

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

**Meeting of
June 22, 2022**

Board of Appeals Members Present: Rich Baldin, Dustin Hayden, David Houlé, John Rusnov
Administration: Assistant Law Director Daniel J. Kolick
Assistant Building Commissioner: Brian Roenigk
Recording Secretary: Kathy Zamrzla

Mr. Houlé – I'd like to call this caucus for the meeting of June 22, 2022 to order. Caucus is a time for the Board Members to discuss the items on the agenda. We have minutes from the meeting of May 25, 2022. Item 6 on the agenda was requested by the applicant to be moved to another meeting.

The Board members discussed the following:

1) JAMES R. THOMAS, JR., OWNER/Northern Ohio Pool and Spa, Representative

- a) Requesting a 4.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10.5' Rear Yard Setback is proposed in order to install a Hot Tub;
- b) Requesting a 28.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 7.5' Rear Yard Setback (Northwest) is proposed in order to install a Concrete Patio;
- c) Requesting a 1.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 1.5' beyond the main dwelling into the Side Yard Setback;
- d) Requesting a 208 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 400 SF Floor Area is proposed in order to construct a Pavilion; property located at 18054 Clare Court, PPN 394-29-133, zoned R1-100.

Mr. Rusnov stated that the lot is irregular and would fall under the topographical exception. Mr. Houlé stated that there is HOA approval and there is common land behind them. Mr. Kolick questioned the relocated swale. Mr. Roenigk stated that the Engineering Department has approved the pool and the variance would just be for the small bump-out.

2) GARY AND DENISE EPLIN, OWNERS

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 144 SF Accessory Structure is proposed; property located at 11324 Love Lane, PPN 392-01-060, zoned R1-100.

Mr. Rusnov stated that there are topographical issues with this request. Mr. Houlé stated that there is HOA approval.

3) **THOMAS AND KATHERINE CIATTI, OWNERS**

- a) Requesting a 7' Setback variance from Zoning Code Section 1252.15 (a), which requires a 35' Setback from the adjacent front lot building line and where a 28' Setback from the adjacent front lot building line is proposed in order to permit an existing Accessory Structure (Shed);
- b) Requesting a 11.5' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the nearest main dwelling and where an 8.5' Setback from the nearest main dwelling is proposed in order to permit an existing Accessory Structure (Shed);
- c) Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 196 SF Accessory Structure (Pergola) is proposed; property located at 18377 Falling Water Road, PPN 396-04-010, zoned PDA-2.

Mr. Rusnov stated that this is an odd-shaped lot and the yard is fully fenced. Mr. Houlé stated that there is HOA approval. Mr. Kolick asked if fire-rated lumber would be required. Mr. Roenigk stated that the two structures are not twenty feet apart and the homeowner would be asked on the floor what is stored in the sheds.

4) **JIFFY LUBE/ Frank Malawski with Sevan Multi-Site Solutions, Representative**

- a) Requesting a 28.6' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 96.4' Front Building Setback from the centerline of Pearl Road is proposed in order to construct an Automotive Care Center;
- b) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (c) (3), which requires a 20' Side Parking Setback from Broxton Drive right-of-way on a corner lot and where a 10' Side Parking Setback from Broxton Drive is proposed in order to construct an Automotive Care Center; property

located at Pearl Road and Broxton Drive, PPN 395-07-001, zoned General Business (GB).

Mr. Rusnov stated that this is an existing vacant lot and the owner would like to move the building closer to the road instead of closer to the residences behind it. Mr. Baldin stated that the building would be in line with other buildings on the street. Mr. Kolick stated that the owner would put up a fence or a wall behind the business and the residences since this is what Planning Commission and ARB would normally require. The variance is what it is because the City wanted them to move further away from the home on the west side. Mr. Houlé stated that there was an attachment from Mr. Smerigan that said there would be a 6' screen wall.

5) QUICKMED/Jason Sheiban, Representative

- a) Requesting a 54 SF Sign Face Area variance from Zoning Code Section 1272.08 (b), which permits a 30 SF Sign Face Area and where an 84 SF Sign Face Area is proposed in order to install a Ground Sign;
- b) Requesting a 1' Sign Height variance from Zoning Code Section 1272.08 (b), which permits a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Ground Sign;
- c) Requesting a variance from Zoning Code Section 1272.08 (a), which permits 1 (one) Wall Sign and where 2 (two) Wall Signs (South) are proposed;
- d) Requesting a 66.17 SF Sign Face Area variance from Zoning Code Section 1272.08 (a), which permits a 6 SF Sign Face Area and where a 72.17 SF Sign Face Area (Sign #1) is proposed in order to install a Wall Sign;
- e) Requesting a 24.26 SF Sign Face Area variance from Zoning Code Section 1272.08 (a), which permits a 6 SF Sign Face Area and where a 30.26 Sign Face Area is proposed (Sign #2) in order to install a Wall Sign; property located at 17406 Royalton Road, PPN 396-12-028, zoned Public Facilities.

Mr. Houlé stated that the Board received a directive regarding a clarification on public facilities versus the regular business signs. Mr. Rusnov stated that one sign out front that conformed with the Code would serve the purpose since it is very visible. Another business was denied this request so it would be hard to grant the same request for this applicant. Mr. Baldin agreed that the building is very visible.

6) **AT APPLICANTS REQUEST THIS ITEM HAS BEEN MOVED TO
THE JULY 6, 2022 BOARD OF ZONING AND BUILDING CODE
APPEALS MEETING**

MOHAMMADREZA ROWSHANBAKHTFARDIAN, OWNER

Requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18192 Saratoga Trail, PPN 397-19-035, zoned R1-75.

7) **ZACHARY AND SARAH KUSEK, OWNERS**

Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 15' beyond the main dwelling into the Side Yard Setback; property located at 12132 Edgebrook Drive, PPN 392-24-084, zoned RT-C.

Mr. Rusnov stated that there is HOA approval and that only the neighbors on either side would see the patio and it falls under topographical issues. Mr. Houlé stated that there is a wooded preserve behind the yard. Mr. Baldin stated that he had a concern with the rear line.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS**

- a) Requesting a 15' 6" Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Deck encroaching 15' 6" beyond the main dwelling into the Side Yard Setback (West);
- b) Requesting a 31.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 4.5' Rear Yard Setback is proposed in order to construct a Deck;
- c) Requesting a .5' Setback variance from Zoning Code Section 1252.15, which requires a 5' minimum Setback from an adjacent property line and where a 4.5' Setback from an adjacent property line is proposed in order to construct a Deck; property located at 18336 Cook Avenue, PPN 396-18-033, zoned R1-75.

Mr. Houlé stated that this request is for a pool deck. Mr. Baldin stated that it should be on the other side of the pool and not so close to the fence. He stated that there was no permit issued for the deck and the construction was stopped. Mr. Roenigk stated that the pool was also installed without a permit.

9) **PHILLIP SZUNYOG, OWNER**

Requesting a 7' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 9' Setback from the right-of-way is proposed in order to install a 5' Aluminum Fence; property located at 19429 Winding Trail, PPN 392-22-027, zoned R1-75.

Mr. Kolick asked if this fence would line up with the other fence on Lunn Road. Mr. Roenigk stated that the fence would line up. Mr. Hayden stated that the fence would only come to the edge of the house at the rear part of the yard and not to the front corner. Mr. Houlé stated that there is HOA approval.

10) **MARTIN SWITALSKI, OWNER**

Requesting a 20' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a 264 SF Addition; property located at 15251 Forest Park Drive, PPN 398-16-058, zoned R1-75.

Mr. Hayden stated that the yards on this street are very shallow and there is no way to meet the 50' required setback. He also stated that there is HOA approval although it wasn't included in the packet. Ms. Zamrzla stated that the HOA approval was received.

11) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative**

- a) Requesting a 45' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Patio encroaching 45' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 0' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 0' Rear Yard Setback is proposed in order to install a Pool Concrete Patio; property located at 15660 Walnut Creek Drive, PPN 393-29-011, zoned PDA-2.

Mr. Houlé stated that the applicant wants to put in a concrete patio around the pool that is already in place which would replace the gravel. The issue would be extending it all the way to the side yard and rear yard. Mr. Rusnov stated that there could be a run-off issue. Mr. Kolick stated that it should read requesting a 36' rear yard setback, not 0 setback variance. The Board has never allowed a 0' setback. The area behind the property is owned by the Board of Education, it is not common area. Mr. Houlé stated that there is no HOA approval letter at this point.

