



**Board of Zoning Appeals & City Planning Commission Minutes
Tuesday, May 2, 2023
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 April 4, 2023 Meeting Minutes

It was moved by Mr. Boyle and seconded by Dr. Ganning to approve the minutes.

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

Motion Carried

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#2203. RICE RESIDENCE – 2910 FONTENAY ROAD:

A Public Hearing was held on the request of Jessica Powell, architect, representing Laura and Stephen Rice, 2910 Fontenay Road, to the Board of Zoning Appeals for a variance to the side yard setback requirements. The applicant proposes to construct a circular stairway from the second floor to the rear yard ground level. The applicant proposes the circular, open metal stair unit, on the rear corner of the house extending to 9 feet 2 inches from the side property line. Code requires a 15-foot side yard setback in the SF-1 Single Family Residential zoning district. This new stairway is proposed to provide access from the second floor flat roof to the rear yard patio and pergola.

Mr. Feinstein showed pictures of the site. He stated this is a request for a variance to the side yard building setback regulations. The applicant proposes to install a black metal circular stair, which extends to 9 feet

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tables in the 1,000 square foot space. A use similar to a specialized instructional school requires a conditional use permit in the CM Commercial Mixed Use zoning district. Around the Table Yarns retail operations are now located in a storefront on the other side of the shopping center. A conditional use permit requires Council confirmation.

Mr. Feinstein showed pictures of the site. He stated this is a request for a conditional use permit for this room for various types of knitting. The applicant proposes individual and group classes in this former retail space facing Chagrin Boulevard in Shaker Plaza. The retail operations have been re-located to a storefront on the other side of Shaker Plaza. A use similar to a specialized instructional school requires a conditional use permit. About 6 to 8 participants will use a large table for classes. A conditional use permit requires Council confirmation. Staff supports the request with the condition that the classroom remains the primary use in the space.

Elizabeth Billings, business owner, said this is their fifth year in the business. They have grown during the pandemic. They have dedicated the original 1,000 square foot space as classroom space. Prior to expanding they could have classes when the store was closed. Now with expanded retail space they can use the old space for daily classes. No new traffic is created as they are tenants on both sides of the shopping center.

Mr. Russell noted he worked with the business owners when he was the general manager for the Van Aken District. The expansion to new space was not considered while he worked at the District.

Dr. Ganning offered congratulations for their business surviving and expanding.

Mayor Weiss asked if they are able to go between the spaces.

Ms. Billings said there is a common hallway between the two spaces, but only staff is able to use the corridor.

Mr. Gruber asked if the applicant understands the proposed conditions.

Ms. Billings said yes. The space will always be more class space than any other use.

Dr. Ganning asked about the classes.

Ms. Billings described different types of classes. There are group classes as well as one-on-one classes. They also do workshops with a series of classes in one day.

Mayor Weiss opened the Public Hearing. No comments were received in regard to this application.

It was moved by Mr. Russell 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 condition that the classroom activity remains the primary use of the space.

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

Motion Carried

Council confirmation required at the May 22, 2023 meeting.

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#2204. VAN AKEN DISTRICT EVENT CENTER – 20021 FARNSLEIGH ROAD:

A Public Hearing was held on the request of Susan Frankel, owner’s representative, 20021 Farnsleigh Road, to the City Planning Commission for a conditional use permit in order to operate an event center in the Van Aken District. The applicant proposes to use the second floor space over the Paloma restaurant as a gathering and event center. A conditional use permit is required for a use similar to an assembly hall in the CM Commercial Mixed Use zoning district. The space would be used for small to medium size private events from 9 a.m. to 11 p.m., available for the Van Aken District tenants use and for the public to rent. Expected use is 20 to 30 times in a calendar year. Council confirmation is required for a conditional use permit.

Mr. Feinstein showed pictures of the site. He stated this is a request for a conditional use permit for an event center at the Van Aken District. The applicant proposes to use the second floor space above the Paloma restaurant for a private event center operating between 9 a.m. and 11 p.m. An event center is a similar use to an assembly hall and requires a conditional use permit in the CM Commercial Mixed-Use zoning district. This space is proposed to transition from its current Van Aken District apartment sales space to an event center over the next 18 months. Staff supports the request with the conditions noted on the Staff Report. A revised Policy and Operation document is at each Member’s seat.

Sue Frankel, RMS representative, said the request will allow special events in this space that are not allowed in other open spaces in the District. Private parties for restaurants and small gatherings and other events are often requested, both by the current Van Aken District tenants and the public. This would be a space for community gatherings and for neighbors and district businesses.

Dr. Ganning asked if it will be open to the public.

