

CITY OF SHAKER HEIGHTS

Mr. Feinstein showed pictures of the site. He stated this is a request for a conditional use permit and a parking variance for a dance studio. The applicant proposes a new dance studio. A dance studio requires a conditional use permit as a specialized instructional school. The building has 7 on-site parking spaces and 4 shared parking spaces. Code requires a total of 40 parking spaces for this use. Staff supports the request with several conditions: 1) the front parking lot is resurfaced, striped and wheel stops added; 2) shared parking agreements are finalized for a total of 25 parking spaces; and 3) the rear yard is improved for employee parking. Council confirmation is required for the conditional use permit.

Sharmayne Freeman-Sellers, Mayne Attraction Studios, said she will be teaching ballet, jazz, and tap from this new studio. She currently has a dance studio on Lee Road in Cleveland Heights. She has arranged for additional parking which will total up to 40 spaces with the dry cleaner and Arminius building next door, along with other neighboring properties.

Mr. Boyle asked if the property owner will be improving the condition of the building's exterior.

Ms. Freeman-Sellers said she is renting the space. The owner agreed to paving and to removal of the playground.

Mr. Boyle noted the building is not in good condition. He would add a condition that the exterior building repairs be completed as part of any conditional use approval.

Dr. Ganning asked how this will fit in with the Lee Road Action Plan.

Ms. Braverman said the plan will take years to implement. They want to encourage existing vital businesses to redevelop, with phased new development.

Mayor Weiss said he is excited to have a new tenant and investment in the property. It may take time to implement the Lee Road plans. How long has the building been vacant?

Ms. Freeman-Sellers said the building has been vacant since 2017. She is a Shaker resident and Shaker High School graduate with deep ties in the community.

Mr. Malone said this business is encouraging and it is good they have shared parking. What times will the building be in use?

Ms. Freeman-Sellers said other businesses are primarily open until 5:00 p.m. while her business is weekday evenings only and weekends.

Ms. Braverman asked if it is similar to a daycare use where there is relatively quick turnover pick-up and drop-off parking.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein read into the record a letter of support from Nick Fedor, Shaker Heights Development Corporation.

Denise Mack Johnson, 3481 Tullamere Road, said her young daughter is a student of the school. She praised the high goals and professionalism of the applicant and this business. It is great to have a Shaker cheerleading coach and the business lends to equity of the neighborhood businesses.

Mr. Boyle said the exterior wall repairs, back wall, doors and windows need maintenance.

Dr. Ganning said exterior code compliance should be completed on the property.

Mayor Weiss said basic landscaping is needed in the front yard. He supports this nice new business per staff recommendation.

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 front parking lot is resurfaced, striped and wheel stops are added as approved by staff.
2. Shared parking agreements need to be finalized and submitted that bring available parking up to 25 spaces.
3. The rear yard is improved for employee parking as approved by staff.
4. The exterior building and grounds need to be renovated to comply with the exterior commercial maintenance code requirements.

Roll Call: Ayes: Weiss, Malone, Boyle, Ganning, Russell
 Nays: None

Motion Carried

#2182. HENFIELD RESIDENCE – 22276 SHELBURNE ROAD:

A continuation of a Public Hearing was held on the request of Rebecca Pantuso, Pantuso Architects, representing Deena and Hirsh Henfield, 22276 Shelburne Road, to the Board of Zoning Appeals and City Planning Commission for site plan review, subdivision of land and a garage location variance for a new single-family house. The review of this new house was continued at the October 6, 2022 meeting for additional information. The applicant has submitted revised plans that eliminate the arbor and a tree preservation plan that proposes more new trees being planted than are being removed for construction. The applicant proposes to construct a new, ten bedroom house, with a 3-car attached garage. The attached garage is proposed in the side yard and is connected to the house by a breezeway. Code allows garages in the rear yard only. The three parcels that make up this existing property are proposed to be combined into one new parcel. Subdivision of land requires City Planning Commission review. Site plan review is required for all new houses.

