

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
April 25, 2018
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlé, Tom Smeader
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Michael Miller
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) GABRIEL AND FIDA KIRSCH, OWNERS

Requesting a 6' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 10' Setback from the right-of-way is proposed in order to install a 6' White Vinyl Fence; property located at 14255 Peppercreek Drive, PPN 398-19-012, zoned R1-75.

The Board noted that this is a request to build a fence for a corner lot on a new build. They noted that they have it staked out. They also mentioned that it's about 10' off the sidewalk. They noted that they allowed them to put in a swale with a disclaimer that if the City needs to get into it the Homeowner will take the fence down, or they will take it down and they are responsible for restoring it. The Board debated if it's necessary for the CIPTED officer come out and make sure the visual lines for traffic and pedestrians are safe. They stated that it is a solid vinyl fence.

2) ROBERT AND KELLY PRICE, OWNERS/Quinn Development, Representative

- a) Requesting a 764 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,764 SF Floor Area is proposed in order to construct a Single Family Dwelling Attached Garage;
- b) Requesting a variance from Zoning Code Section 1252.16 (e), which requires a concrete pad maintain the same required side yard setback as the main dwelling and where the applicant is encroaching 6' into the side yard in order to construct a 1,250 SF Sports Court; property located at 12163 Arbor Creek Drive, Sublot 6, PPN 398-27-056, zoned R1-100.

The Board noted that the second variance request has been removed. The applicant shifted the basketball court so it's in compliance with the Code now so it's not necessary. They also mentioned that this development is meant to be an upscale neighborhood. They also noted that they are surrounded by the wetlands, and that it's a 2.6 acre lot.

3) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative**

- a) Requesting a 1,500 SF Lot Area blanket variance from Zoning Code Section 1253.11 (c) (1), which requires a 12,750 SF Minimum Lot Area and where an 11,250 SF Lot Area is proposed in order to develop 26 Single Family sublots 15 through 26 and sublots 31 through 44;
- b) Requesting a 15' Front Building Setback blanket variance from Zoning Code Section 1253.11 (c) (3), which requires a 50' Minimum Front Building Setback and where a 35' Front Building Setback is proposed in order to develop 9 Single Family sublots 15 through 18 and sublots 40 through 44;
- c) Requesting a 20' Front Building Setback blanket variance from Zoning Code Section 1253.11 (c) (3), which requires a 50' Minimum Front Building Setback and where a 30' Front Building Setback is proposed in order to develop 21 Single Family sublots 19 through 39;
- d) Requesting a 20' Rear Yard Setback blanket variance from Zoning Code Section 1253.11 (c) (4), which requires a 50' Minimum Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to develop 30 Single Family sublots 15 through 44; property located at PPN 398-08-014, zoned R1-75.

The Board noted that this is the continuation of Phase 1. They mentioned that it would have been fine to go ahead, but the Ordinance changed before they got to this phase. There were four changes made to the Code that effected this development. They were informed that there will likely be 1000 more homeowners with a similar situation in the near future due to these changes. They then debated why the Code changed, and said that it was made because Council wanted larger lots in the City. Then the Board indicated that regardless of how difficult it is they do their best to uphold the new Code as closely as possible in their normal fashion.

4) **ROBERT W. DOMBROWSKI, OWNER**

- a) Requesting a 744 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 400 SF Floor Area and where a 1,144 SF Floor Area is proposed in order to construct a 1,144 SF Accessory Structure;
- b) Requesting a 5' Height variance from Zoning Code Section 1252.04, which permits a 15' Height and where a 20' Height is proposed in order to construct a 1,144 SF Accessory Structure; property located at 8760 Webster Road, PPN 395-15-008, zoned R1-75.

The Board explained that this was an old variance that was approved, but has long expired. They were informed that his resubmission of plans doesn't meet the current Code as his original did, which is why he's back. Some of the Board remembered this applicant, because they have been trying to work with him for years on this. They noted that the foundation is poured, and that there is underground plumbing and sewer tie-ins that have been connected. The Board suggested looking through the old minutes from the last time he was before the Board so all members were caught up to date.

PUBLIC HEARINGS

5) KEVIN AND MAUREEN WOLFE, OWNERS

- a) Requesting a 9.55' Side Yard Setback variance (West) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 5.45' Side Yard Setback (West) is proposed;
- b) Requesting an 8.44' Side Yard Setback variance (East) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 6.56' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool; property located at 21396 Oakhurst Lane, PPN 393-11-051, zoned R1-75.

The Board noted that they are waiting on the dimension of the distance from the patio to the pool deck. The Board questioned a possible safety hazard if the apron is not large enough because the cover of the pool will take up at least 5' of the 8' on the side of the pool. The Board concluded that since they are keeping all the trees, it's a fenced in yard, they have an automatic cover, an HOA approval letter, and the fact that there is nowhere else to put the pool makes it possibly fit the criteria for a variance. They also noted that there are letters from neighbors to read tonight as well.

