

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

**Meeting of
May 9, 2018
7:30 p.m.**

Board of Appeals Members Present: David Houlé, Richard Baldin, John Rusnov, 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) THOMAS BOUTALL, OWNER

- a) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool;
- b) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (South) is proposed in order to install an In-ground Swimming Pool; property located at 21385 Oakhurst Lane, PPN 393-11-041, zoned R1-75.

The Board noted that this is a side yard setback for a swimming pool and it's the same situation that their neighbor has across the street. They also noted that the topography in the backyard makes it difficult, but they debated whether they should get it in line with their fence in order to eliminate the side yard variance. They also noted that it wasn't staked out yet so it was hard to determine just looking at the yard. They also mentioned that the wetlands behind them has been abated, but they're waiting for a revised topo that will show them exactly. They also stated that the owner claimed the Army Corp had been out to the land, and they intend on giving them a letter. They have not received anything yet.

2) AARON LIME, OWNER

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 23' encroachment into the Rear Yard Setback is proposed in order to construct a deck; property located at 9524 Brushwood Lane, PPN 398-11-084, zoned R1-75.

The Board debated if this is inappropriate so close to the deck. They noted that there is a common area between this property and coincidentally the Lipovits development. They also stated that there is no active HOA. They also mentioned that it has been staked out. They noted that there is 16' diameter pool with an attached sunroom with sauna and covered porch.

3) **LOVE FARM DEVELOPMENT/Greg Modic, Representative**

Requesting a 198 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,198 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 11405 Love Lane, PPN 392-01-080, zoned R1-75.

The Board noted that all the existing houses have three car garages. They wondered why this one is a little larger than the neighbors, and why they need the variance. The Board found no other issues with this variance request.

PUBLIC HEARINGS

4) **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 the CIPTED officer reported no issues with this application request, and that there is a letter of approval from the HOA as well.

5) **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 New 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, subplot 6, PPN 398-27-056, zoned R1-100.

The Board noted that item (b) should not be on the agenda for the evening. The Board debated the size of the garage, and also whether the Zoning Code should be amended to allow these larger garages instead of granting variances for each of these larger luxury homes. They also mentioned that they have a HOA letter of approval.

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

- a) 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;
- b) 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;
- c) 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 the developer has reduced the number of sublots by four in Phase II to increase the square footage of each lot so they all meet the current Zoning Code requirements for square footage. The Board declared that they will likely be seeing thousands of cases similar to this one because Council made these regulations into a legal non-conforming situation so now all these properties will need variances. They also questioned whether it should be reconsidered by Council to prevent such a problem. The Board was informed that they have received a number of letters of disapproval from residents and the HOA. They also were informed that there are issues with the wetlands and topography that the Planning Department is still dealing with as well.

7) **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 noted that the entire square footage of the existing foundation is 1188 SF, and that it means he built it at 44' in length rather than 40' which was what the Board previously approved. They also mentioned that they have no obligation to conform to an illegally built foundation from their previous decision. They also debated if there is any sort of hardship that he has to overcome in order to warrant granting the variances that he's requesting.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
May 9, 2018**

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

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

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

Mr. Houlé – Good evening ladies and gentlemen. I would like to call this May 9th, 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 BUT MR. EVANS

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

Mr. Smeader – Second.

Mr. Houlé – Thank you, may we have another roll call please?

ROLL CALL: ALL AYES

Mr. Houlé – Thank you. 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 no minutes tonight from our last meeting to review. However, we do have Findings of Fact and Conclusion of Law regarding the Cameron Allie Development Group, LLC and the decision of this Board on April 11th, 2018. If there are no questions or discussion, may I have a motion to accept those please?

Mr. Baldin – I'd like to make a motion to accept the Findings of Fact and Conclusions of Law regarding the Boards decision at our last meeting for the Cameron Allie Development Group, LLC.

Mr. Smeader – Second.

Mr. Houlé – Thank you, may I have another roll call please?

ROLL CALL: ALL AYES

Mr. Houlé – Thank you. Our meetings are divided into two portions. First is new applications, and then we'll move on to our public hearings. 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.

NEW APPLICATIONS

1) THOMAS BOUTALL, OWNER

- a) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool;
- b) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (South) is proposed in order to install an In-ground Swimming Pool; property located at 21385 Oakhurst Lane, PPN 393-11-041, zoned R1-75.

Mr. Houlé – Thank you, Mr. Kolick. First on our agenda is Thomas Boutall. Please come up to the microphone and give us your name and address for the record.

Mr. Boutall – My name is Tom Boutall, 21385 Oakhurst Lane, Strongsville.

Mr. Houlé – Thank you, could you briefly state your request for us and the reason you find the variance to be necessary to your project.

Mr. Boutall – I have one question, so there are four members, and not five but that doesn't really impact me because you're not making a decision today correct?

Mr. Houlé – We will not be making a decision today that will be at our next meeting.

Mr. Boutall – Great. I certainly hope all these folks aren't here because of my project. I hope that's the case. I believe you all have a picture of the plat map that shows the project.

Mr. Houlé – Yes we do. Thanks.

Mr. Boutall – OK, great. I'm requesting a variance from the 15' setback for a pool. This is the side and back setbacks. It's for the concrete decking for the pool. Part of the features that maybe don't come out clearly on the plat map that impact the project is that the property slopes from front

1) **THOMAS BOUTALL, OWNER, Cont'd**

Mr. Boutall continues - to back. I have a walkout basement so it's much higher in the front than in the back. It also slopes out the back from right to left. The property is also adjacent to a common area to the back which is south, and there is a common area walkway that comes up on the eastern portion of the property. In effect the places where the variances are being sought are butted up against common property. Then on the eastern side is a resident.

Mr. Houlé – OK.