Mr. Feinstein showed pictures of the site. He stated this is a continuation of a request for a new house, subdivision of land and a garage variance. A new house requires site plan review. The applicant proposes a new house with a 3-car attached garage. The garage is attached to the house by a breezeway and is in the side yard. Garages are allowed in the rear yard only. The existing three lots are proposed to be combined into one (1) lot. Subdivision of land requires City Planning Commission review. This request was continued at the October 2022 meeting for more information including: 1) HVAC location and screening. A code conforming location has been submitted; 2) a tree preservation plan. A plan has been submitted including 10 trees removed, 8 retained, 15 new shade trees and 35 new evergreen trees. The

tree plan meets code requirements; 3) the percentage of pavement is 18% in the front, 30% in the side and 1% in the rear. This meets code requirements; 4) explanation letter based on the variance standards. A letter has been submitted; 5) a design of the arbor. The arbor is removed from the plans. 6) Applicant has submitted an additional letter explaining their single-family residential use. The code section relating to the requested actions includes: Section 1301.06 A Site Plan review which directs new buildings to be compatible with surrounding development; Section 1213.08 E – Subdivision lot standards direct lots to be appropriate to the expected use; Section 1309.11 in the Building Code directs the site plan to be reasonably compatible to the neighborhood; SF Design Guidelines – compatible with the general character of the neighborhood. Staff suggests a continuance in order to allow the applicant to consider a reduction in the size and scale of the house to be more compatible with the neighborhood.

Robin Wilson, attorney representing the Henfield family, introduced the architect and landscape designer. She said the October meeting was a presentation from the architect. She will explain the required site plan, variance and subdivision of land. The plans comply with the zoning regulations. Her clients propose a new home in the Poet's corner neighborhood to replace the existing 1952 house. The existing house is not under local historic designation. There are no restrictions to demolition. When her clients purchased the Shelburne lot, they did not know that this property was even three parcels. All of the parcels are listed with 22276 Shelburne. The tax bill alerted them to different parcels including 009 and 056 to the west. These two parcels have an Inverness address so they consider it a corner lot. The consolidation plat has been pre-approved by the County subject to city approval. The property narrows from 250 feet to 161 feet in rear. Per Section 1213.08 E, the City Planning Commission should approve the consolidation. The lots have been in consecutive ownership for 30 years. The house lot is 34, 828 square feet. This lot size is compatible with other nearby corner lots of 25,111; 28,178 and 43,203 square feet. It is harmonious with the corner lots. The combined lot meets the standards for subdivision 1213.08 B. It is harmonious development in accordance with the code including consolidation. Section 1213.08 E describes block standards and lots with minimum lot standards and existing topography, lot standards design size, and style. The lots shall be appropriate to its location and use in the SF-2 zoning district for all three lots as a residential home. The existing lots are at right angles or radial to the center of the curve like corner lots. Corner lots are allowed to have extra width as this property does. The width accommodates the landscaping and there are no remnants of lots left over. If the lots are not consolidated then remnant lots are left over and do not meet the zoning ordinances. The proposal meets the minimum lot size. There is no maximum per code. The other two parcels do not meet the lot standards and should be consolidated. Corner lots are larger, and this lot allows setbacks, buffering, and meets code. They request approval. They did not believe a side yard garage variance location should be an issue. 14 other similar garages already have side yard locations. The breezeway attaches the garage to the house. An area variance needs to show it presents practical difficulty as shown that in Section 1213.04 H. The Board of Zoning Appeals does need to consider practical difficulty regulations. The dimensions show a 15 foot grade change as a hill toward the rear yard. In order to locate the garage in the rear yard they would have to install an 18-foot retaining wall and remove a large tree. A rear garage would take up much of the rear yard, in addition to 26 feet of driveway. The topography creates the practical difficulty. The letter outlines the reasons based on code. Topography taking up rear yard and additional pavement are reasons to support the variance. The reasons are not financial or self-inflicted at purchase. There are many other side yard garages in the neighborhood. Variances have been granted for other side yard garages per the Staff Report. Site Plan review Section 1213.06 speaks about being compatible with adjacent development. Many hours have gone into meeting the standards for all types of details. The Architectural Board of Review approved the design. The Architectural Board of Review considers adjacent and contiguous property for the purpose of integrated development of property. The house

meets the Single Family Infill design guidelines. It meets setbacks, with design details of stone and slate. The house style complements other neighboring houses. It meets requirements per staff report in compliance with code. They submitted all the items that were requested at the October 2022 meeting. The SF-2 zoning district has no maximum lot area or house size. The existing house is 6,000 square feet and 102 feet wide. The proposed house is 6,983 net square feet and 140 feet wide. This is 56% of the lot width. It meets code requirements for pavement, coverage, height; and plans show needed information. Another house is 6,016 square feet. It is not the only house over 6,000 square feet. There is sufficient parking on the site. Impervious surface is listed. The garage is turned away from the street. The circular driveway is allowed. They submitted views of concern from rear and other neighbors. She described the tree preservation plan. One tree is being removed that is dying. Trash will be screened as will the HVAC equipment. They meet the requirements of the code and went through compliant development standards. Nothing prohibits a maximum lot or maximum house. Approved by Architectural Board of Review meets character of neighborhood. The owners have reached out to their neighbors. The request to the Board is to subdivide in order to combine the lots. They demonstrated the reasonability of all requests.