6) RAISING CANE'S/Drew Gatliff, Representative

- a) Requesting a 10.6 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which permits a 21.4 SF Sign Face Area and where a 32 SF Sign Face Area (South) is proposed;
- b) Requesting a variance from Zoning Code Section 1272.12 (c), which prohibits a Wall Sign (North) and where a 32 SF Wall Sign (North) is proposed;
- c) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Menu Board Ground Sign, and where one 31.25 SF Drive-Thru Menu Board Ground Sign and one 10.85 SF Drive-Thru Menu Board Ground Sign are proposed; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

The Board noted that they have taken off a few of the variance requests, but they do have the menu board that they are still requesting. The Board also noted that menu boards are not covered by the Code. The other two variance requests for walls signs they are requesting seemed too large for the Board to consider, but it was noted that they are allowed 53.1 SF total for the wall signs which is right where they are now. They noted that the applicant did everything they asked of them at the last meeting.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
April 25, 2018

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Smeader
Mr. Houlé

Also Present: Mr. Kolick, Assistant Law Director
Mr. Miller, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this April 25th, 2018 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have minutes before us tonight from the March 14th, 2018, March 28th, 2018, and April 11th, 2018 meetings. We spoke about them in caucus. There were a couple spelling errors for the 11th, but unless there is anything else on the floor now we'll submit them as presented. Next, if there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who participated.

NEW APPLICATIONS

1) GABRIEL AND FIDA KIRSCH, OWNERS

Requesting a 6' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 10' Setback from the right-of-way is proposed in order to install a 6' White Vinyl Fence; property located at 14255 Peppercreek Drive, PPN 398-19-012, zoned R1-75.

Mr. Evans – Alright, our meetings are divided into two portions. The first is New Applications, and the first for the evening is Gabriel and Fida Kirsch. Please give us your name and address for the record.

Mr. Kirsch – Gabriel Kirsch, 14255 Peppercreek Drive.

Mr. Evans – Thank you, Mr. Kirsch. You are applying for a setback variance, and you're on a corner lot. You wish to erect a fence on the lot? I believe you heard us in caucus ask a couple of questions about that. Could you take us through your project?

Mr. Kirsch – Yes. We understand that there is a rule with a 16' setback from the right of way. The way that our property is laid out, we're asking for it to be 10' away from the right of way. There's a couple of reasons for that. One is that we have a common berm on the back of our property, and it has a variety of pine trees. If we had it at 16' from the right of way, it wouldn't line up with the end of the berm. 10' will though so from an aesthetic prospective, it lines up and will look and function much better. The other reason is that we're trying to put two gates on the north side of this fence. One is an 8' service gate so we can have lawn service coming in and out of the property, and secondly a 5' gate that would go over an already established walkway. So we'd have two gates next to one another on that north side. By having at 16' from the right of way, we're not able to get both of those gates and full-fill our lawn services needs as well as a man gate over the sidewalk. With the 10', we have the ability to put both gates on that north side.

Mr. Evans – Alright, you indicated on the application that you're intending on doing a 6' solid vinyl fence. Is there a reason that it needs to be solid and not something that allows air and some better visual lines? I ask this because while we debate this one of our objectives is to keep us from becoming another Parma, no offence to them, but it's all stockade fences everywhere and neighborhoods are all cubicle in. So is there a reason it needs to be a 6', solid wall?

Mr. Kirsch – Well 6' for privacy. I've lived the majority of my life on a property that had a 5' fence, and I've been to people's houses who had 6' fences and like it better. So it's 6' for privacy. The style of the fence is merely for privacy. I don't want to have too many gapes in the fence. We had that at my previous property, and didn't like it. I'd much prefer the solid wall, if it's at all possible.

Mr. Evans – OK. We have a HOA letter of approval.

Mr. Kirsch – Great.

Mr. Evans – Some of the Board members have been out to the property. Does anyone have any comments or questions?

Mr. Baldin – I've not been there yet.

Mr. Kolick – One item I noted was that we're going to be short two members at the next meeting, I believe, is that correct?

Mr. Rusnov – I was kidding.

Mr. Kolick – Oh, you were kidding? Never mind then.

Mr. Evans – OK, thank you Mr. Kolick.

Mr. Smeader – Is this one that we will be referring to the Police Department for their input on the safety situation?

Mr. Evans – Yes. We asked in caucus that this be referred to the Police Department, not just for the applicant's driveway, but the driveway behind them. So we'll have them review whether there is any sight issues with traffic and pedestrians. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on May 9th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Kirsch – Thank you.

2) ROBERT AND KELLY PRICE, OWNERS/Quinn Development, Representative

- a) Requesting a 764 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,764 SF Floor Area is proposed in order to construct a Single Family Dwelling Attached Garage;
- b) Requesting a variance from Zoning Code Section 1252.16 (e), which requires a concrete pad maintain the same required side yard setback as the main dwelling and where the applicant is encroaching 6' into the side yard in order to construct a 1,250 SF Sports Court; property located at 12163 Arbor Creek Drive, Sublot 6, PPN 398-27-056, zoned R1-100.

Mr. Evans – Next on the agenda is Robert and Kelly Price. Please come up to the microphone and give us your name and address for the record.

Mr. Liggit – My name is Tom Liggit, and I'm with the Artistry of Architects. The address is 1244 Smith Court in Rocky River, Ohio.

Mr. Quinn – James Quinn, of Quinn Development, 20982 Fawnhaven Drive, North Royalton.

Mr. Evans – Thank you Mr. Quinn and Mr. Liggitt. You are asking only for Item A, we understand from caucus that the applicant has decided to reconfigure a little bit to move that so the basketball court is not going to require a setback variance; which we appreciate. Please tell us about the project.

Mr. Liggitt – The actual property is sitting on the end of a cul-de-sac of a larger lot subdivision. It's a 2.6 acre lot. The home is really in one central area that it fits in because of the driveway and the entrance to the property. It'll be a little bit more isolated in the one section of the property because of the wetlands and conservation area, and stuff like that. The house is in excess of 8000 SF, and 1000 SF is really very tight for a four car garage. We're looking for a five car garage. We're aesthetically putting it around the corner, and not for the public to really see. When you're driving down the road you can't see, you can't until you work your way all the way around the side of the house. Every garage door pretty much has a style to it, and it's going to be decorative door with brackets in front of it. We're trying to make it very architecturally pleasing. It's an arts and crafts style home. It's a sprawling type of home. We feel like 1000 SF is a little tight for this size of home.