Mr. Boutall – The pool location was selected because that is the flattest location in the backyard. So that's the easiest place to construct anything. It's on the side that's near the basement walkout which cannot be seen on the drawing, but if you look there's a little thing that says concrete pad there's a walkout basement there. So we wanted to have the pool as close to that side as possible. It's also the side that if you look out the kitchen window above that screen so we could see portions of the pool for safety. Initially the pool was pushed closer over to that common area side on the east, but at that time I was talking with the pool contractor and the surveyor and they said that I'd have to ask more of the BZA because then I'd have 10' into that 15' setback. So they said that I might consider moving it to make my request lesser, and that it just makes sense to put it on the flattest surface of the property. That is the reason it was not slid over in that direction. Due to the slope there is also an 18" wall which is what you probably see on the drawing. If you went out there already, the current existing fence will be taken out. It will be gone, and then the new fence will basically go to the property line. The variance is sought so that the pool can be located in the most logical area, and that the pool utilization can be maximized. The goal is to get the maximum benefit out of the pool and the yard with the layout as its configured. My family and I believe that what we're asking is minimal and that the property conditions play a role in where we're locating the pool, and that granting the variance will have no impact to the most affected adjacent property owners. Also that nothing being requested is contrary to the purpose or objections of the Code. We are just asking to place concrete in that lot setback area, it's not the pool itself, and it's not an accessory building. It's just concrete that will be four inches thick at ground level so it's not much of a change from the setback area. It's just going from grass to concrete. The Homeowners Association is not opposed to it, so we hope if it's good enough for them that it's good enough for the City as well. We also think that the request is not contrary to the City's Zoning Code. It allows in several areas for concrete to be within a 15' setback area as I understand it. For instance, I think driveways are permitted in side yards that are not less than 10'. So if even vehicles can be in that area, we're hoping that the kids and family could be in that area as well. Also my other point with that is that under 1252.29 (b)(1), which is the area in question here, it says that the pool and accessory buildings and equipment and structures can't be located in that 15' setback, so I'm not sure if we're saying that concrete is the pool or any of that. That's not the concern of mine, but what I do know is that up until some point in 2015, homeowners could get a pool permit without needing a variance if the concrete was located in that 15' setback. A neighbor 5 or 6 houses down from me has the permit, and they didn't need a variance. There's also two other pools in my development where they got the pool permit as well. The wall of the pool is up against the setback

1) **THOMAS BOUTALL, OWNER, Cont'd**

Mr. Boutall continues - and then the concrete is within it. They didn't need to get a variance, so what that tells me is that if you grant the variance, you're not setting a new precedent. There are other folks in the development including the neighbors across the street have already been approved for a similar variance. So we certainly won't be the first. For these reasons, we ask that the variance be granted, and I'm happy to answer any questions you might have.

Mr. Houlé – Thank you for your very thorough explanation, and you're right we have a letter from your HOA. Your neighbors Debencik are they the ones to the east then?

Mr. Boutall – Yes.

Mr. Houlé – Yes, OK. Good. I ask that you just stake out the proposed four corners of the pool so we can get a perspective when we go out there.

Mr. Boutall – The pool or the concrete? I could do both.

Mr. Houlé – Well, the decking. The area that needs the variance. Are the pine trees in the rear coming down?

Mr. Boutall – That's not my land.

Mr. Houlé – Then ignore that question. That's all I had.

Mr. Baldin – Your property is very deceiving. If you're walking back there, all the sudden BOOM, you're going down that hill, and it can make you almost lose your balance. So I can see that it's the only place you could possibly put that pool. There's common ground, and then I saw that pathway, so I thought to myself where could this pool go?

Mr. Boutall – There's a 12' or 15' strip, which is not an easement, it's the actual permanent parcel for the Homeowners Association. So that parcel has a strip that comes from the sidewalk to the wooded area, and then it branches out behind me and goes way down.

Mr. Baldin – What's all the way behind the woods?

Mr. Boutall – The park?

Mr. Kolick – Volunteer Park.

Mr. Boutall – Right.

Mr. Rusnov – Is this the one that we are going to get the letter from the Army Corps of Engineers?

1) **THOMAS BOUTALL, OWNER, Cont'd**

Mr. Kolick – Have you received any kind of confirmation from the Army Corps yet that this area is no longer in a wetlands?

Mr. Boutall – I have not. The Army Corps, as you know, are very diligent to getting back to you. I say that kiddingly, of course. So I've been working with them for about two months, and I got a phone call from them on April 19th, and they asked if I could be at the house in 30 minutes, so I had to leave work and rush home. Paul Wetsall from the Army Corps of Engineers came out and we walked in my backyard, and he asked me where the wetland is. I showed him where it was, and he said it's not a wetland. I pointed out that it's on the map as one, and he said I don't know what the map says but that's not a wetland. He said, I thought you were putting it in the back where those woods are. I said, that's not even my property. I don't own that. He said I don't know what the situation was when this map was created, but I can tell you that this is clearly not wetlands now. You don't need a permit. I'll just write you a letter. He said to send him a picture of the property, so I did the next day. I'm still waiting for this letter from him that says I don't need it.

Mr. Kolick – Just be aware that before the Building Department is in a position to issue any permit you will need to get that letter.

Mr. Boutall – I assumed that would be the case. I didn't know if that was something that would effect this Board's action.

Mr. Kolick – It won't hold up this Board, but it will hold up action on granting a permit. So sometimes the squeaky wheel gets the grease.

Mr. Boutall – It will hold up me sending money to my pool contractor as well, so I'll be on top of it.

Mr. Houlé – Thank you very much. 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 23rd. 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. Boutall – Thank you.

2) **AARON LIME, OWNER**

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 23' encroachment into the Rear Yard Setback is proposed in order to construct a deck; property located at 9524 Brushwood Lane, PPN 398-11-084, zoned R1-75.

Mr. Houlé – Alright, second on the agenda then is Aaron Lime. Please come up to the microphone and give us your name and address for the record.

Mr. Lime – I'm Aaron Lime, 9524 Brushwood Lane, Strongsville. I'm here tonight requesting a 9' rear setback variance to construct a pool deck around an existing pool. The pool was put in last year, and it was approved by the City. Now I need to construct a deck around the pool. If you've been to my property or when you go to the property, you'll notice that due to the topography of the land, the slope of the back yard creates only one location where the pool could possibly be. I also own and maintain Block A which is the land directly behind my property. Like I said, it was approved last year by the City, and I've spoken with most of my neighbors. Most of them are here this evening, and I have not had any objections to the variance for the deck. I can answer any questions that you might have.

Mr. Houlé – Is the fire pit and swing set that is there now, is that on your property or the next one over.

Mr. Lime – The swing set is on Block A. Block A was purchased by the former owner before I purchased the property, and when I took ownership it should have been all consolidated into one.

