



SHAKER HEIGHTS

**Board of Zoning Appeals and City Planning Commission  
Wednesday, February 7, 2018  
7:30 P.M.  
City Hall Council Chambers**

Members Present: Rob Zimmerman, Council Member, Acting Chair  
Kevin Dreyfuss-Wells, Member  
David Weiss, Member

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

The meeting was called to order by Mr. Zimmerman at 7:30 P.M.

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Approval of the January 2, 2018 Meeting Minutes

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

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

Motion Carried

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**BOARD OF ZONING APPEALS**

**#1970 – TEKNOS RESIDENCE – 2994 COURTLAND BOULEVARD:**

A Public Hearing was held on the request of Kevin Cieszykowski, JP Compass Consulting, representing Theodoreos and Kari Teknos, homeowners, 2994 Courtland Boulevard, to the Board of Zoning Appeals for variances to the garage regulations in order to construct a new detached 2 car garage facing the street, located in the rear yard. The applicant proposes an additional 2 car detached garage located at the end of the driveway. Code only allows garages to face the street where the majority of garage doors already face the street. Code requires an attached garage on a street block where the majority of garages are attached. All but one garage on the street block are

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attached and only that one detached garage faces the street on this block. Code allows one garage structure on the property, located in the rear yard only. The existing attached side facing 3 car garage is proposed to remain, creating a total of 5 garage spaces with 1,058 square feet of space available on the property. Code allows a maximum of 4 garage spaces and 800 square feet of garage area.

Mr. Feinstein showed slides of the site. He explained this is a request for a variance to the garage regulations in order to build a second detached garage in the rear yard. The applicant proposes a two car detached garage at the end of the driveway facing the street. The existing 3 car garage will remain. Code only allows one garage structure with a total of 800 square feet. If approved, the two garages will equal 1,058 square feet. Code states garages have to match the style (attached versus detached) of the street block and that garages cannot face the street unless the majority of garages on that street block face the street. A detached garage is required to be 5 feet off the side and rear property lines in this zoning district. The proposed garage is 4 feet 3 inches off the side property line and 3 feet off the rear property line. The Architectural Board of Review approved the design of this garage at their January 16, 2018 meeting.

Kevin Cieszykowski, J.P. Compass, explained the homeowners have an existing attached, side-facing garage. This garage is not easily expanded. They have 6 children, some of which can currently drive. They would like to add garage space for their family. The unique condition on this property is that the driveway is attached to the driveway of their neighbor in the rear, creating a joined turning area. Both neighbors have side facing garages. Extending another bay off the existing garage would require additional connection to the neighboring property in order to make the needed turning movements. Instead, they propose a two car garage at the rear of the existing turn around area in order to access two more garage spaces. The Architectural Board of Review approved the proposed garage design at their January 16, 2018 meeting.

Mr. Weiss asked why there is a 3 foot setback proposed when code requires a 5 foot setback.

Mr. Cieszykowski said other lots in the city require a 3 foot setback. He did not realize this zoning district requires a 5 foot setback.

Mr. Feinstein explained that the SF-1 single family residential zoning district requires a 5 foot setback off the property line. This is different than other residential zoning districts.

Ms. Braverman asked if they could move the garage so that it is 5 feet off the side and rear property lines.

Mr. Cieszykowski said yes, they can move the garage to be 5 feet from both property lines.

Mr. Dreyfuss-Wells asked if they could add on to the attached side facing garage, but move it back further from the face of the existing garage so there is enough room to turn around on the owner's property.



## **1972 – HOBBS RESIDENCE – 21749 PARNELL ROAD:**

A Public Hearing was held on the request of Scott Tharasiu, Great Lakes Fence, on behalf of Brian and Joanna Hobbs, 21749 Parnell Road, to the Board of Zoning Appeals for a variance to the fence location and fence height regulations for corner lots. The applicant proposes to partially replace and extend an existing fence on this corner lot at Parnell and Shelburne Roads. Both of the proposed new fence sections attach to the existing 4 foot tall chain link fence, which is, located 6 feet behind the sidewalk. The applicant proposes to install 6 foot tall black ornamental aluminum fencing from the existing fence on Parnell Road in order to connect to the house. The applicant also proposes to replace the existing fence along the Shelburne Road driveway with 6 foot tall black ornamental aluminum fencing. Code requires that fences located in corner side yards not extend in front of the setback line of the principal building on the adjacent lot. The adjacent houses on both Parnell and Shelburne Roads are set back 50 feet. Code allows a fence height in a corner side yard of 3 feet tall. The ornamental aluminum fence is proposed to be screened with new 4 foot tall arborvitae on the Parnell side and existing landscaping on Shelburne side.

Mr. Feinstein showed slides. He explained this is a request for a variance to the corner lot fence regulations in order to install two sections of new fence at this corner of Parnell, Shelburne and Belvoir. The applicant proposes two sections of 6 foot tall black ornamental aluminum fencing. The Parnell side fence section connects from the existing fence 6 feet behind the sidewalk to the house. Four foot tall evergreen bushes are proposed to screen this section of fence. The proposed section on the Shelburne side of the house replaces existing fence and gate along the driveway. Existing bushes will remain to soften the view of the fence. Code only allows corner lot fences up to the setback of the adjoining houses, which is 50 feet on both Parnell and Shelburne Roads, and only up to 3 feet in height. A fence variance was granted for the existing fence in September of 1994.