Mr. Evans – Thank you Mr. Liggitt, any questions from Board members?

Mr. Smeader – How many SF of living area is proposed?

Mr. Quinn – It's in excess of 8000, yes.

Mr. Smeader – And the garage space would then be roughly?

Mr. Quinn – 1746 SF, I think?

Mr. Smeader – What's the approximate useable land space out of the 2.6 acres?

Mr. Quinn – I've never done a calculation.

Mr. Smeader – It's not relevant, I'm just curious.

Mr. Quinn – Probably three quarters of an acre at most is useable space.

Mr. Smeader – OK.

Mr. Smeader – Because most of it is wetlands.

Mr. Rusnov – This is a luxury class home, correct? OK, and its custom built and probably one of a kind.

Mr. Quinn – Yes it is. It's specifically designed for the homeowners. Yes.

Mr. Evans – OK. Any other questions?

Mr. Houlé – We also have an HOA letter of approval.

Mr. Evans – We do, thank you.

Mr. Baldin – I haven't been out there yet, but I'll take a look to see if I have questions for the next meeting.

Mr. Evans - All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on May 9th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Quinn – Thank you.

Mr. Liggitt – Thank you.

3) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative**

- a) Requesting a 1,500 SF Lot Area blanket variance from Zoning Code Section 1253.11 (c) (1), which requires a 12,750 SF Minimum Lot Area and where an 11,250 SF Lot Area is proposed in order to develop 26 Single Family sublots 15 through 26 and sublots 31 through 44;
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Setback is proposed in order to develop 30 Single Family sublots 15 through 44; property located at PPN 398-08-014, zoned R1-75.

Mr. Evans – Next on the agenda is Pine Lakes Development. Please have a representative come up to the microphone and give us your name and address for the record.

Mr. Lipovits – Paul Lipovits, 35620 Grafton Eastern Rd. Grafton, Ohio.

Mr. Evans – Mr. Lipovits, you heard us talking in caucus about this. We know that this is phase 2, and there were some concerns that we voiced back there. Tell us about the development, and where you're at with it. Why have phase 2 started now, and what is being done to finish up phase 1? What are the opportunities for you to do something without the variances here?

Mr. Lipovits – OK. Just a brief history on my family. My family has been building here since about 1959, so it's been nearly 60 years in Strongsville. When 2008 went bad, our family didn't break whatsoever. I say this to show you the strength of the family and how the business is doing. Last year, my father had his 29th birthday for the 50th time, and we were talking about getting phase 2 moving. One of the questions was a concern about the lots sitting. We could have sold those lots on day one or at any time during this period when we were putting in the first phase. We choose not to, we've been trying to build the homes in there. But like I said last year we decided we wanted to go a different direction and finish up the phases 1 and 2. It's not a problem for us to sell those lots, I get calls practically every day for them to be sold. They could have already been sold prior to this meeting already, but we wanted to put things in limbo while we were getting phase 2 ready. We even had a call tonight. I got one yesterday. So it makes no business sense to have the lots sitting, and then put in another phase while those are just sitting there making no money. It's a prime area for homes that are extraordinarily priced. It's a nice area for everyone to live in. So we'll have no problem selling the lots. When the first phase was proposed, we got the stamp of OK for both phases, but we didn't do the final plat. I believe in a one year period so we did not get the OK. We didn't have any variances at that time. Now at this time because there was a size change and some setback changes in the City we have to ask for some variances. We're stuck on our property with neighbors on either side which limits us. We had a meeting with the City a couple of months ago, and we had a good talk. Basically it seemed like it was the best route to go keeping the lots where they were. They get wider as they go down. Some meet the SF, and some don't. All of them need a front and rear variance, but it would look very odd to all the sudden have these different sized lots on the street. Also, of the 500 homes that are in Pine Lakes and the surrounding areas, they are the same sized lots. It would look odd. So that's why we're asking for the variances. I heard some questions in caucus. One was regarding the letter you have from the Association President, I believe, but you should also have other letters. We were accepted originally to finish this and there was an Amendment done to the Association bylaws that was already accepted. We're trying to be on good terms with them. I asked for a meeting with them. They didn't have time before this meeting, but I'm hoping they have time prior to the next meeting just because my father and I would like to keep on good terms. We know these people by first names. We've been to one of their family's weddings. We've known a lot of them. My 5th grade

school teacher who lives there. So we want to be on good terms so we can keep going with the project. Lastly, it would be unfeasible, if we couldn't do it where we could put in a single side street or something it would just be out of the ordinary and could not be done.

Mr. Evans – OK. So how many homes have been constructed in Phase I, and how many lots remain from Phase I?

Mr. Lipovits – 15, and there are 12 remaining.

Mr. Evans – In Phase II how many lots are there?

Mr. Lipovits – There are 30 proposed lots.

Mr. Evans – Gentlemen, are there questions?

Mr. Smeader – When was the last house built in Phase I?

Mr. Lipovits – That would have been finished in 2016, because we didn't do one last year.

Mr. Smeader – Roughly how much interest have you had from prospective buyers on the remaining 12 lots?

Mr. Lipovits – Almost daily. I can assure you that selling those lots won't be a problem.

Mr. Smeader – OK.