Mr. Houlé – OK. Are there questions from the Board?

Mr. Rusnov – No.

Mr. Baldin – I have not been out to look at the property yet, so until I do I'll reserve my questions.

Mr. Kolick – Just to note, I believe Block A is still a separate parcel. I don't think it was consolidated to the best of my knowledge in with this property. Not that is dispositive one way or another, but just to let you know. That was originally designated as common area for the HOA. I don't believe that Maple Brook is an active HOA though. Is it?

Mr. Lime – No, you're correct.

Mr. Kolick – So there's probably not anyone for him to address to get a letter from. At least that's my understanding. Do you want to have him stake it out so you can see where this will be?

Mr. Lime – I have the deck location staked out currently.

Mr. Kolick – Good.

2) **AARON LIME, OWNER, Cont'd**

Mr. Houlé – Yes, I saw that already. OK. If there's no other questions then 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 23rd. 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. Lime – Thank you.

3) **LOVE FARM DEVELOPMENT/Greg Modic, Representative**

Requesting a 198 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,198 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 11405 Love Lane, PPN 392-01-080, zoned R1-75.

Mr. Houlé – OK. Application number three, Love Farm Development. Please come up to the microphone and give us your name and address for the record.

Mr. Modic – Greg Modic, 17198 Goldrush Drive, Strongsville. I'm here on behalf of multiple people. I'm with Petros Development Group, so I'm here on behalf of Petros Homes for them. I'm also here for the homeowner who is wishing to build this home in Love Farm development. As the homeowners came in their goal was to design the house to fit within the community, and they also had a need for more space in the garage because they collect vehicles. As the home team started off on the design process, I'll tell you that in fact they had a larger garage in mind that utilized the entire 10' setback they were allowed to have on the right hand side over there. It would have required a request for a possible 100 SF. So when they brought it front of me, being that I've been in front of this Board before and many others in Strongsville, they asked my opinion. I told them that it looks great from an elevation perspective, but what I know for a fact is that the Board will ask, and should ask, if you've explored all options to reduce or eliminate that variance. So we did reduce it down to what you guys have in front of you tonight. We provided a little more space on the side yard setback, but unfortunately we weren't able to get below the 1000 SF. The unique situation they have is that they are not only a collector of vehicles, but they are proposing a lift which is in a separate garage from the others. It requires a bit of additional space not only for the lift, but to also store equipment around it. The exterior of the house fits well within the community. They did a great job, I think, designing it. Driving down the street, I don't think you'll get the feel that there's a really big garage out there in front of it. Instead it tucks nicely inside the house quite nicely. I will be glad to answer any questions you may have this evening or get out and do anything over the next two weeks prior to coming back in front of this Board.

3) LOVE FARM DEVELOPMENT/Greg Modic, Representative, Cont'd

Mr. Houlé – Thank you, I've already been out to look at it. As I noted in caucus, the four houses that are prior to getting to this location all have three car garages also. So there's really no alarm bells that go off regarding that. So I'm OK with that. Board members, do you have any questions or comments?

Mr. Rusnov – No.

Mr. Baldin – I've been out to look at it, and I have to concur with what you've said that the size of the houses and the lots that are in that development start at \$400K plus some. I don't see any problem with them looking for approximately 200 SF more.

Mr. Houlé – Thank you. I see we already have a letter from the HOA who have also given their blessing on this project so, we'll let the record recognize that as well. If there are no other comments, then again 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 23rd. 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. Modic – Thank you for your time this evening. See you in a couple weeks.

Mr. Houlé – Thank you.

PUBLIC HEARINGS

4) 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. Houlé – OK, then next on our agenda are our public hearings. First for the evening is Gabriel and Fida Kirsch. Please come up to the microphone and give us your name and address for the record.

4) GABRIEL AND FIDA KIRSCH, OWNERS, Cont'd

Mr. Baldin – May I interject something first? I think someone brought it to our attention that depending on how many Board members are up here whether the vote would be valid tonight. You might want to explain that about how unless there's only three members here, Mr. Kolick, do you think you could explain?

Mr. Kolick – We normally have five members and there are times when we can quorum with only three members, but we typically let applicants know before a public hearing that you have an option of hearing it tonight or waiting until we have more Board members here to vote. Usually it's not done when we have four members because you can still have three vote in favor and one against and it would still pass. If someone would like to elect to wait until we have a full Board, then they can simply tell us that's what they'd like and we'll act accordingly. Thank you.

Mr. Houlé – Thank you.

Mr. Rusnov – That applies to everybody in the room.

Mr. Kolick – That applies to all the applicants. They are the ones that would have to request that.

Mr. Houlé – Yes, please state your name and address.

Mr. Kirsch – Gabriel Kirsch, 14255 Peppercreek Drive, Strongsville. The reason I'm here today is to request a variance to put in a fence 6' closer to the right of way sidewalk than the Code allows.

Mr. Houlé – Thank you. At our last meeting we asked that the Police go out and check for any safety concerns with line of sight issues, and we got the report back so those of you who were in caucus you heard that they have no issues at all with you putting the fence in that location. We also have a HOA letter of approval giving no objections also so we'll let the record reflect that as well. Questions or comments from the Board?

Mr. Rusnov – No.

Mr. Houlé – 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 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. Smeader – Second.

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

- a) 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;
- b) 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;
- c) 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.

Mr. Houlé – Item number six then is Pine Lakes Development. Mr. Lipovits could you please come up to the microphone please?

Mr. Lipovits – Good evening, Paul Lipovits, 35620 Grafton Eastern Road, Grafton, Ohio.

Mr. J. Lipovits – Joe Lipovits, 7676 Saratoga Road, Middleburg Hts., Ohio.