12) **JON ROBERT, JR. AND KRISTY PIETRUSZKA, OWNERS/Ed Lechler with Rock Bottom Lawn and Landscape, Representative**

- a) Requesting a 37' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Sport Court maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Sport Court encroaching 37' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 24' Rear Yard Setback variance from Zoning Code Section 1252.16 9 (e), which requires a 36' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install a Concrete Sport Court and Retaining Wall;
- c) Requesting a variance from Zoning Code Section 1252.15, where one (1) permitted 704 SF Accessory Structure (Shed) exists and where a second 320 SF Accessory Structure (Pavilion) is proposed; property located at 12755 Arbor Creek Drive, PPN 398-27-060, zoned R1-100.

Mr. Rusnov stated that this property is one of the largest lots on the street and has a private driveway. The house and property are well hidden. Mr. Baldin stated that there is nothing behind the property. Mr. Baldin questioned the blacktop. Mr. Roenigk stated that this is temporary and once the project in the back is completed, the owner will be paving it with concrete. Mr. Houlé stated that there is HOA approval.

Mr. Kolick stated in regards to the storage container issue that it appears that members of City Council don't want it totally prohibited. He will look to tweak the proposal to put requirements on it. Mr. Rusnov stated that an abandoned tractor trailer in the backyard is not conducive to the aesthetics. Mr. Kolick stated that the City Council is still dealing with it, but the Planning Commission is in agreement to prohibiting them totally. If Council modifies it, they would have to send it back to Planning Commission and get their recommendation. The last modification was that it had to be compatible with the main structure, it had to have some pitch to the roof, setback requirements, size requirements for the area. These were some of the things they were talking about, but none of it is final.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 22, 2022

The meeting was called to order at 8:00 PM by Mr. Houlé.

Present:

Mr. Baldin
Mr. Hayden
Mr. Houlé
Mr. Rusnov

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Roenigk, Assistant Building Commissioner
Ms. Zamrzla, Recording Secretary

Mr. Houlé – I would like to call this June 22, 2022 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. EVANS	ABSENT
	MR. HOULÉ	PRESENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT

Mr. Baldin – I'd like to excuse Mr. Evans for just cause.

Mr. Hayden – Second.

Mr. Houlé – Thank you Mr. Baldin for the motion and Mr. Hayden for the second. May we have a roll call please.

ROLL CALL:	ALL AYES:	MOTION PASSED
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Mr. Houlé – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. We have minutes from May 25, 2022. If there are no further comments, we will submit those as they were given to us for the record. Item 6 has been pushed to the July 6th meeting by the applicant's request. If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) **JAMES R. THOMAS, JR., OWNER/Northern Ohio Pool and Spa, Representative**

- a) Requesting a 4.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10.5' Rear Yard Setback is proposed in order to install a Hot Tub;
- b) Requesting a 28.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 7.5' Rear Yard Setback (Northwest) is proposed in order to install a Concrete Patio;
- c) Requesting a 1.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 1.5' beyond the main dwelling into the Side Yard Setback;
- d) Requesting a 208 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 400 SF Floor Area is proposed in order to construct a Pavilion; property located at 18054 Clare Court, PPN 394-29-133, zoned R1-100.

Mr. Houlé – All of the Board Members have been out and visited all of the properties on the agenda. Item number one on the agenda is James Thomas. If you would come forward and please state your name and address for the record.

Robert – Robert with Northern Ohio Pool and Spa. Address 18054 Clare Court is the job site.

Mr. Houlé – If you could briefly discuss what is being requested. Please give us your last name and business address.

Mr. Wilkorich – Robert Wilkorich, 18417 Marks Road, Strongsville, 44149.

Mr. Houlé – If you could review what is being requested.

Mr. Wilkorich – There is a concrete patio on the rear yard. Looking to go closer to the property line than what is allowed. Behind the house is a big open area.

Mr. Roenigk – Common ground.

Mr. Wilkorich – Common ground, yes. There is no neighbor behind. The way the lay out of the yard is up by the house we're building a big retaining wall and on the backside is the only area he has to get around his pool and put chairs. So, we're looking to go farther into the backyard. The permit allowed the pool with four feet of concrete around it. Right now, that's at eleven feet.

1) **JAMES R. THOMAS, JR., OWNER/Northern Ohio Pool and Spa, Representative,**
Cont'd

Mr. Wilkorich continues - We're looking to go another four feet closer to the property to put the one side at seven. The backyard is on an angle so it's still twenty six feet off of the property on the other side. The drawings call for a new swale to be put in that area where there's already an existing one there, so we're not interfering with the swale or changing any direction of yard down water. It all still going to go behind the property to the manhole drain. The other would be additional concrete on the side yard. We're looking to go about a foot and a half out past the house. His yard is sort of a pie-shaped yard, so you really can't see any of this from the street. The house blocks it all. The neighbor has a big in-ground pool and they got a variance and they actually came about twenty, twenty-five feet into the side yard. We're only looking for about a foot and a half on that. The other would be that we're trying to do a hot tub. I had the hot tub originally located in the center of the swimming pool and that put it ten feet off of the property line, so we know to water you require fifteen. We would like to move the hot tub closer to the deep end where the yard is at an angle and it would put it about twenty two feet off of the property line. The last thing would be the pavilion or the gazebo. We're looking to build a twenty by twenty. It's basically an open gazebo, just a roof. It's behind the house. No walls, no footers, no nothing like that. Basically, an attached roof.

Mr. Baldin – I thought everything will fit it very nice. You are not going to see anything from the street.

Mr. Wilkorich – No, the way the yard is pie-shaped, you can't see back there.

Mr. Hayden – We have HOA approval.

Mr. Roenigk – Are you requesting to remove letter (a)? You're moving the hot tub towards the pavilion?

Mr. Wilkorich – Yes, towards the deep end of the pool. If you are looking toward the back, move it to the left.

Mr. Roenigk – Yes.

Mr. Rusnov – So we are removing (a)?

Mr. Roenigk – Yes. I will need a re-draw of the new location.

Mr. Kolick – Is it still fifteen feet off of the rear yard?

Mr. Wilkorich – Twenty two.

1) **JAMES R. THOMAS, JR., OWNER/Northern Ohio Pool and Spa, Representative,**
Cont'd

Mr. Kolick – Twenty two feet off the rear line. You can remove (a).

Mr. Rusnov – We have (b), (c), and (d).

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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 – Mr. Chairman, requesting a 28.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 7.5' Rear Yard Setback (Northwest) is proposed in order to install a Concrete Patio; and requesting a 1.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 1.5' beyond the main dwelling into the Side Yard Setback; and requesting a 208 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 400 SF Floor Area is proposed in order to construct a Pavilion; property located at 18054 Clare Court, PPN 394-29-133, zoned R1-100.

Mr. Hayden – Second.

Mr. Houlé – Thank you Mr. Rusnov for the motion and Mr. Hayden for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Wilkorich – Thank you.

2) **GARY AND DENISE EPLIN, OWNERS**

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 144 SF Accessory Structure is proposed; property located at 11324 Love Lane, PPN 392-01-060, zoned R1-100.

2) **GARY AND DENISE EPLIN, OWNERS, Cont'd**

Mr. Houlé – Item number two on our agenda is Gary and Denise Eplin. If you could come forward and state your name and address for the record.

Ms. Eplin – Denise Eplin, 11324 Love Lane.

Mr. Houlé – If you could briefly tell us what you are asking for.

Ms. Eplin – Sure. We're having a patio and pavilion installed in the backyard which will be within City Code. We have an existing structure which is a 10 x 12 shed on the property. We are requesting a second structure which requires a variance.

Mr. Rusnov – You are located on a corner lot and the only place you have to put it is in the back area.

Ms. Eplin – Yes.

Mr. Hayden – We have HOA approval.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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 - Mr. Chairman, requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 144 SF Accessory Structure is proposed; property located at 11324 Love Lane, PPN 392-01-060, zoned R1-100.

Mr. Hayden – Second.

Mr. Houlé – Thank you Mr. Rusnov for the motion and Mr. Hayden for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Ms. Eplin – Thank you.

