Applicant's Name: Connee Choi

Property Address: 3554 Riedham Rd.

City: Shaker Heights

Applicant's Address: Same

Phone No: (216) 283-1769

Property Owner (if other than applicant) Same

Property Owner's Address (if different) Same

City: Shaker Heights

State: OH/IO

Zip: 44120

E-Mail Address: cchoi46@yahoo.com

CHECK INFORMATION ACCOMPANYING THIS APPLICATION
☐ Site Plan (as needed)
☐ Proof of Control (Option Lease Ownership)
☐ Detail Drawings
☐ Product Information, etc.
☐ Landscape Plan
☐ Other Descriptions or Materials as Appropriate
☐ Narrative Description
☐ Photographs

CHECK SPECIFIC ACTION REQUIRED

BZA
1. VARIANCE (requires public hearing)
   ✓ Sign regulations
   ✓ Fence Regulations
   ✓ Height Regulations
   ✓ Off-street Parking
   ✓ Area and Yard Regulations

☐ Conditional Use Permit (requires public hearing)
☐ Planned Unit Development
☐ Site Plan Review
☐ Resubdivision of Land
☐ Amendment to Zoning Map or Ordinance
☐ Improvements to Public Land
☐ Other: __________________________

Summarize special conditions, practical difficulty or hardships imposed on the owner of the premises if strict letter of the ordinance were to be enforced:

See attached materials. I would like to install 2 air conditioning units on the North side of my house. Other sites are not practical. Please attach materials.

To the best of my knowledge, the foregoing statements in this application are true and correct.

Connee Choi

Signature: ____________________________

DATE: April 19, 2019

Section A
NOTICE OF PUBLIC HEARING

Notice is hereby given that application is being made by Connie Choi, 3554 Riedham Road, to the Board of Zoning Appeals for a variance to the location and setback requirements for air conditioning condenser units. The applicant proposes to locate two air conditioning condenser units in the side yard, located 2 feet from the side property line. The existing side yard is 5 feet wide. The code requires that air conditioning condenser units in the side yard be located in side yards measuring a minimum of 25 feet wide and be screened by a solid wood fence or evergreen vegetation. The applicant proposes to screen the units from the street with a solid wood gate and the back of the neighbor’s garage screens the area from the side.

The Board of Zoning Appeals will hold a Public Hearing on said application on Tuesday, May 7, 2019 at 7:00 p.m. in the Council Chamber of City Hall, 3400 Lee Road, Shaker Heights, Ohio. Interested parties may appear at the Public Hearing and be heard with respect to this application.

Plans are available for public review in the Planning Department during City Hall hours, online at www.shakeronline.com and at http://209.43.45.41/egov/apps/document/center.egov. Online plans and information are posted the Friday before the meeting date.

Dan Feinstein
Secretary
Board of Zoning Appeals

To request an accommodation for a person with disability, call the City’s ADA Coordinator at 216/491-1440, or Ohio Relay Service at 711 for TTY users.
The City of Shaker Heights
Board of Zoning Appeals and City Planning Commission

STAFF REPORT

ADDRESS:
3554 Riedham Road
Choi Residence
Case#: 2017

HEARING DATE:
May 7, 2019

SUMMARY:
Variance to the location and setback requirements for air conditioning condenser units located in a side yard.

STAFF POSITION:
- Staff suggests approval based on the following:
  - The adjacent neighbor's house faces Kenyon Road and the rear yard backs up to the applicant's house.
  - The 74 decibel sound rating is quiet and the area is screened by a garage and a fence.
  - The units are located in the side yard, not visible to the side neighbor at any location in the rear yard due to the proposed fence and existing neighbor's garage.
  - The rear of the neighbor's garage backs up to the units.
  - The standard of protecting against detrimental or injurious effects is met since the units would not be visible to the street or neighbor.

ACTION:
- Variance to the air conditioner unit setback requirements.