Mr. Lipovits – They're reasonably priced, and there's very little land left in Strongsville that has lots. We plan on having an overview of what homes will still be going in there. Just so we can tell people that they can't just build any kind of house in there when we sell the lots, but no it's not a problem to sell them.

Mr. Smeader – I just find it curious that a developer would sit on inventory if they had a chance to sell the lots and free up the cash to move on to another Phase.

Mr. Lipovits – We are going to sell the lots, but we'd like to be OK'd on Phase II also.

Mr. Smeader – Will there be a large price disparity between Phase I and Phase II lots?

Mr. Lipovits – No. No.

Mr. Smeader – Generally people will come in and want the newest the best. They want the shiniest, the biggest, and they're going to go for Phase II lots rather than Phase I. Unless there's a locational difference or a huge price difference.

Mr. Lipovits – Right, but we're going to sell these ones very shortly, and then Phase II wouldn't be started until at best it would be late fall. Or it might be closer to sometime in October.

Mr. Smeader – So you expect to sell 12 lots between now and the fall?

Mr. Lipovits – Yes, I believe I could sell them tomorrow if I wanted to, and my father too. We honestly wanted to just keep our family business going. My dad is a guy who's out on the job every day. A lot of these guys can attest to that. Same with the homeowners, my dad's very hands-on. I'm the same way. We do a lot of stuff on the houses ourselves. We just wanted to keep it as a family business building our style of homes. He's not getting any younger, I'm not getting any younger. So we'd like to get things moving a little faster. It takes time even with this we couldn't get started until October at the earliest. Selling the lots though will not be a problem.

Mr. Smeader – Thank you.

Mr. Houlé – So if I understand this correctly, there are about 26 out of the 30 lots that don't meet the minimum size requirement.

Mr. Lipovits – Correct.

Mr. Houlé – None of them will meet the front setback or the rear setback. There's not much we can do about that, but I think there needs to be some consideration to consolidate some of the lots so they are closer to the requirement of the square footage that's required by Ordinance now than was required back 10 or 15 years ago when you started Phase I.

Mr. Lipovits – I understand, but then the only thing is that as discussed in caucus then all the sudden you'd have Phase I lots at one size and Phase II another size. I think it would look very odd. All of Pine Lakes are essentially the same size lots.

Mr. Houlé – Some of the other lots that you have in Phase II are bigger too though so I don't follow that logic completely.

Mr. Lipovits – Only four, and there's reason for that just to stay out of the wetlands area.

Mr. Houlé – In the corners and that.

Mr. Lipovits – Correct.

Mr. Houlé – Those are my concerns.

Mr. Baldin – Paul, I still have a problem like Mr. Smeader tried to address with you not selling those lots. Your father has been around a long time. He’s been a classic builder, a good builder. You yourself said that you could have already sold those lots at any time.

Mr. Lipovits – Correct.

Mr. Baldin – I can’t understand why you didn’t sell the lots any time and build your good homes on them. You guys build a good house. So something doesn’t gel there with me. Now you’re trying to move on with Phase II, and you need to make some changes here. It just doesn’t make a lot of sense to me, period. Why didn’t you would sell them and build on them?

Mr. Lipovits – We were trying to hold out so we could build the houses ourselves. People actually liked us building the houses there.

Mr. Baldin – You keep saying that, but that makes no sense because 50% of the lots are still sitting there.

Mr. Evans – More than that. It’s 12 of 15. Is it your intention that you will sell the lots to other builders then?

Mr. Lipovits – Builders, homeowners, whoever decides they want to build there. I’ve had calls from each of them.

Mr. Evans – While we don’t follow the propensity of the Homeowner Association, it is still part of our process to consider that. There are a significant number of people who may like Lipovits Homes, but they have a lot of concerns about those existing lots that have been sitting there a while. When you’re a Homeowners Association and you have lots that are sitting a long time, it takes down the value of the homes around it too. It looks like something has stalled, someone has given up, someone has just left the area, or whatever else. For us to OK everything with you going ahead with Phase II when Phase I has only 3 out of 15 that are done, I think I have to look at what the Homeowners Association is saying. I don’t think it’s justifiable which is what Mr. Smeader and Mr. Baldin were angling at. If there was a distinct reason why there had been no development, then that might be something that could be taken into consideration. Just sitting on them for a while though makes it a problem for the people who are living around them, and maintaining the lots around them. That can be a problem very quickly too.

Mr. Kolick – There were 27 lots in the Phase I, and you built out 15. So there’s still 12 left, but you did build 15.

Mr. Baldin – Almost not quite, but still you’re talking 30 lots in the Phase II. How many of those will be sitting around for the next 5-15 years?

Mr. Lipovits – Right, but this is something that other builders do too when lots are sitting and they're not moving fast enough they will end up selling them off. Then it will be sitting, but then when you get into whether it's single builders or multiple builders, things move faster because there's multiple people working in there building homes.

Mr. Evans – That might be, but adding 30 lots is not going to make those 12 move any faster.

Mr. Lipovits – I believe it will.

Mr. Evans – I have two appraisers that are on the Board here, and they'd probably question that.

Mr. Smeader – My other concern is whether the Homeowners Association Bylaws spell out what can and can't be built architecturally, and regarding square footage, etc?

Mr. Lipovits – It does not. You have the copy of the Amendment that we did to it. It also says that we can sell the properties if we wanted to. That's in there also. I want to let you know that I did talk to the Association President after we got this letter that was sent to Planning. Basically their concern was that the lots were just sitting. Then after talking it was, well who will be putting in the homes? It became apparent that it wasn't the fact that the lots were sitting, it was more about who's going to be putting in the homes. They want us to tell them who they're going to sell the lots to and who's going to be building homes in there.