3) **THOMAS AND KATHERINE CIATTI, OWNERS**

- a) Requesting a 7' Setback variance from Zoning Code Section 1252.15 (a), which requires a 35' Setback from the adjacent front lot building line and where a 28' Setback from the adjacent front lot building line is proposed in order to permit an existing Accessory Structure (Shed);
- b) Requesting a 11.5' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the nearest main dwelling and where an 8.5' Setback from the nearest main dwelling is proposed in order to permit an existing Accessory Structure (Shed);
- c) Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 196 SF Accessory Structure (Pergola) is proposed; property located at 18377 Falling Water Road, PPN 396-04-010, zoned PDA-2.

Mr. Houlé – Item number three on our agenda is Thomas and Katherine Ciatti. If you would come forward and state your name and address for the record.

Mr. Ciatti – Tom Ciatti, 18377 Falling Water.

Mr. Houlé – If you would briefly tell us what you are here for tonight.

Mr. Ciatti – We're trying to get a variance to put a second structure on. That is a free-standing pergola on our patio. The paperwork says it 196 square feet but it's actually 144 square feet.

Mr. Rusnov – 144?

Mr. Ciatti – Yes, it's 12 x 12.

Mr. Rusnov – You are on a corner lot, with a very irregular shape. It's a topographical issue.

Mr. Baldin – What was discussed in Caucus was if the shed that you already have there which is close to your home, do you know if it has fire-retardant material?

Mr. Ciatti – No it doesn't. I didn't know that I even needed that. There was a shed there which I removed because it was falling apart. We put the new one up.

Mr. Rusnov – It would be prudent to make it fire-proof to be safe.

Mr. Ciatti – It has no electricity. All it has in it is our garden tools.

3) **THOMAS AND KATHERINE CIATTI, OWNERS, Cont'd**

Mr. Rusnov – No gasoline? No combustibles?

Mr. Ciatti – No. I have a lawn service. I don't do that.

Mr. Kolick – Part of the reason we require that twenty foot separation is because if that building would ever catch fire it could jump over to your house.

Mr. Ciatti – I understand.

Mr. Kolick – If you put some fire-rated drywall. . .

Mr. Ciatti – The yard is so small, it's physically impossible to move it over away from the home.

Mr. Kolick – I'm not talking about moving it. What the Board is talking about. . .

Mr. Ciatti – I'm saying that's why it's there.

Mr. Kolick – The Board is talking about possibly putting fire-rated drywall to contain the fire in that smaller building if it would occur.

Mr. Ciatti – If there's a fire it would be the house, not the shed.

Mr. Kolick – You don't know.

Mr. Rusnov – It would be a minimal cost and that would be a precaution.

Mr. Ciatti – It would be a minimal cost? I've been in Strongsville about a year now. It's killing us. It's not Medina. We're having a hard time. We had a lot of cement work done at the home.

Mr. Rusnov – Would you agree to putting up some fire-proof drywall in that shed?

Mr. Ciatti – If that's what needs to be done.

Mr. Rusnov – Okay.

Mr. Ciatti – This is something we could do ourselves?

Mr. Rusnov – Yes.

Mr. Ciatti – Does it have to be on the ceiling?

3) **THOMAS AND KATHERINE CIATTI, OWNERS, Cont'd**

Mr. Rusnov – Only the sidewalls.

Mr. Ciatti – I can do that.

Mr. Roenigk – I have to state one thing here. I have your drawing that you submitted. It shows your pergola at 14 x 14.

Mr. Ciatti – No, that was wrong.

Mr. Roenigk – We're trying to figure out where. . .

Mr. Ciatti – Some of the material is sitting in a box and I already paid the guy and I'm having a hard time with him.

Mr. Roenigk – Just for the record we needed it.

Mr. Houlé – We do have the HOA approval on this.

Mr. Rusnov – We're done.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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 - Mr. Chairman, requesting a 7' Setback variance from Zoning Code Section 1252.15 (a), which requires a 35' Setback from the adjacent front lot building line and where a 28' Setback from the adjacent front lot building line is proposed in order to permit an existing Accessory Structure (Shed); (b) requesting a 11.5' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the nearest main dwelling and where an 8.5' Setback from the nearest main dwelling is proposed in order to permit an existing Accessory Structure (Shed); (c) requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where a second 144 SF Accessory Structure (Pergola) is proposed; property located at 18377 Falling Water Road, PPN 396-04-010, zoned PDA-2, and fire-proof drywall installed on the existing shed.

Mr. Roenigk – Do you not have another shed?

Mr. Ciatti – I took it down.

Mr. Roenigk – Just checking. The last time I was there it was still there. Okay, good.

3) **THOMAS AND KATHERINE CIATTI, OWNERS, Cont'd**

Mr. Hayden – Second.

Mr. Houlé – Thank you Mr. Rusnov for the motion and Mr. Hayden for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Ciatti – If I may? The gentleman, the family member that was paid already to put the pergola up, he's not an easy guy to get back. What do you recommend? If I have to wait twenty days, it's going to be in the wind, I think, and I won't see him until Thanksgiving dinner. I can't get a car in the garage because the pergola is in boxes.

Mr. Kolick – We can't waive that time period. It's up to City Council. The time period is written in the Charter. They can't change it either. It's nothing we have control over. We can't issue the permit until the twenty days have expired.

Mr. Ciatti – And don't put it up without the permit.

Mr. Kolick – No, don't do that. There's nothing we can do about the waiting period.

4) **JIFFY LUBE/ Frank Malawski with Sevan Multi-Site Solutions, Representative**

- a) Requesting a 28.6' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 96.4' Front Building Setback from the centerline of Pearl Road is proposed in order to construct an Automotive Care Center;
- b) Requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (c) (3), which requires a 20' Side Parking Setback from Broxton Drive right-of-way on a corner lot and where a 10' Side Parking Setback from Broxton Drive is proposed in order to construct an Automotive Care Center; property located at Pearl Road and Broxton Drive, PPN 395-07-001, zoned General Business (GB).

4) **JIFFY LUBE/ Frank Malawski with Sevan Multi-Site Solutions, Representative,**
Cont'd

Mr. Houlé – Item number four is Jiffy Lube. If you would come forward and state your name and address for the record.

Mr. Malawski – Frank Malawski, Sevan Multi-Site Solutions, 3025 Highland Parkway, Downers Grove, Illinois.

Mr. Houlé – We've all been out to the property. If you could briefly explain what the plans are.

Mr. Malawski – Our plan is to build a new four bay Jiffy Lube facility at the corner of Broxton and Pearl Road. It is a multi-care facility. It's going to offer oil changes, brakes, tire changing and those types of items. We had a pre-application submission, so we went through and worked with the jurisdiction on suggestions on how to lay this out. We flipped the building to provide a better layout. We're requesting these setbacks due to effectively making the site work for a Jiffy Lube. Typically, we allow a 24 feet lane which is kind of the minimum for two-way traffic around the site. We're requesting a ten feet parking setback which will not affect any proposed elements. I know that fencing is required along that main drive. We're able to work all those elements with that reduction that we're requesting on the parking. For the front drive, the setback from the right-of-way allows the cars to navigate Pearl Road and allows cars to exit that street.

Mr. Rusnov – So, you're building on an out lot and you're moving this building closer to the street to shield the house behind. You're closer to the street than the house. And you're working with a lot that's not exactly full size so you have topographical issues.

Mr. Malawski – Correct.

Mr. Houlé – The City Planner has recommended a six foot screening wall on the west end property to the rear that shields residences back there.

Mr. Malawski – Yes. That is shown on these plans.

Mr. Kolick – If the variances are granted here tonight, what the City will be concerned about because there is a residence to the west, is the shielding and the lighting to make sure none of the lighting will go beyond the boundaries of the property. Make sure you look at your lighting plan to make sure everything is showing towards the building or at least not emanating beyond the building. You can look at mounding, you can look at fencing, you can look at anything that would help shield any residential property to the west.

4) **JIFFY LUBE/ Frank Malawski with Sevan Multi-Site Solutions, Representative,
Cont'd**

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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. Hayden - Mr. Chairman, requesting a 28.6' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from the centerline of Pearl Road and where a 96.4' Front Building Setback from the centerline of Pearl Road is proposed in order to construct an Automotive Care Center; (b) requesting a 10' Side Parking Setback variance from Zoning Code Section 1258.11 (c) (3), which requires a 20' Side Parking Setback from Broxton Drive right-of-way on a corner lot and where a 10' Side Parking Setback from Broxton Drive is proposed in order to construct an Automotive Care Center; property located at Pearl Road and Broxton Drive, PPN 395-07-001, zoned General Business (GB).