FACTS:
1. The applicant proposes to locate two new air conditioning units in the side yard 2 feet from the side property line at this two-family house.
2. The side yard is a total of 5 feet wide. Code requires a 25 foot wide side yard in order to locate an air conditioning unit in the side yard.
3. The applicant proposes to screen the unit from the side neighbor with the back of their existing garage and a solid wood fence toward the street.
4. Code requires the units to be screened with evergreen vegetation or a solid fence.

CODE SECTIONS:
1. 1262.08 C – air conditioning units are only allowed in a 25 foot wide side yard with a solid fence or evergreen landscape screening.
2. 1262.08 B and D – air conditioning units are allowed in the rear and front yards with solid fence or evergreen landscape screening.
3. 1213.03 B – air conditioning units are allowed in a 15 foot wide side yard with the following conditions: 10 foot to the neighbor's house from the property line, screened with evergreens, noise level at or below 76 decibels and the owner is aware of the continuing obligation to meet the noise ordinance requirements.

OTHER ISSUES:
1. The decibel sound rating for the unit is 74db, which is quiet. The units are 24 by 24 by 29 inches in size.
2. There is a small rear porch and door plus the driveway that takes up the whole rear of the house.
3. The side neighbor's house is 40 to 50 feet away, on the other side of their garage, since that house faces Kenyon Road.
The City of Shaker Heights
Board of Zoning Appeals and City Planning Commission

STAFF REPORT

Continued:

ADDRESS:  
3554 Riedham Road
Choi Residence
Case#: 2017

HEARING DATE:  
May 7, 2019

PRECEDENT:

1. Sutherland Residence – approved a unit 8 feet from the side property line.
2. Pasternak Residence – approved a unit and pool equipment in 14 foot side yard with 5 foot tall fence.
3. Czapski Residence – approved a unit in a 10 foot wide side yard with evergreen bushes.
4. Lipman Residence – approved a unit in an 8 foot wide side yard, with evergreen landscaping and the approval of the neighbor.
5. Wagner Residence – approved a side yard air conditioning condensing unit 12 feet from the side property line adjacent to a neighbor’s rear yard.
6. Underwood Residence – approved a side yard air conditioning unit 6 feet 7 inches from the side property line adjacent to a neighbor’s rear yard.
7. Gabarik Residence – approved a side yard air conditioning unit 4 feet 2 inches from the side property line adjacent to a double lot.
8. Weinstein Residence – side yard A/C adjacent to a house with an extra lot 12 feet from the property line.
9. Shilz Residence – side yard A/C replacing an existing unit 10 feet from the property line.
10. Bell Residence – side yard A/C unit 8 feet 6 inches from the side lot line screened by an evergreen hedge.
11. Shapiro Residence – side yard A/C unit 9 feet 5 inches from the side property line with a similar size unit.
Planning Department
City of Shaker Heights
ATTN: Mr. Daniel Feinstein, Senior Planner, Zoning Administrator
3400 Lee Road
Shaker Heights, Ohio 44120

Dear Mr. Feinstein and Planning Department Personnel,

Please find attached my application for an air conditioner installation variance approval. It appears that summers are getting hotter and window units are not doing the job in keeping my house cool enough for comfort. I might have done this sooner, but special conditions made deciding where to put the outside unit a difficult decision. I have taken into consideration the advice of Mr. Daniel Feinstein, of your office, and Mr. Chris Hann, of Vern and Elsworth Hann, in my plans. I am grateful for their help. I have included as much information as possible and available as time and my talents would allow. If anything is missing, please inform me.

I would like to install two air conditioning units on the north side of my house.

Special considerations are:

- This is a double house. I live upstairs, and I have tenants downstairs. Therefore, I will be installing, not one, but two units.
- The lot is small, and the original plans most likely did not consider possible inclusion of air conditioners at a later date.
- The house is the second one on Riedham Road. Several houses on Kenyon Road are at right angles to my yard. Therefore, the backs of several garages are on the north side of the house.
- The north side of the house includes two utility/telephone poles, two window wells, phone and TV cables, and electrical outlets.
- There is also a huge Black Walnut tree on the north side of the house. Many plants are not compatible with this tree. (It poisons the area through its roots so that it can monopolize as much sun and water for its own survival.)
Additionally, it and the neighbors’ garage make the area very shady making adding evergreen plants a challenge.