Brian Hobbs, owner, said they just moved to Shaker Heights. A promised part of the move was that their children got a dog. The puppy is a tall breed and can already jump a 3 foot tall fence. They are not concerned with it jumping out of the yard where the existing fence is located as there are tall bushes, but they know the dog will be able to jump a 4 foot tall fence soon. They would like to have a 6 foot tall fence to enclose the yard. There was an attempted break in at their house and an actual break in at the house next door.

Mr. Weiss asked the reasoning behind a 6 foot tall fence.

Mr. Hobbs said they were almost broken into. Their neighbor was broken into. Their dog can jump a 4 foot tall fence.

Mr. Gruber asked if they ultimately plan to replace the rest of the fence around the yard.

Mr. Hobbs said no. The existing landscaping is quite tall. They were told that to replace this fencing they would kill the existing landscaping. They do not plan to replace that portion of fence. They will fill in a few spots where bushes have died.

Mr. Weiss asked about precedent.

Mr. Feinstein said there really are no other fences similar to this request. The other 6 foot tall fence on Shelburne Road faces Warrensville Center Road, up on a hill. This is somewhat different. There is a fence similar to that at the corner of Laureldale and Warrensville Center Roads. Those are both wood fences and located further from the street. This fence does not face the street at all, it is only perpendicular to the street which is different from other corner lots in the neighborhood. The 6 foot tall portion of fence would not face the street at all and does not block any view as there is already landscaping in place. This proposal is significantly different than most of the precedent.

Scott Tharasiu, Great Lakes Fence, said visibility is approximately 79% through an ornamental aluminum fence. It does not block anyone's view. There will be nice landscaping installed to soften the view. He presented the landscape plan and discussed where landscaping is proposed.

Mr. Zimmerman opened the Public Hearing. No one was present to speak in regard to this application.

Mr. Dreyfuss-Wells said a 6 foot tall fence is not the norm on a corner lot. Most fences are 4 feet tall. He wonders if a 5 foot tall fence might be appropriate.

Mr. Gruber said this fence is a bit different as it does not go all the way around the corner, facing the street. It is only in a limited area and a limited percentage of the entire fence. These could be distinguishing factors on if a variance were granted for a fence taller than 4 feet, like most of the precedent.

Mr. Feinstein indicated that when he wrote his staff recommendation, to allow only a 4 foot tall fence, he did not know about the new dog.

Mr. Dreyfuss-Wells said he believes a 5 foot tall fence might be appropriate.

Mr. Weiss said he recognizes the requirements and issues of the homeowner. They are really trying to balance the view, the history of Shaker Heights, and the precedent for fences on corner lots. He is comfortable with a 5 foot tall fence. He thinks it addresses both issues the homeowner has and also will be more in line with what the city has approved in the past.

Mr. Zimmerman said he might be inclined to approve a 6 foot tall fence, but he does not see any support for that with the fellow Board members. He definitely would support a 5 foot tall fence.

Mr. Dreyfuss-Wells said it should be a 5 foot tall fence all the way around, including the gate. The gate should not be 1 foot taller than the surrounding fence.

It was moved by Mr. Dreyfuss-Wells and seconded by Mr. Weiss 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 fence be limited to 5 feet in height.

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

Motion Carried

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### CITY PLANNING COMMISSION

#### **#1971 - VAN AKEN DISTRICT LOCAL SIGN DISTRICT:**

A Public Hearing was held on the request of Jason Russell, RMS Development Corporation, Van Aken District, to the City Planning Commission, for a Conditional Use Permit for an amendment to the Local Sign District. The applicant proposes to amend the Van Aken District Local Sign District for the district identity signage and add a tenant signage plan. The purpose of the Local Sign District is to provide signage for this new mixed-use district at the corners of Chagrin Boulevard, Warrensville Center and Farnsleigh Roads. The Local Sign District is comprised of 2 districts: 1) Local Sign District for District Identity Signs; and 2) Local Sign District for Tenant Signage. A Local Sign District was approved in October 2017 in order to create district identity signage including wall signs, murals, blade, and projecting signs. That signage plan has now been revised. Another Local Sign District for tenant signage is proposed. Various signage types and locations are proposed for various types of retail and office tenant locations. Council confirmation of a Conditional Use Permit is required.

Mr. Feinstein showed slides of the site. He explained this is a request for a Conditional Use Permit for two Local Sign Districts for the Van Aken District; one for the District Identity signage and one for the Tenant signage. The applicant proposes a full signage design, size, location and materials for signage in the Van Aken District. The Identity Signage plan was previously partially approved in October of 2017. Both the City Planning Commission Working Group and Architectural Board of Review have reviewed, revised, and approved the signage plans. The Architectural Board of Review will still review each individual sign design. These signage plans guide the design, type, location, size and material of signage in the district. The plans allow more diverse, sometimes larger, and different kinds of signage than the regular zoning code. Council confirmation of the Conditional Use Permit is required.

Jason Russell, RMS, presented the Local Sign District outlines. He showed the identity signage and tenant signage on various locations on various buildings. He said they have already had long discussions at Working Group meetings. Several things have been changed since those meetings, like adding banners to the district identity signage, which the landlord will provide. There will be a Destination Cleveland sign at the end of the Blue Line that will link them to the rest of the region. There will be some signage on the market hall on the Warrensville Center Road side. They would like that signage to be a mural. They have added a "specialty" sign to the tenant signage where the owner could work with the tenant to produce some specialty sign that is not imagined here. They realize they have to work with the City on an agreement on any portable signage that could be in the right-of-way. The projecting sign criteria has been maintained as a