Ms. Frankel said something like a yoga class could need to reserve the space, which would not be open to the public. They would need to have a reservation.

Ms. Braverman said staff was concerned about promotional type parties where the public in general is attending without a specific invitation or registration.

Ms. Frankel said the supplemental policy submitted is modeled after the Garden City Bar submission. There is no intention for a liquor license or kitchen. There will be catering operations bringing food and drink to any event.

Mayor Weiss asked to change the language in the submittal to exclude open to the public events.

Ms. Braverman said staff will work with the applicant to distinguish the different types of events.

Mr. Boyle asked staff to work on the “not open to public” language. What is the number of people the space can accommodate?

Ms. Frankel said 150 maximum including the outdoor patio. There may only be room for 75 seated attendees.

Mr. Russell reiterated he had worked with the Van Aken District as a Manager. The event center space was not operational when he was on site. How will the event center be managed?

Ms. Frankel said it will be managed by a third party management company. Right now it will be handled by internal staff.

Mr. Russell asked where parking would be provided for up to 150 participants.

Mr. Feinstein noted a shared parking calculation had been completed for the property overall with this space calculated as a restaurant.

Mr. Malone asked why the space is not a restaurant.

Ms. Frankel said two stories is too large to lease for restaurants. They could not find a restaurant to take the full space, just like on the other side of the building. There is not enough room for another kitchen on the second floor space by itself.

Mr. Malone supports the idea and the proposal. It is good to have a 6 month review of the use, especially regarding parking.

Dr. Ganning said many special events at the Van Aken District already draw more customers than could be at this event center. This happens regularly and does not cause a parking problem.

Ms. Frankel said it is also possible for valet parking to be utilized and other parking spaces at Shaker Plaza.

Mayor Weiss said the RTA spaces on Van Aken are typically available.

Mayor Weiss opened the Public Hearing. No comments were received in regard to this application.

Mayor Weiss said he has been asked about this type of use. The use seems appropriate at this location in the Van Aken District.

Mr. Russel asked when they plan to start renting the space.

Ms. Frankel said May 20 was the first request and has been denied. They will start slow. One event is booked for October. The certificate of occupancy has not been issued due to elevator issues.

It was moved by Mr. Boyle and seconded by Mr. Russell 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. Hours of operation do not exceed 11:00 p.m.
2. Subject to a continuing obligation to comply with the City's noise ordinance.
3. To provide to the City and comply with and management plan and their own patron policies.
4. To provide to the City for approval and comply with the security plan.

Ms. Braverman said staff has reached out to the condominium and apartment management companies. The funding is through a grant. The next step is engineering this summer and construction next summer.

Mr. Malone asked about the road diet down to one lane. He asked how it will operate at certain intersections.

Ms. Braverman said the traffic study shows an F rating for a couple of intersections. This is for peak hour backup only and includes four different movements at Van Aken Boulevard, Lee, and Avalon Roads.

Mr. Russell said the intersections are large, and wide to travel by bicycle. The light signal can change while crossing.

Ms. Braverman said work on signalization to allow a longer light cycle can be addressed in the engineering portion of the plan.

Dr. Ganning said the proposal is a good pedestrian buffer. Will backup happen westbound with the amount of parking used.

Mr. Feinstein said the low percentage of utilized on-street parking does not indicate it will have too much impact on traffic.

Dr. Ganning said she and others will feel safer biking to the district.

Mr. Russell said it should have the effect of slowing traffic down as well.

Mayor Weiss said there is concern about backing out of the RTA parking spaces. That parking and one lane may reduce speed. If speed is a problem, the city can consider further speed reduction measures in the future.

Mr. Russell agrees that experience shows that overall speed should be reduced.

Mr. Malone asked about a connection to Shaker Square. It is a good idea to explore in the future.

Mayor Weiss opened the Public Hearing.

Greg Van, 3127 Warrington Road, said he loves the project and supports it. Van Aken Boulevard is not safe now. This project will reduce speeds and be a good connection. It would be even better with a double barrier to the street.

Kevin Crowe, 18975 Van Aken Boulevard, said he is in support of the Plan and hopes it will calm the traffic on Van Aken Boulevard. The area between Farnsleigh and Parkland often has speeds in excess of the limit and he has personally witnessed a mini type drag race.

Victor Mullin, 3689 Winchell Road, said he supports the project. A concrete barrier would be better than the delineator posts. The idea of extending to Shaker Square is also good in future.

Ben Becker, 3685 Sutherland Road, said he bikes for transport for short trips. He cannot wait to ride with his son on this bikeway. Going to Shaker Square is a good idea. It can be dangerous to share the road