Mr. Boyle said a comparison to the other large house at the corner of Landon is 6,016 square feet in size. It is in the SF-1 zoning district while this proposal is in the SF-2 zoning district. The lot size should not be an apples to apples comparison with that property. Section 1309.11 of the Building Code describes new houses as being reasonably compatible in size to others in neighborhood. In his opinion, this proposal is not a reasonably compatible size with the other houses, which are more like 3,500 square feet in size in the SF-2 zoning district. The southern portion of the neighborhood has larger lots and house and is in the SF-1 zoning district.

Ms. Wilson said there is no maximum size in this zoning district. It is a corner lot, which is allowed to be larger. Other houses are this large in the neighborhood in general.

Dr. Ganning asked about a comparison to the Landon corner house that is 6,016 square feet in size. This house is proposed at 6,983 square feet. Is that a comparable number?

Ms. Wilson said they consider the two numbers very close to an apples to apples comparison.

Rebecca Pantuso, architect, said if the 6,016 square foot house were draw out and the house measured it could be more like 6,816 square feet in size.

Mayor Weiss asked if the garage square footage is included.

Ms. Pantuso said the garage square footage is not part of that calculation for either home.

Mr. Gruber said the City understands the County counts above grade living space, not the basement or garage. The County did indicate they include the walls in that calculation. The Board members can consider the different size measurements, but it is difficult to define the two home sizes as apples to apples comparisons.

Mr. Malone said the comparison to other corner lots on Shelburne does show larger lot sizes. Are the homes on those existing corner lots also larger?

Dr. Ganning asked if the current house has the garage in the side yard.

Mr. Feinstein said he has only spot checked existing Shelburne corner lot house sizes. They do not seem to be significantly larger homes than other homes in the neighborhood.

Mr. Henfield said his wife has lived close by her whole life. They consider it a wonderful place to live and work. He thanked the Board for their consideration and Ms. Pantuso and Ms. Wilson for their support in proposing their new house. They choose an architect to do design their new house to fit into the neighborhood. They have lived on Fairmount for 5 years, enjoyed the quality of life, and are hopeful to have their family live in this new house. They did not know about opposition to their proposal until they were out of town. Since then, they have reached out to neighbors. They sent two sets of postcards and knocked on doors to speak to neighbors. This is their forever home and a single family home to invite friends and family to. Their outreach to neighbors went well. During the pandemic, they walked the neighborhood and their encounters had great impact, as they had no reservations about the Poet's Corner neighborhood. We wanted to meet our neighbors. We have heard supportive comments from those we have spoken with. We are excited to stay in Shaker Heights and to be building their dream house. He believes their proposal is quality and meets requirements.

Mayor Weiss opened the Public Hearing.

Mr. Feinstein explained he received two letters since the packet was posted and copies were made.

Mr. Murray, current neighbor of the Henfield's, said they could not be more model neighbors, they will be missed and he supports their proposal.

Kyle Scheerer and Zia Sirabella, 22125 Parnell Road, wrote to voice objection to the landscape plan and removal of trees.

Ms. Braverman said the city has received 47 letters since the October meeting. Eight of them in support and the rest expressed concerns. A summary of concerns includes density, trees, residential use and traffic of pedestrians and cars.

Steve Kalette, 2705 Inverness Road, is fine with the lot consolidation and garage. He is bothered that the below grade floor is not part of the house. It should be included so the house is 11,000 square feet in size. He questions whether it is a totally single family use. He has many questions and an additional family could be accommodated in this proposed house.

John Shields, 2749 Landon Road, said their house is the other large house being compared to this proposal. His house is not at all as large. The proposed house is 63% larger than his is with 10 versus 6 bedrooms, 11 vs 5 bathroom and 3 kitchens to his one. Their house is completely on just one lot so that is not a comparison. He objects to the 2-minute limit. He has 6 minutes prepared as do two others each covering different issues. He submitted the letter and asked to be allowed to speak longer.