Mr. Lipovits – About a month ago we proposed to complete Rosalie Lane, Phase II. Which we were here two weeks ago about. As you know, when we started the development there were no variances needed and everything was platted out, but because of the recession and such it was a good idea to not complete. We're now in the process of starting Phase II because my father doesn't want to build anymore, so we're trying to take another route. We'll still have control over our property and be an overseer of the lots that are going in, as well as who will be buying the lots. We might even do one ourselves, who knows. Now we're here looking for three variances by request to meet the only thing that we could control on our own was the width of the lots. Juniper and Brushwood are surrounded on both sides with wetlands, and so the piece of property is only so wide. We could make the lots wider, which we did with a separate plat that was dropped off last week. Although we'd prefer to go with the original plat because we feel that going with those lots because of how they will look, we believe it'll keep the aesthetic consistent, and make the look of the properties flow throughout the street. Our reason for dropping off the other plat is obviously because we don't want to be turned down either, and it would be a very long process. We had a meeting with the Association last Wednesday, per your request, and I was trying to get that taken care of, and we did. I believe we answered all their questions, and sent them all a letter which you should all have a copy of, which shows the same. I think we eased a lot of minds that night. I think we addressed what's going to happen with the existing lots, and what's going to happen with the future lots. We also addressed the sewers, since we'll have separate sewer systems from

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Lipovits continues - Brushwood from Juniper, and it'll make their flooding situations better. The natural land just goes wherever it wants. The Engineer in the first Phase did very well with his plan to remove the water that is there. In talking to the Building Department, there has never been a problem on Rosalie Lane. I spoke with the City Planner again, and he was on board with still keeping the same look going through the phases. I had a meeting with Mr. Kolick, the Engineer, and the City Planner at one point, and you can correct me if I'm wrong, but I want to say that they were all on board with trying to keep those lots the same look going throughout with the same width size that it was originally. I understand that there's a new Code at this point that changed since we started. Also the City will lose a lot of money, because they'll lose approximately 30K on building permits just on those four lots. They'll lose between 24K and 28K for four lots and property taxes. It's estimated, but it should be a pretty good estimate. The Association will lose \$800 per lot when it's put in for the Association fees plus another \$1,000 roughly in Association fees. So they're losing over 4K some dollars, which is unfortunate. The big picture is that the whole idea for making this rule was for Council to basically stifle building a little bit and have less people in the City, but they're taking a community of 40K people and reducing it by like 10 people. It makes no sense, and I'm just trying to make my point. We'd like to keep it as is and the lots basically the same as in Pine Lakes. Our lots as they are in the first Phase that was put in are already bigger than the lots on Juniper, and many of them on Brushwood also. If not all the lots on Juniper. I believe they are about 1200 SF larger. So that's 10% right there, and that's with the lots that were previously proposed. We're basically putting this on the Board. We'd like to continue, we've had a very good track record in the City. My father has been working here for 60 years in this City. I've been working with him since I was knee high to a saw horse basically. We still like doing what we're doing, but we have three options basically. We can either make the change that we did on the plat, or go with the original plat and possibly get turned down completely, or we could just say we're going to sell the property off and then it's a whole new situation. Then I don't know who wins at that point because I think people like what we do, and what we've done in there, and in other parts of the City. If they just say we don't need it, let's move on, we could do that too. That would be unfortunate. My dad doesn't like that idea. He likes to play in the dirt, and I do too. It's still something we do. So that being said, I hope you understand our situation, and if the homeowners or the Board have questions we'll be happy to answer them.

Mr. Kolick – A couple things before we open it up to the public. You should understand that the aim of Council is not to try and reduce the population in any way, shape, or form. The aim of Council was to have more open area. We want more permeable soil in order to have more trees, and air between houses, and help resolve drainage problems. That's why they increased the lot size. They want it to be more aesthetically pleasing. That's within their discretion to do so, but it wasn't in any way to reduce the population of the City.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Lipovits – I'm sorry to interrupt, but it was said, and it's in the record. I have it documented that it was people and traffic that was an issue.

Mr. Kolick – That's correct, and they did note traffic too, but those were their main things. You listened to what the Board said at the last meeting, and you have made the lots sizes comply and that's what we have on our agenda to act on tonight. If you want to go back, and it's your choice, we'll act on whatever you want them to act on. You have to tell them though for sure if you want the original plat or the revised plat. I can also tell you that regardless of what this Board does, if your variances are granted, there's an opportunity for City Council to review their determination. At least one member of the City Council who sits on the Planning Commission certainly stated that it was his preference that you meet the square footage on the lots anyway. You need to tell us for certain which plan you like us to act on. We can act on whatever you'd like, but if you'd like to wait until after the comments that's fine with us.

Mr. Lipovits – We're going to act on the revised plan, but I wanted you to hear our thoughts and feelings on this.

Mr. Kolick – OK.

Mr. Rusnov – Mr. Kolick that is the revised plan date 5/3/18, which increased the overall square footage of each lot by about 1500 SF to conform to the new guidelines that were implemented by City Council.

Mr. Kolick – With the revised plan, all the square footages now meet the new Code provision, but the setbacks do not meet the new Code.

Mr. Rusnov – OK.

Mr. Smeader – Mr. Kolick, if these variances were granted, given the concerns facing this project would you please reiterate the steps that we discussed in our previous meeting about what would have to be addressed before final approval can be given?

Mr. Kolick – Absolutely. If they were approved, these variances go before our City Planning Commission. When they go before the City Planning Commission, our Building Department, our Fire Department, our Police Department, our City Planner, and our Engineering Department all review the plans. The City Planner will look for compliance with the Code given the variances that this Board grants. Certain things have to be completed before the Planning Commission can act on it. One of those is that the Army Corp of Engineers or the Ohio EPA, depending on jurisdiction has to sign off on any wetlands. That has to be done before the Planning Commission can act on it, and the applicant is aware of that. We've told him at numerous meeting, and I know