Mr. Rusnov – Second.

Mr. Houlé – Thank you Mr. Hayden for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Kolick – Mr. Chairman, he needs to proceed to the Architectural Review Board, which he can do during the twenty day waiting period and then you will need to go to Planning Commission for their final approval. It's a little different than residential.

Mr. Malawski – Are those parallel submissions?

Mr. Kolick – ARB you can do during the twenty day period. You can't get back on the Planning Commission agenda until those twenty days has expired. I'd take things through ARB so you can have that ready by the time you go to Planning Commission.

Mr. Malawski – Thank you.

5) **QUICKMED/Jason Sheiban, Representative**

- a) Requesting a 54 SF Sign Face Area variance from Zoning Code Section 1272.08 (b), which permits a 30 SF Sign Face Area and where an 84 SF Sign Face Area is proposed in order to install a Ground Sign;
- b) Requesting a 1' Sign Height variance from Zoning Code Section 1272.08 (b), which permits a 5' Sign Height and where a 6' Sign Height is proposed in order to install a Ground Sign;
- c) Requesting a variance from Zoning Code Section 1272.08 (a), which permits 1 (one) Wall Sign and where 2 (two) Wall Signs (South) are proposed;
- d) Requesting a 66.17 SF Sign Face Area variance from Zoning Code Section 1272.08 (a), which permits a 6 SF Sign Face Area and where a 72.17 SF Sign Face Area (Sign #1) is proposed in order to install a Wall Sign;
- e) Requesting a 24.26 SF Sign Face Area variance from Zoning Code Section 1272.08 (a), which permits a 6 SF Sign Face Area and where a 30.26 Sign Face Area is proposed (Sign #2) in order to install a Wall Sign; property located at 17406 Royalton Road, PPN 396-12-028, zoned Public Facilities.

Mr. Houlé – Item number five is Quickmed. If you would come forward and state your name and address for the record.

Mr. Sheiban – Jason Sheiban, 16394 Pepperwood Court, Strongsville, 44136.

Ms. Bowser – Lori Bowser, 980 Beachwood Drive, Girard, 44420.

Ms. Ramirez – Chatta Ramirez, 3485 Breeze Knoll, Youngstown, OH 44505.

Mr. Houlé – If you could briefly describe your request for the variances you are asking for.

Mr. Sheiban – What I understood at the very beginning was that this is zoned Public Facilities. There is a restriction to a changeable copy sign. It says thirty square feet but I believe the variance is actually fifty. The secondary is a six square foot building sign which would be equivalent to a three by three. It is a multi-tenant building. I wasn't sure if you guys actually knew that or not. We have two tenants in there. It's a little bit over 50% occupied right now with a potential of initial three tenants that are looking to go in. We have a laboratory looking to take the entire downstairs. Every tenant that has approached us in the beginning would want a ground sign or at

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Sheiban continues - least the larger tenants would want a building sign as well. There's a sign on a bulkhead, a street sign. Especially with the medical use that we're going for or the medical use that is already in there, the emergency is going to actually have a big sign, that why we're actually kind of passing on the 50 square foot and asking for a street sign that was actually the same exact sign that was there when Health Span occupied the building. We are asking for the building sign just because it is right on the corner of Falling Water and Royalton Road. If anybody is going to be paying that type of square footage, dollar per square foot, they want some type of building sign on the actual building. Two-fold, one is actually for liability or at least a medical use purpose for any type of ambulance or anybody trying to quickly get to an emergency use and the second is actually for the remaining tenants that are going to be going in there. At least we hope will be going in there.

Ms. Bowser – On the medical part, we are an urgent care. We're trying to serve our community by taking the strain off the ERs. With this urgent care we are a little bit more concerned with the acuity that's coming in and if we can prevent certain cases from hitting the ER with the acuity of care, then we need that sign so that people know that we're there and we can get these patients in and stabilize the patients that need to be in the ER. We need to know that EMS can see the signage and patients know that we're there as well.

Mr. Rusnov – What is the name of that sign? Changeable copy?

Mr. Roenigk – Yes.

Mr. Rusnov – Would you consider a changeable copy sign, which is illuminated, it's like the ones that the churches have, would be out front, it's a much bigger sign, easily visible up and down the street, up and down Falling Water just by the placement? The issue that we have is that we turned down Alessio's on almost some of the same stuff you're looking for with the sizes and everything else. Whenever we have sign companies come in they always go over. If we create a precedent, we're going to have to do this for every other building that comes after this.

Mr. Sheiban – I did think about. A changeable copy sign is. . .

Mr. Rusnov – People on Pearl Road would kill for that.

Mr. Sheiban – Right. The problem with the changeable copy sign is that it is rotating.

Mr. Rusnov – No, you can change the copy. You can have it one side then the other side. And you're facing in two directions. Oh, you mean rotating the advertisement?

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Sheiban – Exactly.

Mr. Rusnov – You can program it to whatever you want it to say.

Mr. Sheiban – Right and I agree with you on that. If we were going to try and make that work, we would prefer having a fixed sign instead of a changeable copy because at that point we're looking at a digital copy sign and it is at some point, just like the churches have, it is always going to be changing.

Mr. Rusnov – You can program it to say the same thing 24 hours a day.

Mr. Kolick – I think from an Administration standpoint, we wouldn't prefer to see a changeable copy sign there because you're going to be distracting drivers coming down 82. In speaking with the Administration, they're not looking to put a changeable copy sign there. We sort of limit those to churches, the Chamber, and those types of things, not for businesses.

Mr. Rusnov – Why does the Code allow it on this?

Mr. Kolick – Because they are in a public facility district.

Mr. Rusnov – In other words, the Code has to be revised.

Mr. Kolick – The Code allows it because the medical facility is permitted in a public facility zoning district but we don't encourage changeable copy signs.

Mr. Rusnov – Is there any way you can conform with the Code on these signs?

Mr. Kolick – The question is, can you bring down the height one foot and still accomplish what you want to do, because your immediate neighbor to the west came in with a six and a half foot and we limited them to five feet. It would be difficult for us to allow you to have it and we just told the neighbor right next door to you, the eye doctor, that they could have a five foot sign. I think the height is a little problematic for this Board to consider.

Mr. Sheiban – What I'm understanding from you is that you're asking to reduce the proposed sign by one foot to five feet.

Mr. Kolick – Correct. I think five feet is permitted so you won't need a variance.

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Ms. Bowser – What about the width of the sign?

Mr. Rusnov – Building Department can tell you that.

Mr. Kolick – But there's a limitation on square footage.

Mr. Roenigk – I don't know what zoning code we're using anymore. So, I can't answer that question.

Mr. Rusnov – In other words, you're granted a total square footage for signs and if you operate within that and you want to put 60 small signs all the way around it, you can.

Mr. Sheiban – With the variance as it stands right now, we actually cannot. It is only a changeable copy up to 50 square feet. If we were going to be doing, I actually just looked it up, I believe if we're going to do just a ground sign we'd be confined to 30 square feet.

Mr. Houlé – That's correct.

Mr. Sheiban – So we would push for the changeable copy. I would not do a 30 square feet sign. I have two tenants and we've struggled to get this place leased in the past few years, let alone it's been vacant for the past four years before that. I'm just trying to be able to be a little bit more appealing to more tenants. We finally just got past the 50% occupancy.

Mr. Rusnov – Would you go back to the drawing board and consult with the City to see if you could come up with something that's a lot better than this. I understand your position, but we're dealing with a Zoning Code that might need to be changed. But there's nothing we can do about it because we are not City Council. I would suggest maybe tabling this and then talking to the Building Department to see what you can do that would be close, if not accommodate the Zoning Code.

Mr. Sheiban – I spoke with the Building Department numerous times on this same exact topic. I've met with them in their offices at least a few times on this topic. I kind of wanted to avoid coming here and this was really the only answer that we came up with.

Mr. Rusnov – So, this is it, is what you're trying to tell me.

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Roenigk – The Commissioner nor I will not pass anything that is not in the Zoning Code. Whatever he wants, we will do. If anything, he's proposed here is outside the Zoning Code and even if he comes back to us we still can't pass it because it's not in the Zoning Code.