Mr. Gruber indicated that if speakers are representing others in the audience then they use some of the others time to extend their comments. He indicated the goal is to allow everyone to speak that wants to in a reasonable time period.

Lindsey Siegler, 21926 McCauley Road, she welcomes the Henfields and will welcome their family to the neighborhood. They object to the size and scale of the new house. The Poet's Corner

neighborhood is unique. In a Shaker Library publication, the neighborhood is identified as a special distinct neighborhood. They have submitted letters detailing their concerns. The inconsistencies in the applicant's proposal indicate it is not an appropriate proposal. The new structure will dwarf the current house. To exclude the square footage of the basement is disingenuous. You should consider how a future user could use the basement. The applicant has failed to qualify for the garage variance per Section 1267.07 as the doors do face the street. The current house has rear-facing garage doors. Practical difficulty is not a hardship per and should not be considered sufficient for the variance request. The garage location is of their own making. Three pie-shaped lots are not a practical difficulty. 200 neighbors who live here want to preserve the community. Knowledge of the law is presumed and is not a defense as submitted by the applicant.

Kelly Coffman, 2681 Wadsworth Road, said she reviewed the site plan as a landscape architect considering site selection and the right size to fit a parcel. She has worked to design the landscape for past projects with large houses such as this proposal but those are on 3 and 5 acres of land. That property is large enough to handle all the traffic and guests that size of house can accommodate. The intensity of the proposed program is too much for this size lot in this neighborhood. How will guest parking be accommodated? The elevation grade change may be more like 17 feet from front to back. The plans do not represent the 8 basement egress locations and account for overall site drainage. A walkout basement means even more digging. A Landscape Architect or engineer should design the plan. Only two of the proposed new trees should be considered deciduous shade trees. The house does not comply with the standards relational to the adopted land use policy. It is out of scale. This is not compatible to the neighborhood standard as planned lot and house size. No more than three vehicles are allowed to park in the driveway and must be behind the setback line. How many cars will be parked there? She does not support the proposal.

Reid Coffman, 2681 Wadsworth Road, said he professor at a local university. He asks the Board to reject this proposal. It does not meet the essential character of the neighborhood. It is not a single family house, but more like a residential facility. It does not meet the essential character of the neighborhood due to the volume and should be considered out of scale in this area. The magnitude of the house is a 3 ½ story house and use compressed into the ground. He showed the average inhabitation rates in the neighborhood and city average house. This house can accommodate many more than is normal. This property could accommodate 52 inhabitants per acre. They need to show how the property meets storm water regulations by NEORS. The tree replacement plan does not match the 48 inch tree, which is being removed. This is not a corner. All those guests who enter the home through an auxiliary entry, not the main entry.

Sarah Deeks, 22219 Parnell Road, said this is a friendly, family neighborhood. This is not a neighborhood of estates like on South Park. This home has 10 bedrooms for events and family per the applicant's description. This applicant and maybe future owners could accommodate up to 40 overnight guests. The City Planning Commission cannot ignore that houses do change ownership and then the next owner might need to add parking to accommodate all of their guests. Shelburne is already a busy street. The Police watch and residents have concerns for the traffic. To alleviate any safety concerns there should be a traffic study to determine Shelburne traffic patterns.

Megan Kacvinsky, 2691 Landon Road, wants to warn the applicants about basement flooding on behalf of close neighbors who have a finished basement. Will this house create more issues and require more mitigation from the storm sewer problems in the neighborhood? The garage is currently at the back side of the house, but the doors are rear facing. Other houses cited as comparable corner lots

are .341 acres, which is much smaller than the proposed lot. The layout of those lots has a 93 foot front compared to the larger size and frontage of this lot.

Patrick Peters, 2700 Dryden Road, thanks neighbors for their continued high standards of upkeep in the neighborhood. It is permissible to use square footage as a comparison. If approved this is large house is capricious. There is no guarantee that they will remain in the house.

Bill Havel, 22625 Douglas Road, said the size of the structure should include a lower level walk out basement. It is different from a regular basement. The lot size is so big already and now they say they need it to make the house fit and need a garage variance. He would look at garage from across the street. Residents are no allowed to park overnight in the front circular drive. It is typical to have cars in rear yard but not the front. What is the intended use with 10 bedrooms and 2 beds each? The large areas of the house, driveway and patios could add to flooding issues in neighborhood. Those same issues may create issues for the applicant in their new livable basement area.