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Kolick continues - that they're working on it, but as he had previously said they're not the quickest to act on anything. So understand that. The other thing is that they have to show us their actual street improvement plans which show the street width, and the type of asphalt or concrete they're using. They have to tell us the curb heights, and show us the overall grading plans so we can confirm that we don't have water spilling off of the site. They also have to give us the details on their detention basins and their storm sewers so we can make sure that their storm sewers are going to work correctly, and that they won't create any type of water problems on any of the properties in the area. All those things are checked by the various departments. Then, only after all those department are okay with the proposal can they sign off on it to indicate there aren't any problems. Everything must meet the City's Code as far as storm, sanitary, street width, etc., and they are also aware that they need to clear up some of the lot lines for the common area to join in. Only after all those things are done, then Planning Commission's in a position to act on it. If the Planning Commission then approves it, then it goes to City Council. City Council then has to approve the plat. If City Council approves the plat, then they are in a position to do all these improvements. We go out there and inspect all the improvements and make sure that they comply with all the plans they gave us. After those are in we will accept the plat for what we call dedication purposes, and then they come in for individual building permits on the individual lots. So then again they have to give the topographical plan for each one of those lots. They have to give us detailed building plans for each building that comes in, and we have to make sure that they comply with all the setbacks, all the Building Code requirements, and all the Zoning Code requirements of the City. I know there are concerns about some of the water in this area. We are concerned about that. In fact, the City is very concerned about that. It's why at least preliminarily, although the plans have yet to be finished, they are required to run a separate set of storm sewers so that they are not going to add to any storm problems. They're taking all that storm water down to the retention area there. So hopefully when this project is done, and it will be done correctly because we'll make sure of it, we hope to alleviate some of those problems that some of the property owners may be having. So that is something to keep in mind. That's it in a nutshell, although there's a whole lot more to it than that, but that's a summary proceeding about what happens.

Mr. Rusnov – Would the HOA also play a part in this as far as the architectural style so that there is some continuity in the neighborhood?

Mr. Kolick – They are a part of Pine Lakes. I can't speak to what the individual requirements would be under their covenants and deed restrictions.

Mr. Rusnov – But it might be a possible safety net?

Mr. Kolick – That could be depending on what their Amendment when they joined them into Pine Lakes said, and I don't know if they need to go through Pines Lakes Architectural Review Committee or if they're exempted. This is something that Pine Lakes and the developer agreed to

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Kolick continues - in 2004 I want to say, so it's whatever was agreed to back then. Certainly once the houses are put in and developed, they are part of Pine Lakes, and I know they are bound by all the Covenants and Deed Restrictions of Pine Lakes after that.

Mr. Rusnov – Thank you.

Mr. Kolick – Sure.

Mr. Lipovits – I just want to say that this is my father's fourth development, and we have some track record in Strongsville with everything being completed and not having any kind of issues of that sort.

Mr. Houlé – Board members, do you have anything more to say?

Mr. Rusnov – We're fully aware of your quality. Fully aware.

Mr. Lipovits – I'm not trying to be a salesman.

Mr. Rusnov – No, no, no. I just read your meeting with the property owners and basically these are all the same questions I was going to ask here. It appears that you've addressed them generally. Correct me if I'm wrong, but you're going to have a direct hand in who comes in and what they build.

Mr. Lipovits – Correct.

Mr. Rusnov – So that you're hopefully not changing the continuity of the neighborhood. We actually stopped and spoke with some of the property owners and we were impressed. One of them was the gentleman with the metal roof, and I mean that really looked good. So you're going to have a direct hand in all this from start to finish, you're not going to walk away after you have it developed?

Mr. Lipovits – We're not trying to lessen the value. We have it in there that we will have a say in what is built in there as far as elevations, quality and floorplans.

Mr. Rusnov – And the architectural styles.

Mr. Lipovits – Right, we're trying to keep that continuity going through the rest of the street.

Mr. Rusnov – We're not an enforcement arm, I'm just asking you this.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Lipovits – Right, we understand.

Mr. Rusnov – Because these are the exact same questions I was going to ask, and the water was a major issue also.

Mr. Lipovits – We were very pleased to have that meeting because we've been trying to get that handled before the last meeting, but it couldn't happen in time.

Mr. Rusnov – You've also increased the size of the each individual lot to conform with the current Code, and it appears that the only thing you don't comply with is the depth of each lot.

Mr. Lipovits – That's correct.

Mr. Rusnov – There's nothing you can do about that, but the width you can change.

Mr. Lipovits – I wish we could, but we cannot.

Mr. Rusnov – OK. Thank you.

Mr. Lipovits – Thank you.

Mr. Houlé – OK. This is a public hearing. Good evening could you give us your name and address please?

Mr. Reed – Thank you ladies and gentlemen, I'm David Reed. I'm the Vice President and Trustee for the Pine Lakes Homeowners Community. I live at 19097 Forestview Drive in Strongsville, Ohio. We did meet with Mr. Lipovits and discussed the concerns as you have in the letter. I believe he's expressed the way he's planning to address the resident's concerns. Those were the water, the architectural continuity, the existing home value, and what they're going to do in Phase I, plus the quality of the buildings being built will be up to the standard that exists in Phase I. His letter back and our discussion seemed to address those concerns. Therefore, if he addresses the residents' concerns, then we as a Board are behind them.

Mr. Rusnov – Basically what you're saying is it's a matter of trust between the homeowners and Mr. Lipovits and you want to hear what concerns they may have.

Mr. Reed – Correct, but based on his feedback and the letter he's given us he's addressed the concerns some of the residents that were brought to our attention, and if that satisfies them then that satisfies that. Thank you.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Houlé – Alright, well is there anyone else who wishes to speak in favor of the approved Zoning variances? Alright, now I'll ask if there is anyone here this evening who would like to speak against the granting of these variances? Please come to the microphone and give us your name and phone number for the record.

Mr. Hohenfeld – I'm Jeff Hohenfeld, 13296 Jacque Road in Strongsville. Our concern is that this would be at our back property, and we've mentioned that water is a big issue. Now we were unaware of what was happening because we're not in Pine Lakes so we weren't at a meeting for this issue. Our biggest concern is the water, and I'm seeing the backset reduced from 50' to 30' which seems like a very, very small backyard. So that really reduces the amount of backyard to absorb water runoff from the non-permeable surfaces like pavement and such. My question is what will happen to that water? No doubt they're going to raise the grade around the structure and it's going to run-off toward the back of the property which will flood our property. We already have a big issue with standing water as it is. I don't want to see that increased.

Mr. Houlé – I think Mr. Kolick stated the controls that would be in place afterward, if it was approved not only by this Board but also by Council and Corp of Engineers, and the grading plans and all the other checks and balances that are in place for this very reason. So I hope that has not elevated some of your fears.

Mr. Hohenfeld – I just don't know what is specifically going to be done yet to lead the water away from our back properties.

Mr. Rusnov – Your concerns are the ones that we had, and like I said, all the questions were discussed with the homeowners. You have the Army Corp of Engineers, you have the City Engineering Department, you have retention basins, and the City is going to set the grade. They're not going to change the grade so all the water runs to Jacques Road.