- There is a small open porch in my small back yard which my tenants enjoy. Adding two air conditioners in front of it would limit enjoyment of the porch.
- There is a large parking pad in the back yard (which is handy if tenants have more than one car, but does take up space).
- The other (south) side of the back yard is opposite where the tenants’ cars back out of the garage and near where the tenants’ cars back out of the parking pad. This increases the possibility that any air conditioners placed there would be damaged by cars exiting the property.
- Windows in the front of the house are large and low to the floor on the first floor. Space around the windows and doors is not sufficient for air conditioner installations.
- The driveway on the south side of the house is abuts my house. The house on the south side of the house is close to the drive.

This is all further explained in the attachments to this application. As required, I have attached two copies of the application and a check for $75 dollars. I would like to be included on the May 7, 2019 agenda.

I am hopeful that my petition for a variance will be approved so that my tenants and I will have a cool summer and the plan/variance will be in compliance of the spirit, if not the literal interpretation, of Shaker Heights regulations as far as appearance and neighborliness are concerned!

Sincerely,

Connee Choi
(216) 283-1769 (home)
(216) 543-8805 (cell)
Index

Application for variance - Section A

Plans for air conditioner installations – north side of house and plans for screening the units – Section B

Annotated survey of house – Section C

Drawing submitted by Vern and Elsworth Hann – Section D

Product information – Section E

Quote by Vern and Elsworth Hann – Section F

Explanations as to why other options were not chosen:

- South side of house – Section G
- Front of house – Section H
- Back of house – Section I

Proof of control – Section J
North Side of House

This is the preferred place to install the air conditioners. The following were considerations:

- Putting the air conditioners on the side of my house would not disturb the neighbors. My house is the second one from the corner of Kenyon Road on Riedham Road. Several houses on Kenyon Road are at right angles to my yard. Therefore, the backs of several garages are on the north side of my house. There are no houses in close proximity to where the air conditioners would be installed. I estimate that from the neighbor’s property lines to their houses in their back yards to be about 36 feet. The estimate was made by measuring the large drive and porch from the Riedham sidewalk for 3550 Riedham Rd. and eyeballing that the Kenyon houses appear to start approximately after the porch on 3550 Riedham Rd. I came up with an estimated distance from the property lines to the houses of 36 feet.

- The air conditioners would be installed on my property next to my house, behind the garage from 10722 Kenyon Rd. (The brown garage.) This garage would screen the air conditioners from neighbors on Kenyon because the garage extends 6 feet from the corner of my house, and approximately 11 feet parallel to my house. It would probably also block most of the noise from the air conditioners even in the neighbor’s back yards.

- In addition to the garages which border this side of the house, there is already a fence on the back of my lot and on the north side of the lot, screening any view of the proposed units. My house would also shield the air conditioners from view from the south side.

- The remaining visible side of the air conditioning units would be from the street. Since the site is very shady and there is already a large black walnut tree in the area, Vern and Elsworth Hann recommended that a gate would be the best option for screening the air conditioners from the street. It would be situated towards the front of the lot between the large black walnut tree and the telephone/utility poles. This would block at least the lower part of the view of the poles as well as the air conditioners. The gate as shown in the Vern and Elsworth Hann sketch would be an estimated 48 inches high. Since the fence there is slightly higher (54 inches) I would consult with a “fence maker” to determine whether the higher gate is desirable/feasible. I would also ensure that the gate can be widely opened to allow access to
workers to the utility poles. The gate would be about 56 inches from the utility poles and would have an estimated width of 66 inches wide. (If necessary that the gate would be too wide it could be combined with a small section of fence. The gate would be approximately 56 inches from the utility poles and about 66 inches wide (or combined with a bit of fence and a less wide gate).