Mr. Rusnov – In other words, what you're telling me, is what we have on the paper here is what we're going to be voting on.

Mr. Kolick – Let's look at the ground sign first. The ground sign is permitted 30 square feet and 5 feet in height. Are you saying that wouldn't accomplish what you want to accomplish for your multi-tenants?

Mr. Sheiban – The ground changeable sign is what we would go for.

Mr. Kolick – No, I'm talking about one permanent ground sign not exceeding 30 square feet in a single face area. So, you are permitted a five foot sign, 30 square feet for a ground sign. Can that service your tenants?

Mr. Sheiban – No.

Mr. Kolick – How much additional square footage do you need or at least request from the Board then to do it? Because I think the Board would be more receptive to possibly giving you a variance, I'm not speaking for the Board, but possibly giving you a variance for square footage than they would for height.

Mr. Baldin – The question was asked how long can it be, to put it in simple terms. So, we're talking fourteen, fifteen feet, so it will give you a little more square footage.

Mr. Sheiban – We'd be willing to reduce it to five feet. I guess my question to you is if it's up for debate, you can propose anything you like. I'm open.

Mr. Rusnov – It's not our position to propose anything to you. We're here just to deal with the variances and we're trying to make suggestions to help you. I think you should go back to the drawing board and consult with the City and nail their shoes to the floor and get a definitive answer as to what you want to do. Because the way it's set up, if we gave you all the variances, the people that we turned down next door to you, would be a little bit angry. We'd like to conform with the Code as close as we possibly can.

Mr. Sheiban then consulted with Ms. Bowser.

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Rusnov – What about the sign that's already on the building in the front?

Mr. Baldin – They're all temporary signs. Can you just stretch it out? You have spaces that you're showing that you could put seven tenants in here. You have the urgent care as the largest. I'm sure people are going to see that. We can stretch it out so we can give you some more, but you have to stay within the five feet.

Mr. Sheiban – So, we can keep the same square footage that we're proposing and stretch it out as long as we stay below that five feet?

Mr. Baldin – You'll have more footage if you stretch it out as long as you stay five feet high.

Mr. Houlé – But they're asking for 84 square feet. They are only allowed 30.

Mr. Rusnov – Everything exceeds the Zoning Code considerably. If we grant variances like this we're creating a huge precedent and how do you explain to Alessio's who we turned down that we grant the neighbor the same thing. We didn't write the Zoning Code. We're just here to interpret the Zoning Code variances.

Mr. Hayden – We gave Alessio's nine extra square feet over what they were allowed. If you could keep it within the 40 square feet versus the 30, you could do like four by ten or whatever derivative you like. You can't go 84 square feet.

Mr. Rusnov – Whatever you want to do, we will do. If you don't want to go and talk to the City again, fine. We will rule on what you're proposing.

Mr. Sheiban – The only reason we proposed this is because this is the exact same sign size that was there previously. This is built for the footer, so I was actually trying to save a little bit of money on one side as well as put the same size sign in.

Mr. Rusnov – The Zoning Codes have changed. When this thing was built it could have been granted a variance. We don't know. All we have is the here and now and all I'm asking you is just maybe take a break and reconsider this and consult with the experts at the City and see what you can work out, rather than have us beat this thing to death and go nowhere. We can only interpret the Zoning Code that we have.

Mr. Kolick – Brian, if this was in a Business District, what is the limitation on the square footage for a ground sign?

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Roenigk – Fifty square feet. Still five feet high.

Mr. Kolick – The rest of Royalton Road is all business. Maybe the Board may want to consider forty or fifty square feet because the rest of the business signs would be of the same size. It's up to the Board.

Mr. Hayden – When did we approve Alessio's for their sign?

Mr. Houlé – March of 2020. We gave them nine extra square feet.

Ms. Bowser – If we kept it at five feet high, then we can go out further? Fifty square feet total?

Mr. Roenigk – The Zoning Code is thirty for Public Facilities.

Mr. Kolick – What if it was five feet high and he had forty square feet? You can increase the width. Would that suit your purpose? We want to work with you, but we can't do something that's way out of bounds with what we've done up and down the road. The signage worked before because you had one user. You've now changed it into a multi-tenant building and that's what is complicating the situation. That building was not originally designed as a multi-tenant building. I think the Board if being generous suggesting to move the square footage to forty square feet.

Mr. Sheiban – I would request fifty square feet because at that point I would just go to a changeable copy because we have fifty on a changeable copy.

Mr. Roenigk – That is permissible.

Mr. Sheiban – What I'm trying to do is request as much as I possibly can to at least advertise this property.

Mr. Baldin – You would be happier with the fifty feet then? Changeable?

Ms. Bowser – We would make it work with the changeable copy.

Mr. Baldin – Let's do it that way then. Just make that the request.

Mr. Kolick – Brian, do we have any problems with any sight lines by extending it out that far? Now you're talking ten feet width.

5) QUICKMED/Jason Sheiban, Representative, Cont'd

Mr. Roenigk – I would have to go out and take a look.

Mr. Baldin – It looks like it's quite a ways off the sidewalk.

Mr. Rusnov – We can't tell where the sign is going to be placed, so we can't make that decision.

Mr. Roenigk – He has the letter (a) but I'd have to look.

Mr. Rusnov – We'd have to get the Police and Fire out there to take a look at it. That's why I said to go back to the drawing board. Because we could debate this all night long and we have a ton of other people waiting on us. What I'm suggesting is the most appropriate for what the situation is. I understand that when this building was built it was a single tenant, now it's multi-tenant, but the zoning has changed considerably, so we now have to deal with our zoning, not what was 35 or 40 years ago. That's why I'm suggesting it go back to the Building Department and come up with some viable alternative, rather than sit here and debate this. We're supposed to talk about the variance not make decisions or suggestions as to what he can do.

Mr. Baldin – What you need to do then is go to the Building Department and say you want to do the multi-tenant sign, 50 square feet and come up with a drawing for that. Looking at the size of that lot and the setback, I don't think it's going to be a problem. It has to be measured out and be done right.

Mr. Rusnov – What you do is table it and then you get to come back.

Mr. Sheiban – With all due respect, I would just do the 50 square foot changeable copy.

Mr. Rusnov – But we don't know if there are any obstructions.

Mr. Sheiban – There isn't. I've read all the rules.

Mr. Rusnov – We still have to see it.

Mr. Baldin – Brian, what do you think?

Mr. Roenigk – Yes, the Commissioner will look at it for what was proposed. He can look for anything bigger.

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Kolick – I think it would make sense, Jason, to table it. Then you could show us a 50 foot width and five feet high and we could look at that. How about the other signs? Let's talk about the other signs since he is here because I just want him to come back one time after this. Let's talk about the wall signs. What is the pleasure of the Board on the wall signs?

Mr. Rusnov – Do they conform with the Code?

Mr. Kolick – The Code only permits one sign.

Mr. Houlé – Wall sign is six feet.

Mr. Sheiban – It would be a three by three foot one sign on a twenty-some thousand square foot building. That's what the Code says is six square feet. What we're proposing is having three signs. That would cover at least two tenants that are taking over 5,000 square feet each and one more basement tenant that we are looking at right now to take 6,700 square feet for a laboratory. Those are the three signs we are proposing for the exterior of the building. The two signs that are there right now are just temporary. We will remove them in either thirty or sixty days, whatever the City permits a sign to be on a building. Those will be coming down and those are not permanent.

Mr. Houlé – In the past when we've granted additional wall signs, the tenants have had to conform with the square footage. They can divide it up anyway they want. It will still have to be within the six square feet, in this case. So, if you decide you want to consider a second sign, the total would have to be within the zoning requirements of six square feet.

Mr. Sheiban – Correct and that's why we're asking for the variance. A six square foot sign for a multi-tenant building at 20,000 square feet with that kind of frontage, it would be a blimp, a little dot by the time you split it up at a minimum of three tenants.

Mr. Houlé – If we're going to get into a bigger sign on the ground sign, speaking for myself, I can't okay multiple signs on the outside of the building. That's the purpose of putting a bigger sign out front.

Mr. Rusnov – That's why I'm suggesting tabling it. We're not in a position to dictate to you other than the zoning. We've been talking for quite some time and we have gotten nowhere. I think you would be smart to go back to the City, table it, talk with Mr. Kolick, Building Department, and set out a plan. Because on the face here, we can't give you some of these variances.