Mr. Hohenfeld – Just tell me where the water will run to on all these rear properties?

Mr. Rusnov – I don't know, I'm not an engineer.

Mr. Kolick – Your concern that you're speaking about is a legitimate concern. What you should do regardless of what this commission does is notify our Engineering Department of whatever issues you have there so they're aware of it, and so they can look at the problem and determine if there needs to be a swale back there or catch basins back there. The Engineers are the only ones who can set the grades and determine how to handle drainage. Neither Mr. Rusnov nor I are engineers so we can't tell you how it'll be done, but we can tell you that it will be handled by the Engineering Department. They can tell you what's proposed, and you can keep involved because these are all public meetings before the Planning Commission, and there's all the documents that

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Kolick continues - are submitted by the developer that are public documents. You're free to view those at City Hall, and our Engineers will be very helpful in explaining everything. If you show them exactly where your lot is, they'll explain where the water is going to go in the vicinity of your lot. Those are concerns of this Board but we can't address them. The Engineering Department has to address them. I'm not telling you to forget about it, you can go tell them your issues and get them fixed. If you have standing water back there now, let them know so that they're aware of it while this is going through the development process.

Mr. Hohenfeld – Well last time we were here for a Zoning meeting it was for Bexley Place across the street from us, those cluster homes. We were shown beautiful plans and photos and prints of what was going to be there, and nothing like that is in front of us now. There was going to be a beautiful water retention basin lined with rocks, and it was going to look like a dry creek bed, and it's actually a hole in the ground lined with dead trees. There was going to be a gazebo and a walkway through the wetlands and there's nothing but dead trees there now. There were going to be sidewalk all around that property, but none of that came to happen.

Mr. Kolick – I can't speak to all the particulars other than to tell you that Bexley Place, the problem was that the developer went bankrupt. I'm just telling you. Again though, this Board can't tell you which way the water will flow, or what will happen to the water at the rear of your property, you can get that information though the Building and Engineering Departments up at City Hall.

Mr. Rusnov – One last point. You're preaching to the choir. I had the same concerns. You have a very good Engineering Department that will actually talk with you, and they'll hopefully address your concerns. I would use all the tools that you have available to satisfy yourself, your neighbors, and everyone else involved in this area about the water. Mr. Lipovits has already stated that he's going to have a direct hand in this in order to insure some continuity, and your major concern is the water. I would bring this up to the Engineering Department. This is a legitimate concern.

Mr. Hohenfeld – Alright, thank you.

Mr. Houlé – Thank you. Next person? Please give your name and address for the record.

Ms. Vantor – Beth Vantor, 10039 Juniper Court. Over the weekend, several of my neighbors on Juniper Court and I got together to talk about the variance letter that we received, and we thought it would be easier to just have one of us come up than have all of us come up to talk. First I want to say that I'm a little disturbed about what I just heard from our Homeowners Association. The reason is that a week and a half ago I contacted them about our concerns about this and they were aware of our concerns, but this is the first we've heard about a meeting or any response to any of our concerns. So I'm not sure where the breakdown is, but our understanding was that we're not in support of this until everything had been addressed. I'm not hearing that everything has been addressed.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Rusnov – In other words, you did not have access to all of the questions that have been asked here or the answered by Mr. Lipovits, you haven't seen them until now? Okay. So maybe it's in your best interest to go over these answers because as I stated previously all the questions I was going to ask will need to be answered here.

Ms. Vantor – Absolutely.

Mr. Rusnov – Because I had concerns also.

Ms. Vantor – We don't have that opportunity so if there's a vote happening tonight, I'd like to be able to express the concerns that we have because I haven't seen those responses. What I just heard was...

Mr. Rusnov – This is the discussion that Mr. Lipovits had with the people in the area.

Ms. Vantor – Yes, and what I just heard is that the lot size might be bigger than what we were aware of. We didn't know until today that there had been a change.

Mr. Rusnov – They altered the size of the lots to conform to the Zoning Codes that was passed a few years ago that differs from when the property was originally developed in 2004. Also all these questions you're going to have need to be answered and solved by the City Engineers, as well as others like the Army Corp of Engineers. Between everyone there's a number of safety nets that are in place. The only thing is clearcutting is the only thing we have no control over. We can't make them promise not to cut down every tree. Although I'd love to see the retention of all the trees as possible. But the limitations on the lot depth is because of the way it's platted. They only have so much land to work with. Short of going back to the drawing board and coming in a different way entirely and cutting down the amount of the lots, there's not much else they can do. I really think it would benefit you to read this. Obviously it's like someone just yelled surprise.

Ms. Vantor – Yes it is. I'm not the only one who was surprised by that either. So I guess our biggest concern is the water. I have pictures to show you what's behind our house.

Mr. Rusnov – I had the same concerns.

Ms. Vantor – So if we build on lot sizes that are much shorter with the variances, which are half of what's required, then that slopes and it comes down into our yards. Just like the gentlemen said from Jacque.

Mr. Rusnov – The lots are actually wider.

Ms. Vantor – Wider doesn't help the depth, the pitch coming back into our yard.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Rusnov – Right, you're not going to change the pitch, but the grade would be set by the City and the City's Engineering Department. They're not going to have water running into someone's basement and out the other basement window. That's where the Engineering Department comes in.

Ms. Venter – Hopefully, correct.

Mr. Rusnov – Yes, I understand your concerns.

Ms. Venter – So you can see the lots in Phase I and they are quite a bit higher in elevation than what is on our Juniper Court lots. We already have a lot of water that comes down onto our lot.

Mr. Rusnov – This is something where it would be in your best interest to go see them at the Engineering Department.

Ms. Venter – Absolutely, and we'll be there. I guess my question for you here is, and we've heard that Engineering is the ones that make those decisions, but you guys are charged with granting a variance that will not cause harm to the adjoining properties. I don't think we've seen yet that it's going to be the case. I guess I don't understand how this committee can vote on something that will harm the neighbors or is not yet resolved.

Mr. Rusnov – How can I second guess what the City Engineer going to do? They will have the best interests of the property owners to eliminate flooding so they don't have standing water that breed mosquitoes and stuff like that.

Ms. Venter – Absolutely, but...