Mr. Smeader – When a subdivision goes in, there's a concern that the architectural style and the quality of construction, the architectural homogeneity of the subdivision is such that the person that buys lot one is going to have a neighbor on lot 27 that will have a house that fairly resembles it in size and quality appeal and marketability. I think that would be a major concern if you're going to end up selling the lots to other builders. They may not build the same quality product that you and your father did.

Mr. Lipovits – Right, but I did say earlier that we will be able to see the prints for the houses that will be going up in there.

Mr. Smeader – What I'm suggesting is that it's the apprehension of the people who have already built the first 15 homes in Phase I.

Mr. Lipovits – Are you saying that they're worried that they won't be the same?

Mr. Smeader – I don't want to put words in their mouth, but I'm suggesting that there might be some apprehension on the part of the people that bought the first 15 homes in Phase I that you won't be the one probably that will build the remaining 12 houses. So who are these other people that are coming in? Will they be a builder that doesn't build the same quality as you do? I think that's one of their concerns.

Mr. Lipovits – Well, I'm trying to set up a meeting with them and my father to set up and basically answer all questions they have and to clear up any misconceptions that they have. That is what it seems like they have is misconceptions. Like I said, we do have and will have an overview of what types of houses with their elevations and sizes that are going to be showing up here. I don't know what I can say to someone that says, well whose going to be building in there. That would almost breaking the law because I couldn't tell a homeowner who to sell their house to.

Mr. Smeader – I understand, but you're saying you're trying to sell the lots. If you're selling them to the end users then there would be less apprehension rather than selling them to builders. If the first 15 homeowners knew it was going to be you, then they'd feel better about the situation. We have a lot of people who seem to be against the expansion of this subdivision, and I'm guessing that's one of the concerns. Perhaps I'm wrong, but that's my guess.

Mr. Evans – It is one of the concerns that they expressed in the letter with the list of names that we have. They were specific about sidewalks not being connected, the quality of the homes that would go up, and that it's been 12 years and only 12 of the 27 are done. I would suggest that you might want to make sure that you have that meeting with the Homeowners. It may even be necessary for you to delay the decision on this. We'll go ahead with the public hearing on May 9th. I think they have valid concerns that we need to be thinking about as a Board prior to making a decision. If in the face of these concerns, and the number of people who have brought these concerns to us in the letter we received, I'd guess that there's going to be a pretty high contingent on May 9th at the public hearing. They are legitimate concerns. When you talk about a builder who starts a project, then it slows down a little bit, there's very few projects in Strongsville that don't go shotgun. I can think of Becksley Place and a few others where builders went out of business and that slowed it down, but the bulk of the projects that we have going in Strongsville can't get built fast enough. So for 12 years there to be that many empty lots sitting there, I'm saying they have some legitimate concerns so when we look at granting a variance, we're going to be taking that into consideration.

Mr. Lipovits – Right, but I also want to have you look at it the other way, that with us selling the lots it will complete Phase I, then we can start the second phase, and then selling those lots will fix that.

Mr. Evans – I hear you say that, but it's been 12 years and you haven't sold out the first Phase yet. Next you'll tell me that they'll all magically been sold and built. I don't think that's necessarily going to happen. So again, I understand your concern and this Board will hear whatever anyone has to say as we do the public hearing on May 9th, but I'm just letting you know that you might want to make sure you have a meeting with the Homeowners Association beforehand. I think it'll be to your advantage to do that.

Mr. Lipovits – I understand. I have one last question. Most of this talk was about Phase I, are there any more questions I can answer about Phase II which we're proposing because that's what we're actually here for.

Mr. Evans – You are, but this Board in granting the variances is going to be very aware of what has transpired in Phase I. That's the reality of it.

Mr. Kolick – There are things, Mr. Lipovits, that were addressed at Planning Commission too that you need to address with Phase II. There's the drainage issues brought up by a number of the residents.

Mr. Lipovits – I want to let you know we have zero drainage issues on Willslee Lane. When we had that heavy rain in May of 2014, my father was up all night driving the streets watching our development and there was zero flooding.

Mr. Kolick – If you contact the Building Department though, we received pictures from people. Just so we're on the same page, you should also see those. That's number one, number two is that there is still a wetlands issue. I know you said you were working on it, but to my knowledge you still don't have the wetlands permit in hand. Number three is that they talked to you about revising that plat for the lot that goes not quite down to Whitney road. Those revisions need to be made as well, but from what I'm hearing from the Board is that you can't change the front and rear setbacks, but you may want to look at consolidating some of the lots to bring some of the lots more in line with the current City Ordinances. So if you're asking what the Board is considering, I think those are probably items to consider.

Mr. Lipovits – OK.

Mr. Kolick – OK.

Mr. Rusnov – I have a question for you. In Phase I, the houses that were previously built were built under the 12,750 SF total acreage for the land area.

Mr. Kolick – Yes.

Mr. Rusnov – OK, and the remainder of Phase I and the new projected Phase II would be reduced to 11,250 SF. No? I'm reading this incorrectly?

Mr. Evans – Phase I stays as is.

Mr. Kolick – Phase I won't be effected because it was already platted.

Mr. Rusnov – So Phase I the ones that aren't completed will have to comply with the 12,750 SF? You're shaking your head no. What do you know that I don't know?