5) **QUICKMED/Jason Sheiban, Representative, Cont'd**

Mr. Roenigk – I know we've talked about this before, Mr. Sheiban, but you can also look into getting this rezoned.

Mr. Rusnov – That would be the answer to your problem.

Mr. Sheiban – Correct. We actually tabled the rezoning two years ago.

Mr. Rusnov – Why don't you explore all the alternatives and do what is best for you and your building and the one that will cause the least amount of grief.

Mr. Baldin – Leave your temporary signs up for the time being, think about it, maybe go back to the drawing board, and maybe you want to think about the rezoning. I'm sure the City will let you have your temporary signs so people will still know you are there.

Mr. Roenigk – I'm sure if you talk to the Building Commissioner, one of us will work out something for you on these temporary signs.

Mr. Houlé – I will need a formal request from you asking us to table this request.

Mr. Sheiban – Yes, I will request to table this.

Mr. Kolick – It's still a public hearing. We need to carry through that.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Then we will formally table this to a future meeting at your discretion.

Mr. Kolick – Jason, talk to the Building Department about bringing down the size of some of these. I don't want to speak for the Board but the fact you get two wall signs is going to be a problem, but I think the size really exceeds what the Code permits by quite a bit. See if you can look at downsizing some of those signs to make it a little bit more palatable, for lack of a better term.

Mr. Sheiban – Okay. Thank you.

Mr. Houlé – There is no item number six.

7) **ZACHARY AND SARAH KUSEK, OWNERS**

Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 15' beyond the main dwelling into the Side Yard Setback; property located at 12132 Edgebrook Drive, PPN 392-24-084, zoned RT-C.

Mr. Houlé – Item number seven is Zachary and Sarah Kusek. If you would come forward and state your name and address for the record.

Mr. Kusek – Zachary Kusek, 12132 Edgebrook Drive, Strongsville.

Mr. Houlé – If you would briefly describe what your project is and why you are asking for a variance.

Mr. Kusek – Our variance today is for a side patio that extends past the boundary of our home. As you see on the map, we've tried to play by the rules in every aspect along the way and this is the first time we're going through this process. It does not impede at all with the fifty foot easement that's on our property that also backs up to the woods. The person directly to the east is also on the committee that approved it from the HOA.

Mr. Rusnov – The topographical issue and the shape of the lot, because it's one of the largest cul-de-sacs, this is your forever home. I saw where you had it staked out. Nobody has any complaints from either side.

Mr. Hayden – We also have HOA approval on this this.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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. Hayden - Mr. Chairman, requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 15' beyond the main dwelling into the Side Yard Setback; property located at 12132 Edgebrook Drive, PPN 392-24-084, zoned RT-C.

Mr. Rusnov – Second.

7) **ZACHARY AND SARAH KUSEK, OWNERS**

Mr. Houlé – Thank you Mr. Hayden for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Kusek – Thank you.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS**

- a) Requesting a 15' 6" Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Deck encroaching 15' 6" beyond the main dwelling into the Side Yard Setback (West);
- b) Requesting a 31.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 4.5' Rear Yard Setback is proposed in order to construct a Deck;
- c) Requesting a .5' Setback variance from Zoning Code Section 1252.15, which requires a 5' minimum Setback from an adjacent property line and where a 4.5' Setback from an adjacent property line is proposed in order to construct a Deck; property located at 18336 Cook Avenue, PPN 396-18-033, zoned R1-75.

Mr. Houlé – Item number eight is Matthew Malizia and Brittany Rector. If you would come forward and state your name and address for the record.

Mr. Malizia – Matthew Malizia, 18336 Cook Avenue.

Ms. Rector – Brittany Rector, 18336 Cook Avenue.

Mr. Houlé – If you would briefly tell us what the project is and why the pool is so far in the backyard as opposed to anywhere else in the yard.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Malizia – The reason we put the deck that way is because you can see it from the kitchen and the sunroom. If we put the deck on the opposite side, we'd be looking straight down into our neighbor's backyard. So, we put it the opposite way so we can see all the kids from anywhere in the yard.

Mr. Rusnov – In other words, it's a safety issue and also the topographical part of this that you have a very limited amount of space. You inherited this mess.

Ms. Rector – Yes.

Mr. Malizia – We have seven kids so we spend a lot of time in the yard.

Mr. Rusnov – Your requirements are minimal. The safety issue is the one that concerns me.

Mr. Baldin – You made a comment about seeing the children from the house. I don't quite understand.

Mr. Malizia – The deck is in the corner where we have the stockade fence. If we turned it to the opposite side, we'd just be looking at the deck, the neighbors. If it is the way it is, we can be sitting in the yard, be in the sunroom, we could be in the kitchen, we could still be able to see the pool.

Mr. Houle – So the deck was kind of blotting out some of the vision of the pool because of the placement of the deck on that side?

Mr. Malizia – Yes. If the deck was the other way you wouldn't be able to see anything but our neighbors. We turned it that way so our neighbors don't see our kids playing in the pool and we can see them from the house.

Mr. Baldin – Do you have any conflicts with any of your neighbors because somebody turned you in.

Mr. Malizia – One of my good friends turned me in. We're friends with all our neighbors. We have one neighbor behind us, but he doesn't say too much to us.

Mr. Baldin – As my colleague said, this one variance is minimal, and you do have a fenced in yard and you've already started, which you probably shouldn't have without a permit, but I can't see having you tear it down for half a foot.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Yes sir, come up and state your name and address for the record.

Mr. Philbin – Aaron Philbin, 18325 Bishop Lane. We are the neighbors behind. The pool was put up last summer, so it's not an inherited problem. I don't want to create a riff or anything. I took a couple photos from behind so they can see what it's like from our perspective. You can get an idea of how we put up a privacy fence and the privacy fence is six feet and if you put a four foot platform only a few feet away from that, anyone who stands on this platform is basically viewing our entire backyard. Generally, there's four points to granting a variance. It's the hardship. I think this is still feasible, and if you went to the property and looked at it, it's a flat property. It geographically possible anywhere on the property. If anything, it's not going to be great for our property value to be able to see this. Anyone in our backyard or anyone on the deck is going to easily view our house. From any window you can see that view. When you look at this variance, there is no variance for the pool itself. We're missing that. If you do the math from the limited drawing that you can see you have four and a half feet plus however big the platform is and that's what nine feet or ten by four and a half. That's not fifteen. I just really think this project can be done under the City's limitations for the Code. You buy a property expecting people to conform to the provisions of the Zoning Code.

Mr. Baldin – It's a privacy issue.

Mr. Philbin – Privacy and safety. Pool things are light and airy and they could blow off into our yard. It's just generally something you think that nobody would build something that close to the fence because they would look at the Code and say this is how it's required. Had the pool been started in the correct process then we wouldn't be here today. It's not like I take any offense to them, I just think it would be better for our property not to have it right there. That's the biggest issue. It's a matter of privacy and all the other variances that you were looking at today are mostly like flat work and slab work and they are not elevated platforms. You're looking at an elevated platform pretty much right at the property line. From the neighbor's perspective it's not great.

Mr. Rusnov – Is it feasible to lower the platform?

Mr. Roenigk – Of course that's possible. Getting in the pool would be difficult. The deck is at pool height.

Mr. Rusnov – So this pool was built without a permit some time ago and the people bought this house in good faith. It's really a catch 22.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Malizia – As he was saying that stuff would be flying into his yard, we were going to put a five foot fence around the backside of it so that we can't see into his yard, instead of four foot rails where you can see through.

Mr. Roenigk – How long have you been in this property?

Ms. Rector – Almost two years.

Mr. Roenigk – And when was the pool put up?

Mr. Malizia - Before we moved in.

Mr. Rusnov – You can't look up the age of the pool because nobody got a permit. Unless someone has common knowledge of when the pool went in, nobody is going to know.

Mr. Baldin – What did you say you were going to put up?

Mr. Malizia – Put up a stockade fence.

Mr. Baldin – So that is not your fence around the property?

Mr. Malizia – It is not our fence.

Mr. Kolick – The question is your elevation higher than his?

Mr. Malizia – Around the pool already. . .

Mr. Kolick – No. Is your elevation, ground elevation higher because what good is putting up a five foot fence if he already has a six foot fence there?