Mr. Rusnov – But we don't have a City Engineer here telling me exactly what the final plan will be. You have to wait for the Army Corp of Engineers to issue a certificate to delineate the wetlands.

Ms. Venter – So if you're going to take a vote, how do you know that this is not causing harm which is one of the requirements of the Code?

Mr. Houlé – I don't believe the depth of the lot is going to be positive or negative toward flooding. That has to be determined by all the checks and balances that are in place. We've explained that to the last person who was up here speaking. The Association did have a meeting on May 2nd. We have no control over whether or not everyone was able to attend. At the last meeting in April we asked Mr. Lipovits two things. We said we'd like him to meet with your residents, and he did. We also asked him to reduce the number of lots he'd have for sale so he would not be violating the square footage area requirement from the Zoning Code.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Rusnov – Lot size.

Mr. Houlé – Lot size, yes.

Ms. Ventor – My final point I want to make since I guess we're not going to get anywhere on the issue of the flooding tonight, and we will be there to speak to the Engineers. My understanding of the purpose of the Zoning Code, and I'm quoting what is on the Strongsville website is that it is to guide development in an appropriate and desirable way and to protect owners from their property being harmed or devalued. What they're talking about doing here is half the size for setbacks that the City has established as appropriate for our City and homeowners, and to your point, they were put in place for a reason. So what we're asking you to do is to enforce the rules that you've already established.

Mr. Rusnov – First we didn't establish these rules, they were drawn up by City Council.

Ms. Ventor – OK.

Mr. Rusnov – For us to figure out what they were trying to do, if you were in caucus you'd have heard that because of these new rules there will be a number and it's something in the neighborhood of a 1K-2K homeowners that if they go to put a deck off the back or a patio or whatever because their houses were approved during the original Zoning Code, they don't comply with the new Zoning Code. So they'll be a non-conforming use, and will need to appear before us for a variance just to get a deck or rear addition that would have otherwise been covered by the original building Code.

Ms. Ventor – But those are the rules now.

Mr. Rusnov – I can't tell you why they did it. Had they done it 20-30 years ago and made the average lot size 15-20K SF we wouldn't be having this conversation.

Ms. Ventor – OK.

Mr. Kolick – If I may, there is another item here I think that might be being overlooked. In 2004, the Association by a 90% vote, accepting into Pine Lakes the original plat that they have. With the smaller lots with the same setbacks were talking about now. They accepted them all in there. Those lots sizes are the same size as the lots that are in Pine Lakes. So what they're proposing now isn't any different than the front and rear yard setbacks than the majority of those homes. Some differ, but aren't any different than what's already in Pine Lakes. They're proposing the same thing. Now Council in their wisdom now has enlarged them, but this isn't going to be out of conformity of what is in Pine Lakes, and the people recognize that by accepting them in. That was

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Kolick - under the old plat that had the 1275 SF back then. I have a hard time understanding why there is a problem with it now when there wasn't a problem with it when they were originally accepted in. Now the water problems, yes. That has to be addressed. It's something that needs to be addressed, and at least the preliminary analysis from the City's Engineering Department is that this water is not being taken into any of the existing basins in Pine Lakes, or in Brushwood, or Maplewood Estates. If anything, this is just going to help the situation there. They're creating a whole new retention area at the end of the street to run all their storm sewers in that direction. Now do I know the exact details as to what's behind your house, or his house, I can't say I know that. Now there's still a lot of details to be made out, absolutely. With this plan it should be that they're putting less drainage in there than they had under the old plan, because you're going to have more permeable soil, less houses, less driveways, you'll have all that because they've reduced the number of homes in there. So they're causing less drainage problems than was originally planned no matter how you cut it.

Ms. Vantor – Neither plan is valid under current rules. I guess that's my concern. We learned something in the time from 2004, and that's why the City made changes. If we've learned something then I hope the City will protect the existing homeowners by taking that into account now.

Mr. Kolick – Please understand, and this is for everyone here, all your petitions with your signatures have come to this Board. We're not ignoring these things. They'll all gone to the Engineering Department, they've all gone to the Planning Department. We know about the concerns, and we're not saying they're not legitimate concerns. There are just different places to address them.

Ms. Vantor – Absolutely. We'll be there. I guess my understanding though was that the variance was supposed to make sure that this wouldn't impact the existing homeowners, and I don't know how we can do that if we don't know the engineering plan, we don't know that it's going to be OK. That's all I'm going to say, I'm done.

Mr. Baldin – Excuse me, I have a question for you. You've been there for some time? Since this new Phase?

Ms. Vantor – Juniper? Have I lived there? Yes.

Mr. Baldin – For some time. Have you had a really bad water problem? Have you gone to the City? Have you talked to the Engineering Department over the years?

Ms. Vantor – Yes.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Baldin – Have you gotten any satisfaction?

Ms. Vantor – No. My neighbor and my husband go out in lightning storms and try to clear the drains in the backyard. We have stones, we've dug troughs from the woods behind us to try and redirect the water from the woods down to the drain in the yard. I'm not alone. You're seeing my neighbor's yard as well in some of those pictures. So it's a significant issue. That water when you build a house there and build it up like the ones in Phase I, the water is going to run down, and that's what we're already dealing with, so that's our issue.

Mr. Kolick – If you could give after the meeting, the address on these pictures to our Secretary, she will certainly make sure they get to the Engineering Department because this is information that we need. These are legitimate concerns that need to be addressed by our Engineering Department and they will address them.

Mr. Rusnov – One last point, regardless of what happens here. You still have the safety net of Engineering, City Council, and your HOA. So there's other things. These gentlemen have been pretty good as far as builders in the City, and that's an understatement. So you have a lot of safety nets. I would pursue what Mr. Kolick said about the City Engineer and the Building Department.

Ms. Vantor – Absolutely, and we'll stay on top of. Obviously we have to stay on top of it.

Mr. Rusnov – Your concerns were ones that we really went over heavily. I'll be quiet now.

Mr. Houlé – Is there anyone else who needs to speak to us. Please come up to the microphone and give us your name and number please.