Barbara Hill, 20976 Claythorne Road, said this new house is incompatible with the neighborhood. The size of the basement is like something from a large Hunting Valley house. The removal of the tree canopy and added impervious surface will hurt the neighborhood existing conditions. This house is not a fair housing issue. The city is known for strict regulations. The proposed development is inconsistent with the neighborhood. The city should adhere to the code and deny this request.

Ms. Sirabella, 22125 Parnell Road, moved in recently. The project adversely effects the storm water situation in the neighborhood. This back yard floods and removal of the trees will make that worse. The mature tree removal will take away their view and privacy. Young trees take a long time to grow back. Their property value would be affected. She said the applicants like the neighborhood because it is an existing neighborhood. She is concerned about mature trees being allowed to be replaced with young trees. How will the additional storm water runoff be addressed? She objects to those aspects of the proposal.

Scott Kelly, 21060 Claythorne Road, said no variance should be granted unless evidence is presented that does not alter the essential character of the neighborhood. It is the applicant's burden and they have not presented that. Most of the commenters believe this new house will alter the essential character of the neighborhood. The evidence is overwhelming and to ignore that is an abuse of the regulations. The approval of this house will be precedent for more super-sized houses and that trend is dangerous for the neighborhood.

Amy Stephens, 22399 Shelburne Road, agrees with others. She is concerned with her view of the side garage. The existing garage is not as large and is not visible from the street. The proposed house is out of size and scale with the neighborhood. She welcome the Henfields to the neighborhood. Her concerns are related to real estate and not personal.

Kelly Coffman, 2681 Wadsworth Road, agrees with others that have spoken and is concerned with the size and scale of this proposal.

Jeff Pierce, 22649 Calverton Road, trusts the board members to reasonably review this request. The new house proposal seems like compelling case to him and for the city. The neighborhood has not been overly welcoming to the Henfields as neighbors. He support the proposal. He thinks change is good.

Alex Abramov, 22275 Shelburne Road, lives across street. He thanks those present for their efforts. The fear of change has overwhelmed what is otherwise a friendly and welcoming neighborhood. Yes, this new house is somewhat unusual, but this proposal is not brought in bad faith. The house and property should be looked at in totality as a part of the neighborhood. He supports the project and the applicants can move forward and join the neighborhood.

Ms. Braverman read an online question from Mary Soloman, who wants to know how the house went from 8,000 to 6,000 square feet in size. How much of that is for the basement and garage.

Holly Litwin, 2741 Green Road, said she submitted a letter and her comments are similar to last two speakers. She moved into neighborhood and was taken aback that Henfield's were viewed as dishonest at the October meeting. This meeting is a better tone. Historically, many families could have 10 – 15 kids. Having the number of bedrooms and large spaces goes along with a large family and extended families. Some of the comments and concerns seem to be coming from a place of fear about the applicant's intent.

Mike Thomas, 22470 Douglas Road, said the concerns are not cultural. If the Henfields would move into the existing house, they would be welcomed to the neighborhood.

Mr. Mendelson, 2691 Belvoir Boulevard, the intent of the basement design is to allow large groups of people on many occasions. The basement allows the house to be more of a community use, not just a single-family house.

Ms. Braverman read an online comment from Anne, that they concerns are not about religion. People can practice their religion in just 6,000 square feet of space.

Mr. Boyle said this is the first time he can remember be confronted with a house in good condition that is proposed to be torn down. He is concerned with that if it a trend. How would this proposal affect future decisions?

Mr. Malone asked about more detail in the precedent section especially for tear down and rebuilds of homes. He would support a continuance of this request in order to get more detail on how this affects future new houses.

Dr. Ganning said this kind information would be helpful and she may need more time to think and then discuss this proposal.

Mr. Russell said he would like to know the change in size of home demolished and new homes built as well as any comparison of the number of bedrooms.

Mr. Malone said he hopes the applicant can introduce a way to reduce the size of the proposal. The storm water issues do need some response from the city in general, He would support a continuance.

Mayor Weiss said this meeting has helped provide the owners a forum to answer some of the questions raised in October. The ability to consolidate such a large lot concerns him as to precedent and compatibility with a planned community like Shaker Heights. There are different neighborhoods