Mr. Philbin – It's a six foot fence behind the pool. The pool is at four feet. If you put up a five foot rail around the back of the deck, the stuff doesn't comply.

Mr. Kolick – Oh, you're talking about a railing now.

Mr. Baldin – You're talking about on the back of the deck.

Mr. Malizia – Yes.

Mr. Baldin – To install an extra five foot fence. Would that be allowed?

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Roenigk – Yes. There's no Code for that.

Mr. Rusnov – He would be building a screen to shield his neighbor's.

Mr. Malizia – Basically, yes.

Mr. Rusnov – Could that be written into the variance or they agree to it?

Mr. Kolick – What's that?

Mr. Rusnov – To put up a screen.

Mr. Baldin – To require a privacy screen.

Mr. Houle – This comes back to the point I brought up at the very beginning. They have a very deep backyard, but yet they put it within five feet of the rear yard and there's supposed to be thirty six feet. That to me is even a bigger issue than what you're saying with the visibility issues, and on top of it to put a deck there and you can see those beams coming up quite high.

Mr. Rusnov – But they bought the house and the previous owner put the pool in without a permit.

Mr. Philbin – I'm not trying to create a riff, but I literally saw them putting the pool in.

Mr. Baldin – So the pool was put in last season?

Mr. Philbin – That 100% the truth.

Mr. Baldin – So the pool was put in without a permit. It's in the wrong position because it's too close to the property line. So, they didn't get a variance to even put the pool in.

Mr. Philbin – Even if I think the pool is there incorrectly, shouldn't it have to get some sort of variance? But I'm telling you I literally saw the pool get put in.

Mr. Kolick – Whether they put it in or it was there before, it doesn't matter. It was put in without a permit. We just can't ignore that. Now if we issued a permit for it, that's a different story. But if it was put in without a permit, I don't care when it was put in, now they want to do something to exacerbate the rear yard setback, a problem that's already existing, that doesn't make sense.

Mr. Rusnov – What's your suggestion?

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Kolick – You better look hard before you grant the variance. That's a big variance. I don't care about their half foot variance. That's one thing. But at thirty six feet that is a major variance. If it was put back where the setback required it to be, then it wouldn't be impinging on their yard. It would be thirty six feet away.

Mr. Rusnov - So we have to handle the variances as a group?

Mr. Kolick – No, you can separate them. If you want to grant one and not another, you have the right to do that. You just bring them up separately.

Mr. Rusnov – So in other words (b) would be the one that's the sore issue.

Mr. Kolick – I would think so. It's moving it within four and a half feet of the property line.

Mr. Rusnov – So the information that we got that it was built without a permit is correct, it is just when it was built.

Mr. Kolick – Again, I don't think it matters as to when it was built. It was built without a permit. We didn't issue any homeowner a permit. Whoever buys it, it goes on them for not checking into it beforehand.

Mr. Rusnov – So we'll vote separately on all three of these.

Mr. Kolick – You can.

Mr. Rusnov – Do I have to make a motion to that effect?

Mr. Kolick – No. You just bring up (a) and vote on it, bring up (b) and vote on it, bring up (c) and vote on it.

Mr. Rusnov – That sounds like a solution.

Mr. Houle – Well (a) and (c) don't make much difference if you're going to deny (b) because the pool cannot stay within four feet of the back rear yard. That's the whole gist of the problem.

Mr. Rusnov – This is a huge mess that we have to react to.

Mr. Baldin – Would a privacy barrier be satisfactory to you?

Mr. Philbin – I don't think it will help much. If you were to walk in the backyard and check out to see that the yard is flat. The pool could have gone anywhere and complied with the setback

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Philbin continues - requirements. It's just a bad location to put it. It was a poor location choice and now it's compounding the issue by putting a deck around it. Something that's semi-permanent becomes permanent once you put a deck around it.

Mr. Hayden – It's not an inground pool. It's a surface pool.

Mr. Philbin – If this was flat work, we'd have no problem.

Mr. Kolick – You should vote on the variances as they are, separately or as a group.

Mr. Houlé – I say keep them all together.

Mr. Rusnov – Mr. Kolick, what do you think?

Mr. Kolick – That's fine. Just see if anybody else wants to comment.

Mr. Houlé – Is there anybody else in the audience who wishes to speak against the granting of this variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Hayden - Mr. Chairman, Requesting a 15' 6" Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Deck encroaching 15' 6" beyond the main dwelling into the Side Yard Setback (West); (b) requesting a 31.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 4.5' Rear Yard Setback is proposed in order to construct a Deck; (c) requesting a .5' Setback variance from Zoning Code Section 1252.15, which requires a 5' minimum Setback from an adjacent property line and where a 4.5' Setback from an adjacent property line is proposed in order to construct a Deck; property located at 18336 Cook Avenue, PPN 396-18-033, zoned R1-75.

Mr. Rusnov – Second.

Mr. Houlé – Thank you Mr. Hayden for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL NAYES:

MOTION DENIED

Mr. Houlé – Your request for a variance has been denied.

Mr. Kolick – That's all we have to worry about tonight.

8) **MATTHEW MALIZIA AND BRITTANY RECTOR, OWNERS, Cont'd**

Mr. Baldin – Do you have any questions?

Mr. Malizia – Somebody's saying the pool is five feet from his fence? That's what you are saying?

Mr. Hayden – Four and a half feet is what it says on the deck. There are no measurements on the pool.

Mr. Baldin – When you put the pool in the ground without a permit, you're still too close to the property line. You would have needed a variance back then.

Mr. Houle – Thirty six feet was the required distance from the rear yard to where the pool would begin to encroach.

Mr. Rusnov – The deck. The pool has to be fifteen from any property line.

Mr. Malizia – The deck is almost fifteen feet plus five feet.

Mr. Baldin – From the fence?

Mr. Malizia – The deck is every bit of ten feet plus four and a half feet.

Mr. Kolick – We're not going to resolve anything else here. Let's move on to the next item. If he has any other questions, he can go to the Building Department and talk to them.

9) **PHILLIP SZUNYOG, OWNER**

Requesting a 7' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 9' Setback from the right-of-way is proposed in order to install a 5' Aluminum Fence; property located at 19429 Winding Trail, PPN 392-22-027, zoned R1-75.

Mr. Houle – Item number nine is Phillip Szunyog. If you would come forward and please state your name and address for the record.

Mr. Szunyog – My name is Phillip Szunyog, 19429 Winding Trail.

Mr. Houle – Please tell us briefly what you are asking for.

9) **PHILLIP SZUNYOG, OWNER, Cont'd**

Mr. Szunyog – We're asking for a variance to put up a five foot aluminum fence in line with an existing fence on the property immediately to our south. It would not look right aesthetically if there was a big gap there and it does bisect our backyard. We are on a corner lot. It will be a fence you can see through and it would come just inside to the north of the back of the house. I don't believe there would be any problems with the corner.

Mr. Hayden – It just goes up to the rear edge of the house?

Mr. Szunyog – Yes.

Mr. Hayden – And it attaches to the house on both sides?

Mr. Szunyog – Yes.

Mr. Baldin – I don't see any sight distance problems with the way they are planning to put it.

Mr. Rusnov – And he's following the existing fence line of the other fences.

Mr. Hayden – We have a letter from the HOA granting approval.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? If you would please come forward and state your name and address for the record.

Mr. Ferree – J. Andrew Ferree, 19474 Winding Trail. I'm the neighbor to the north. It's the same fence I have. It's beautiful and attractive. It will be an asset to the neighborhood and the house. I'm in favor.

Mr. Houlé – Is there anyone in the audience who wishes 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. Baldin - Mr. Chairman, requesting a 7' Setback variance from Zoning Code Section 1252.17 (c), which requires a 16' Setback from the right-of-way and where a 9' Setback from the right-of-way is proposed in order to install a 5' Aluminum Fence; property located at 19429 Winding Trail, PPN 392-22-027, zoned R1-75.

Mr. Rusnov – Second.

9) **PHILLIP SZUNYOG, OWNER, Cont'd**

Mr. Houlé – Thank you Mr. Baldin for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Szunyog – Thank you.

10) **MARTIN SWITALSKI, OWNER**

Requesting a 20' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a 264 SF Addition; property located at 15251 Forest Park Drive, PPN 398-16-058, zoned R1-75.

Mr. Houlé – Item number ten is Martin Switalski. If you would come forward and give us your name and address for the record.