- The north side of the house includes two utility/telephone poles, two window wells, phone and TV cables, and electrical outlets. Planned placement of the air conditioners and screening was made to avoid problems with the use of these amenities.
MODEL NUMBER GUIDE

RA10A

AC = CONDENSER

13 - 13 SEER NOMINAL

FAMILY/COIL PROTECTION

B = WIRE GUARD

L = LOUVERED

MINOR REVISION CODE

MAJOR REVISION CODE

VOLUME

P - 208-230V/60HZ

SINGLE PHASE

NOMINAL CAPACITY

24 - 24,000 BTUH

ELECTRICAL AND PHYSICAL DATA

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<th>Max. Fuse (Amps)</th>
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* Overcurrent protection device

Factory charge adequate for 10 feet of line set. Adjust per Installation instructions.

UNIT DIMENSIONS & SOUND RATINGS

Note: Dimensions listed are units with packaging.

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* = B or L  
B = Wire Guard  
L = Louvered
South Side of House

This side of the house was rejected as being appropriate for installation of two air conditioners on the advice of Vern and Elsworth Hann because:

- The driveway on the south side of the house is abuts my house. It is not possible to add an air conditioner on the drive which is already fairly narrow in any case.
- Additionally, the house on the south side of the house is only three feet from the drive. Even if it were possible to add an air conditioner here, it would be very noisy for the neighbors!

Photo by home owner.
Front of House
(East Side)

This side of the house was rejected as being appropriate for installation of two air conditioners on the advice of Vern and Elsworth Hann because:

- Windows in the front of the house are large and low to the floor on the first floor. The windows are about 12 inches from the floor downstairs. Putting an air conditioner in front of each window would not be slightly from the inside. The unit is about 29 inches high. Additionally, adding screening in the front and sides of the air conditioners limit the amount of natural light to the downstairs living room.

- Space around the windows and doors is not sufficient for air conditioner installations and screening plants. Adding the air conditioner to either side of the windows is not possible because of space limitations. Additionally, there is only about 12 inches on the south side of the house to the drive and it is on an incline – not enough space to allow for screening. On the north side of the house there is a large Black Walnut tree very close to the house. It would not be practical to adding plants to this area. Many plants are not compatible with this tree. (It poisons the area through its roots so that it can monopolize as much sun and water for its own survival.) Additionally, it and the neighbors’ garage make the area very shady making growing evergreen plants a challenge.

- Summary: It is not advised by Vern and Elsworth Hann Co. and does not appear to be practical to the homeowner as well.
Front of House
(East Side)

Map is relatively to scale. Each block is about one foot. Measurements were made by the homeowner and while every effort has been made to make them accurate, they were done with an ordinary yard stick by an amateur! Photo by home owner.
Section H (3/3)
Back Yard
(West Side of House)

This side of the house was rejected as being appropriate for installation of two air conditioners on the advice of Vern and Elsworth Hann because:

- There is a small open back porch on the northwest side of my small back yard which my tenants enjoy. Adding two air conditioners in front of it would limit enjoyment of the porch.
- On the southwest side of the back yard is a small garden only 36 inches wide. This is not wide enough to add air conditioners as well as screening.
- This southwest side of the back yard is opposite where the tenants back their cars out of the garage and near where the tenants’ cars back out of the parking pad. This increases the possibility that any air conditioners placed there would be damaged by cars exiting the property. (Although the space appears to be reasonable, I have already had tenants hit the house and a large stone near the edge of the “small garden” by the house. I would not want to take a chance on damage by someone trying to back out of the garage or parking pad. This is bad for the air conditioners, bad for the tenant’s cars, and bad for my relationship with them!
- The back yard is extremely small. Adding two air conditioners leaves precious little room for grass, plants, etc.
Back of House
(West Side)

Map is relatively to scale. Each block is about one foot. Measurements were made by the homeowner and while every effort has been made to make them accurate, they were done with an ordinary yard stick by an amateur! Photo by home owner.