Mr. Kolick – They're previously platted lots. They are set out on the counties records as an existing lot. So those wouldn't need to comply, but what will need to comply fully if they meet our Code exceptions, is this new area that has not yet been platted. We have a preliminary plan a ways back.

Mr. Rusnov – So what you're saying is that Phase I was platted at 12,000 SF?

Mr. Lipovits – No, 11, 250 SF.

Mr. Kolick – 11,250 SF.

Mr. Rusnov – 11,250 SF, that's the original...

Mr. Kolick – That's the original lot, platted at a minimum of 11,250 SF, so all of them in Phase I are at least that much. Some could be a little larger, but they're basically that size.

Mr. Lipovits – That was the Code at that time. There were no variances.

Mr. Kolick – That was the minimum Code at that time, and they met the minimum Code in Phase I.

Mr. Rusnov – OK. So what is this 12,000 SF?

Mr. Kolick – Because Phase II doesn't have any lots platted yet, but they have a preliminary plan that showed these remaining 40 lots or however many there were at 11, 250 SF. They never gave us the final plans, so they never got them platted, so now Phase II not being platted is now going to have to meet the existing Code unless they get variances from this Board.

Mr. Rusnov – I see.

Mr. Kolick – OK?

Mr. Rusnov – Thank you.

Mr. Smeader – One last question, this was platted in 2004 for 11,250 SF, have you given any consideration to replatting it to comply with the 12,750 SF minimum lot requirement?

Mr. Lipovits – We would have to lose...

Mr. Smeader – I know you'd lose lots, but have you considered that?

Mr. Lipovits – A lot or two lots, it just depends.

Mr. Smeader – Is that a possibility?

Mr. Lipovits – It's a possibility, yes.

Mr. Smeader – OK.

Mr. Lipovits – That's back to the whole thing I was saying that the lots are going to get wider if that happens.

Mr. Evans – Yes, and Phase II would be a distinct area so if the lots were the 12,750 SF then they would all be uniform. It would be one end of the street is one way and the other side is the other. That happens all the time around the City as Codes have changed. Is there anything else? OK. So your public hearing is on May 9th. We invite you back then. Like I said, I encourage you to meet with the Homeowners Association representatives prior to that time.

Mr. Lipovits – Thank you.

Mr. Evans – Alright, thank you.

Mr. Baldin – I do want to say that it's good Dan brought up what was said at the Planning Commission because that brought more interest and information to us. Thank you.

4) **ROBERT W. DOMBROWSKI, OWNER**

- a) Requesting a 744 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 400 SF Floor Area and where a 1,144 SF Floor Area is proposed in order to construct a 1,144 SF Accessory Structure;
- b) Requesting a 5' Height variance from Zoning Code Section 1252.04, which permits a 15' Height and where a 20' Height is proposed in order to construct a 1,144 SF Accessory Structure; property located at 8760 Webster Road, PPN 395-15-008, zoned R1-75.

Mr. Evans – Alright, item number four on our agenda is Robert W. Dombrowski. Please come up to the microphone and give us your name and address for the record.

Mr. Dombrowski – Robert Dombrowski, 8760 Webster Road, Strongsville.

Mr. Evans – You're here because we did some variances and the project didn't get completed. Tell us about what you're doing and what the changes are from what had been approved prior and what you want to do now.

Mr. Dombrowski – Originally when I first entered the project before I got my variance I was asking for a 30' by 48' by 16', then I changed it so it was further away from the house and the garage. I

got it down to 26' by 44', and then I ran into hardships with my marriage. So the project got delayed. As time went on, I ended up doing most of this stuff out of my pocket. Now I'm at a point where I have enough money to continue the project, and I'm asking for a variance for more height due to the fact that the original plans had beams and posts. I want to remove the beams and posts and put in a solid flooring and that solid flooring for that distance is now 16", so in order to get a decent height in the building on both floors I'm asking for a variance.

Mr. Evans – At 14' we only had one story, correct?

Mr. Dombrowski – No, I was asking for two stories originally, and it was 16' when we first discussed it. Then the City changed Code to 15' during that time period.

Mr. Evans – OK. Alright. Right now the foundation and the sewer lines have been put in and those were done based on the previous variances that were done.

Mr. Dombrowski – Yes. I hand dug it and put it all in.

Mr. Evans – Alright, gentlemen do you have questions?

Mr. Smeader – What the size of the foundation that's been poured?

Mr. Dombrowski – 26' by 44'.

Mr. Smeader – Thank you.

Mr. Baldin – Why do you need this height? Why do you have to have that second floor?

Mr. Dombrowski – For hobbies, and I also have vehicles that I'm storing that I work on. I have older cars and things like that. I also have woodworking equipment that I have stored at other people's residences that I need bring it all back so when I retire I can use them.

Mr. Baldin – This is just going to be a hobby? You're not going to run a business out of there?

Mr. Dombrowski – No business.

Mr. Baldin – Because you're looking for a lot of space here.

Mr. Dombrowski – I know, I'm looking for ceiling height. My house is over 100 years old, so my ceilings are low. I can't even put a fan in there. I'm looking for height so I can put shelving and everything else up in there. That's the main purpose.

Mr. Baldin – Thank you.

Mr. Houlé – I have to say, I have concerns over the height. I know it was previously approved at 14'...

Mr. Dombrowski – It was approved at 16' when we did our original plans.

Mr. Houlé – It might have been approved at 16', but final approval was at 14'.

Mr. Dombrowski – No, I think it was...

Mr. Houlé – With the 40' by 26' shell, and a total 1040 SF. I'm getting that from the minutes from the public hearing from 2012.

Mr. Dombrowski – Sorry, I thought it was 16'.