Mr. Switalski – Martin Switalski – 15251 Forest Park Drive.

Mr. Houlé – If you would briefly explain why you are requesting this variance.

Mr. Switalski – We are looking to put a small addition on the back of our house for an office and storage. Our backyard is very shallow and we're increasing our family size from four to five come August. We're kind of bursting at the seams. For two little kids right now and adding a third we will be at maximum capacity. Working from home I do need that space plus there is very limited storage in our house.

Mr. Hayden – I think Mr. Switalski covered it. Those backyards are very, very shallow. Not much else you can do there. I'd also like to mention that I am a Trustee for Forest Park HOA, so I will be abstaining.

Mr. Houlé – We do have HOA approval on this.

Mr. Baldin – Since you are abstaining, it will take three votes to approve this request.

10) MARTIN SWITALSKI, OWNER, Cont'd

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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. Baldin - Mr. Chairman, requesting a 20' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a 264 SF Addition; property located at 15251 Forest Park Drive, PPN 398-16-058, zoned R1-75.

Mr. Rusnov – Second.

Mr. Houlé – Thank you Mr. Baldin for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:	MR. RUSNOV:	AYE	MOTION PASSED
	MR. HOULÉ:	AYE	
	MR. HAYDEN:	ABSTAIN	
	MR. BALDIN:	AYE	

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Switalski – Thank you.

11) PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative

- a) Requesting a 45' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Patio encroaching 45' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 0' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 0' Rear Yard Setback is proposed in order to install a Pool Concrete Patio; property located at 15660 Walnut Creek Drive, PPN 393-29-011, zoned PDA-2.

11) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**
Cont'd

Mr. Houlé – Item number eleven is Kempton on Walnut Creek.

Mr. Gibson – Chris Gibson, R.A. Kalfas Construction, 12001 Prospect Road, Strongsville.

Mr. Houlé – Just briefly tell us what they are requesting to do.

Mr. Gibson – We're looking to pour additional concrete. They have an existing pool in the backyard. They have an existing concrete slab in the backyard. I'm going to propose to pour within a foot of the property line on the back and side which would put me 1' away. The fence line runs where I marked pins. The pins are on the fence line. Brian, the measurements that you have would be a foot off the back and the side. Filling in that with additional landscaping and gravel for water runoff. They are looking to improve the backyard area for family use. They do get a lot of water back there. I believe it's been proposed a couple of times to look at that water runoff there. I do not have HOA approval yet. I was hoping I would get a verbal this evening. We have requested that multiple times without response.

Mr. Kolick – Did they tell you they were going to give you some response?

Mr. Gibson – There is a backstory which I will discuss with Brian at a later time. We are currently building a master suite addition above their garage. That started this week. No variances were required for that permit; however, in the age of Google, I looked for Strongsville HOAs, Walnut Creek, nothing shows up. Therefore, I assumed when I was doing the paperwork eight months ago, Walnut Creek did not have an HOA. We filed for that HOA request as well as the concrete. Both have yet to be signed.

Mr. Kolick – Chris, when they filed the application, they showed they had a HOA. That was on June 2.

Mr. Gibson – For the concrete.

Mr. Kolick – No, for the variance.

Mr. Gibson – June 2, 2022 for the concrete variance.

Mr. Kolick – No, all I'm saying is that when they filed for the variance on June 2 they indicated that there was a HOA.

11) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**
Cont'd

Mr. Roenigk – Chris was talking about the addition.

Mr. Gibson – I'm talking about the addition that he's not signing off on. I think he's holding the signature for the concrete because we didn't go through him for the signature for HOA approval for the addition.

Mr. Kolick – Normally we require something from the HOA or at least for the next meeting and then if the HOA again doesn't respond, then we usually take action on it. It's probably the best thing to do with this application as well. We're not going to hold it up because they're not signing it because they don't like something else you're doing, but I know that's what you're saying, but we haven't heard from them.

Mr. Gibson – My customer is also on the HOA Board. I came to find that out, but he's not the guy signing the HOA for the variance.

Mr. Baldin – What about the concrete going to zero?

Mr. Kolick – We've never granted any to the property line and we really can't do that because with concrete there is going to be some natural runoff. No matter what it's going over onto someone else's property.

Mr. Gibson – The measurements are within a foot off of the property line which is the fence line.

Mr. Kolick – So you're suggesting to reduce this to have one foot off the property line.

Mr. Gibson – One foot off the property line.

Mr. Roenigk – Engineering has not seen this. If you have an issue with water I can also take this to Engineering for our next meeting.

Mr. Kolick – There's another reason we should probably table this. You talk to your customer who's on the Board to see if he can get the Board to respond one way or the other. I don't care how they reply.

Mr. Gibson – The water runoff, I think they butt heads because he's asking for this other guy to look at the water runoff that's pushed into his backyard.

11) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**
Cont'd

Mr. Kolick – Talk with our Engineering Department, too. I don't want to take any action without our Engineering Department saying one foot is proper. They may say one foot is fine, I don't know, but let's see what they have to say.

Mr. Roenigk – So we are requesting to take it to Engineering?

Mr. Kolick – Yes. So, with your permission, we will go ahead and table this until our next meeting.

Mr. Gibson – You have my permission.

Mr. Kolick – Get with the Building Department to revise any drawings they may need. Brian will get with Engineering, and see what you can do about the HOA. If they refuse to give us something, and we've had this before, we'll act even without it, but I'd like to give them an opportunity to tell us what their thoughts are. If they're thoughts are that they are just not going to do anything because they don't like something else you're doing, we're not going to hold it up for that reason.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed.

12) **JON ROBERT, JR. AND KRISTY PIETRUSZKA, OWNERS/Ed Lechler with Rock**
Bottom Lawn and Landscape, Representative

- a) Requesting a 37' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Sport Court maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Sport Court encroaching 37' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 24' Rear Yard Setback variance from Zoning Code Section 1252.16 9 (e), which requires a 36' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install a Concrete Sport Court and Retaining Wall;
- c) Requesting a variance from Zoning Code Section 1252.15, where one (1) permitted 704 SF Accessory Structure (Shed) exists and where a second 320 SF Accessory Structure (Pavilion) is proposed; property located at 12755 Arbor Creek Drive, PPN 398-27-060, zoned R1-100.

12) JON ROBERT, JR. AND KRISTY PIETRUSZKA, OWNERS/Ed Lechler with Rock Bottom Lawn and Landscape, Representative, Cont'd

Mr. Houlé – Item number twelve is Pietruszka.

Ms. Pietruszka – I'm Kristy Pietruszka, 12755 Arbor Creek.

Mr. Lechler – Ed Lechler, Rock Bottom Landscape, 12565 Prospect Road, Strongsville.

Mr. Rusnov – Before you get started I've got a few things to say. This property is unique, a one-of-a-kind, custom built luxury class home on a very secluded lot with limited topography, not visible from the street with a private drive. We've granted numerous variances on this street because of its unique nature. The quality of the landscaping currently is superb. I have no issues with this because nothing is visible from the street. There's nobody behind and nobody to either side.

Mr. Houlé – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes 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. Baldin - Mr. Chairman, requesting a 37' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Sport Court maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Sport Court encroaching 37' beyond the main dwelling into the Side Yard Setback; (b) requesting a 24' Rear Yard Setback variance from Zoning Code Section 1252.16 9 (e), which requires a 36' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install a Concrete Sport Court and Retaining Wall; (c) requesting a variance from Zoning Code Section 1252.15, where one (1) permitted 704 SF Accessory Structure (Shed) exists and where a second 320 SF Accessory Structure (Pavilion) is proposed; property located at 12755 Arbor Creek Drive, PPN 398-27-060, zoned R1-100.

Mr. Hayden – Second.

Mr. Houlé – Thank you Mr. Baldin for the motion and Mr. Hayden for the second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Houlé – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

12) **JON ROBERT, JR. AND KRISTY PIETRUSZKA, OWNERS/Ed Lechler with Rock
Bottom Lawn and Landscape, Representative, Cont'd**

Ms. Pietruszka – Thank you.

Mr. Houlé– May we have a Findings of Fact and Conclusions of Law on item number 8?

Mr. Kolick – Yes.

Mr. Houlé - Is there anything else to come before the Board? If not, then we are adjourned.


Mr. Houlé, Vice Chairman


Kathy Zamrzla, Secretary


Approval date