Mr. Houlé – You may want the extra 5' or 6' to get it to 20', but the Zoning Code is at 15'. I don't see any reason why I'd be able to approve this variance. I'm just asking you to relook at that before you come to the next meeting.

Mr. Dombrowski – I lose a lot of space. I mean my basement, I can't even stand up in my basement for storage. I'm looking for the ceiling height so I can use both floors. I have cars I want to store downstairs, and to have a door opening at all I need the first floor height to support that distance. I run into more like a crawl space.

Mr. Evans – One of the problems that our Board has is that every time we grant a variance someone else next door says that they want one bigger. At 26' by 44', and I think it was 26' by 40'...

Mr. Houlé – Originally it was 26' by 40' in 2012.

Mr. Evans – That's what I thought. OK so I'm guessing that it's probably 26' by 40' that the foundation actually is because that's what we approved. Part of the problem is that at 20' high, that's a huge building in a residential area. Just allowing the 26' by 44' that's a huge building, but to go 14' or 15' tall that's still big. But to extend that to 20' high, that's unbelievably large. Our problem is that everyone wants this huge thing, and we just can't give everyone that. If you were on 36 acres and out in the middle of Brunswick or whatever maybe you could do that, but this is Strongsville and unfortunately it has become a residential community. For all these building to be out there, it is a problem for us. So what Mr. Houlé is suggesting is that you may not get two stories, and it may be that the 26' by 40' which is what we approved the last time may be as big as it can get. The 15' tall that the Code allows may be all you're allowed for height. If that's a single story for you, then that's what you may get. We're just not in the business of granting variances for huge buildings. Most people we've taken down on size. The fact that you got from us a 26' by 40' which I'm honestly surprised about and don't think we'd approve today, we might let you go ahead because the foundation is already in, but I doubt we'd be inclined to allow you to put in a building that is 20' tall. You're welcome to ask for that, and we'll pass judgement on that. At

this point, I don't think this Board would be inclined today to grant this today because of the plethora of buildings that we have throughout Strongsville. We've tried to keep them smaller because everyone just wants bigger. We just can't continue doing that. Is there anything else from the Board? So those are considerations for you. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on May 9th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Dombrowski – The main concern was, and I was asking the builder about the roofing structure. That's what it's all coming down to. It's the basic trusses and that's what it comes down to.

Mr. Evans – But that's to get two stories in there. That may not be where we're inclined to go. Again, we're not taking a vote tonight, we're just trying to give you some of the things that are concerns that we address when people come to us and ask for these huge buildings. We're just letting you know those concerns.

Mr. Dombrowski – I understand that. If I was to lower the ceiling height from 8' to 7' and go to a 18' high would that be OK?

Mr. Evans – I'm saying that you can ask for whatever you want, but because we have not approved anything this big in the past couple years it would be unlikely that if you came to us now with this request that we'd approve it. The fact that we had approved it back then, and you have already put in a foundation in predicated on that might mean that we're inclined to consider that but I don't believe that 18' or 16' is going to get an approval, but you can ask for whatever you'd like though. This Board will make a decision based on what that request is and based on what we're allowing these days elsewhere in the City. The Code does not allow it. This is a huge exception to the Code already, and that's why we're in business to make those decisions. Putting huge buildings into Strongsville is not something we've been doing recently. OK?

Mr. Smeader – As I read the 2012 minutes it looks like 1040 SF were approved which would be 26' by 40'. Our notes here from tonight based on Mr. Dombrowski's comments suggest that 1144 SF which would be 26' by 44' foundation has already been poured.

Mr. Evans – I think when we're out there we can take a look at that, and certainly Mr. Dombrowski should look at it too to see what that was because the original approval was indeed 26' by 40'.

Mr. Baldin – And not 20' high.

Mr. Evans – No, it was not.

Mr. Rusnov – So it's built four feet longer than it was approved for?

Mr. Evans – Maybe, it may only be 26' by 40'.

Mr. Rusnov – OK. You want us to measure it?

Mr. Evans – Mr. Dombrowski did originally ask for 26' by 44'. We downsized it to 26' by 40' in the approval.

Mr. Dombrowski – I originally asked for 30' by 48'.

Mr. Evans – That's like the IX Center. Right, anything else?

Mr. Rusnov – No.

Mr. Evans – It might be to your advantage to take a measurement on the foundation to make sure what it is. 40' was what was approved though at the prior meeting, so those are the concerns of the Board. We'll invite you back on May 9th, and we'll see what happens.

Mr. Dombrowski – Alright. Thank you.

Mr. Baldin – You might want to heed our words here though.

Mr. Dombrowski – Yes sir.

PUBLIC HEARINGS

5) KEVIN AND MAUREEN WOLFE, OWNERS

- a) Requesting a 9.55' Side Yard Setback variance (West) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 5.45' Side Yard Setback (West) is proposed;
- b) Requesting an 8.44' Side Yard Setback variance (East) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 6.56' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool; property located at 21396 Oakhurst Lane, PPN 393-11-051, zoned R1-75.

Mr. Evans – Alright, item number five on our agenda takes us into public hearing, and we have Kevin and Maureen Wolfe on Oakhurst. Please come up to the microphone and give us your name and address for the record.

Mr. Wolfe – Maureen Wolfe, 21396 Oakhurst Lane, Strongsville.

Mr. Wolfe – Kevin Wolfe, same address.

Mr. Evans – Thank you. You're asking for side yard variances on both sides in order to put in a pool into the backyard. Give us the 30 second version of your request. It appears you're the only ones left in the audience. Just remind us what you're requesting.

Mr. Rusnov – The Chicken Guy is still with us.

Mr. Evans - Mr. Gatliff, I know you're still there. Yes. Alright.

Mr. Wolfe – Thanks again for your time. I apologize I couldn't be here two weeks ago. I was in a meeting out of town so I appreciate that you were able to entertain my wife as well as our contractor. To Mike's point, we did bring the signatures.

Mr. Evans – You can hand us those for the record. Thank you.

Mr. Rusnov – Good call.

Mr. Wolfe – If you total the number of parents and children in case you're wondering, it's about 20 children and 14 adults using the pool. That's not even us having a party at our house. Certainly not the reason why we're asking for the cement variance. It's strictly because we want somewhat of a maintenance-free backyard as we mentioned a couple of weeks ago. We're also looking for a variance for 8'. We are hoping that's feasible. The question that was asked in caucus was the measurement from the proposed patio to the pool and it's somewhere around 7'. Hopefully that answers that question for you. The other item is Nick Stofanovich was mentioned also as the President of the HOA, and I was also the on the Board a couple of years ago so I appreciate what you guys do, he is directly behind us. So he's also aligned with the patio project as well.

Mr. Evans – Are there questions?

Mr. Baldin – I don't have a problem with it. What they're trying to do is a good idea. Thank you.

Mr. Evans – OK. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 9.55' Side Yard Setback variance (West) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 5.45' Side Yard Setback (West) is proposed; and also a request for an 8.44' Side Yard Setback variance (East) from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback

and where a 6.56' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool; property located at 21396 Oakhurst Lane, PPN 393-11-051, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Wolfe – Thank you.

Ms. Wolfe – Thank you.

6) RAISING CANE'S/Drew Gatliff, Representative

- a) Requesting a 10.6 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which permits a 21.4 SF Sign Face Area and where a 32 SF Sign Face Area (South) is proposed;
- b) Requesting a variance from Zoning Code Section 1272.12 (c), which prohibits a Wall Sign (North) and where a 32 SF Wall Sign (North) is proposed;
- c) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Menu Board Ground Sign, and where one 31.25 SF Drive-Thru Menu Board Ground Sign and one 10.85 SF Drive-Thru Menu Board Ground Sign are proposed; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Item number six on our agenda is Raising Cane, and I believe Mr. Gatliff is here. Please come up to the microphone and give us your name and address for the record.

Mr. Gatliff – Drew Gatliff, 1062 Ridge Street, Columbus, Ohio 43215.

Mr. Evans – We appreciate your being here. We talked a bit in caucus and we recognize the fact that you have excellent hearing because when you were here the last time we made some suggestions which you have taken. We want Raising Canes to be wildly successful. We hope that this will be the best thing that has ever happened to Pearl Road, and that your location will be the best location that there has ever been for Raising Canes. We appreciate the fact that you listened to us, and regrouped the size packaging and all that. We want to be clear about that. Are there

questions or observations? OK. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 10.6 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which permits a 21.4 SF Sign Face Area and where a 32 SF Sign Face Area (South) is proposed; also a request for a variance from Zoning Code Section 1272.12 (c), which prohibits a Wall Sign (North) and where a 32 SF Wall Sign (North) is proposed; also a request for a sign variance from Zoning Code Section 1272.12, which does not permit a Drive-Thru Menu Board Ground Sign, and where one 31.25 SF Drive-Thru Menu Board Ground Sign and one 10.85 SF Drive-Thru Menu Board Ground Sign are proposed; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second. Before we do the roll call, I need to use Chairman's prerogative and say that I was negligent in not mentioning the fact that you did reduce the signage so that they fall within the total square footage that is allowed. That is the reason we are doing the variances for the additional signs on there. I just wanted that to be part of the record, we talked about it in caucus and I failed to mention it here. Now, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Mr. Kolick is there anything else he needs to do?

Mr. Kolick – He should contact the Building Department tomorrow, I'm not sure where we left off with the ARB because they had the original signs and they couldn't grant them because of the variances. So just see if you need to go back to the ARB. It wouldn't have to do with the sizes of the signs now, because they'll act within the parameters that our variances allow. They may be looking at color schemes or whatever else they're looking at.

Mr. Evans – Just to keep the process moving.

Mr. Kolick – You can do that anytime in that 20 day period.

Mr. Gatliff – I know there was a concern with banners and flags from other locations that have been seen. I want to emphasize that brand opening banners are temporary so they'll comply. Any flags that you saw mounted on the parapet are not being proposed at this location.

Mr. Evans – That's good.

Mr. Gatliff – I just wanted clarify that because I know it's a concern.

Mr. Smeader – That's very, very good news.

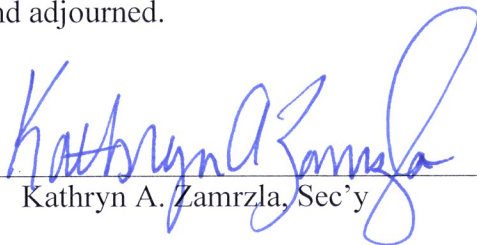
Mr. Rusnov – No inflatable chickens either.

Mr. Gatliff – As far as I know there's never been an inflatable chicken.

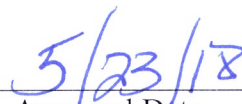
Mr. Evans – We've had a lot of discussions about chickens lately, but this is a good one. We appreciate it. With that we will stand adjourned.



Mr. Evans, Chairman



Kathryn A. Zamrzla, Sec'y



Approval Date