Ms. Wasil Salica – My name is Michelle Wasil Salica, 9748 Brushwood Lane, Strongsville. Thank you for allowing me to speak this evening regarding the revised plans from May 3rd, 2018 and the original plan which was received with a letter on March 21, 2018 in regards to the Pine Lakes Development Expansion II. My husband Mike and I have been residents of Strongsville since 2006. Looking for a home, we came upon a beautiful, secluded house with a beautiful wooded side lot, and a backyard with a green space to die for. Finally we had found our long-term home that we could spend our life together, and begin our journey together, and with the beauty of the area it's also known as our little vacation spot. Now after receiving a heartbreaking letter on March 21st, our beautiful green space that not only we have grown to cherish, but so has every neighbor around us that would also lose their beautiful green space. Mike and I have attended the meetings that were held on April 12th, and April 25th. Many of us wrote heartfelt letters with concerns, obtained signatures with addresses, and included multiple pictures. I have done extensive research on Zoning Code sections, variances, land subdivision ordinances, and I've spoken with the US Army Corp of Engineers, and have become much more knowledgeable on information when

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Ms. Wasil Salica - speaking to the Ohio Division of Wildlife on the habitat which the wooded lot now that we have behind our house holds up to at least 10 tree species that the Ohio Brown Bat returns to every year to roost, and to keep our neighborhoods and surrounding wetland's mosquitoes populations low. Now today I stand before you to speak to help save the very few green spaces that are still left and not to destroy them with all the construction. In doing my research I've learned the following, that the depth of the proposed property which I have heard that there is not a lot of depth there or there's just not enough room. The new proposed plan from May 3rd, shows sublots 41-44 removed and the renumbering of lots 25-30 that were on the original plan which now leaves 11 lots on one side of the new street behind Juniper and 12 lots on one side of the new street behind the homes on Brushwood Lane with tree lawn trees and sidewalks. This will not leave a lot of front yard space. The backyard space will be very small too. The new proposed lots will still be on top of each other, and will leave the back yards literally on top of our properties. Will we have someone's deck, pool, or shed on our property lines since the proposed plan wants 30' in the backyard when the Zoning Code R1-75 states 50'. In changing the square footage from 11,250 SF to the newly revised plan dated May 3rd, the square footage has been increased by combining lots to approximately 13,089 SF. Will this have a negative impact on the surrounding homes? Who will be the builder of these new homes? On one subplot it shows a square footage of 17,242 SF, the largest square footage on the plans. Wouldn't that subplot fall under Zoning Code R1-100 where the footage would be 60' and the backyard would be 50'? What type of home would be placed on such a big square footage and would that match the surrounding homes? The destruction of mature trees that are providing a natural buffer zone, shade, and homes for the animals are just going to be torn down and replaced with two front lawn trees and two back yard trees. The destruction of surrounding green space that will alter the beautiful character of the neighborhoods disrupt and pose a threat to the health of the neighborhoods, the safety and serene quite area, and the safety of our children, and most of all how long will we be able to enjoy beautiful summer days and nights because constant dirt, noise, and dust from years of construction. So many of us will miss the sounds of the woods, sounds of the animals that put us to sleep at night. How long will we live with a dangerous open street with no homes on the property, where cars will be racing up and down, but most of all how extensive will this project take as we know from previous projects? Who will be the builder of this new property is the biggest question and what types of homes will be built on the property? I strongly believe that any further development, and tearing down natural green spaces with mature trees, and destroying the animals, natural habitat, and taking away our quiet safe, serene area would destroy the quality of life in the area. Or should I say our hidden gem as we have all heard it called that. I ask you as the Board of Zoning and Appeals, no I ask you as homeowners and residents, would you like to come home after working all day to see destruction of beautiful wooded areas or to years of construction noise, dirt and yards that will be butted so close to your backyard that you love and cherish so much. So in conclusion, I and my husband don't consider that we live in just a neighborhood. We live in a neighborhood that is loving, caring and most of all become our families. We all want to keep our

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Ms. Wasil Salica continues - area beautiful, quiet, safe, and most of all a natural green space. Thank you for allowing me to speak in times of dread.

Mr. Baldin – Good job, you did your homework.

Ms. Wasil Salica – Yes, I did, I had a lot of time on my hands.

Mr. Baldin – However, I've been on this Board almost 25 years. Maybe it's too long? But you know how many times I've heard that?

Ms. Wasil Salica – Heard what?

Mr. Baldin – What you said about your green space, and this and that? People have come before this Board asking why we're letting that guy build this house and tearing my woods down. It's not your woods. It's not your property.

Ms. Wasil Salica – You're right, it's not our woods.

Mr. Baldin – It was gorgeous when you went to buy and build it yourself. You thought, this is fantastic, I'm going to have all this. It's beautiful, but it doesn't last. It's happened all over this City. I can name one development after another. We've heard this same story. It's happened in my neighborhood. My builder never put the green spaces in, and the people on the other side of the street that took advantage of that 8 acres of land, have increased their properties and throw their garbage bags out there, and their dirt clippings, and so forth. Hey god bless them for that. We don't have it on our side of the street. I'm sorry, but you did do your homework.

Ms. Wasil Salica – It's just having a 30' backyard when you're putting a 400-500K house on it. Would you really want a small backyard that you wouldn't be able to enjoy? Your kids won't have a swing set. We love our trees as is right now. Why cut down trees that are producing oxygen, and then to just put in a couple new trees in the front and back. I'm just saying save what's there, isn't that better than tearing it down and replanting new stuff elsewhere. I understand it's not all mine.

Mr. Baldin – We can't stop it. It's pretty hard to stop it. It's really hard. If you own that property, one acre or 50 acres, and you think what the heck am I going to do with this now that I have 5 kids I want to sell to get them to college, and they say I better sell that piece of land. You can't do anything about it.

Ms. Wasil Salica – We have asked Mr. Joe Lipovits numerous times to sell the left side and the rear side of it to preserve that area, and he pretty much told me that I don't have enough money for that. You know, the fact is that you'll have these big beautiful houses that are probably going

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Ms. Wasil Salica continues - to go over what we have even, and we have a beautiful house as is. I'm sure all builders are hated, and this is not a hate meeting, this isn't anything against Mr. Lipovits. It's just that when you get used to something, and then suddenly you're going to get it torn down for a reason of putting up a big beautiful house with a very, very small backyard that will probably be right up to the back of my shed, it's heartbreaking. We as residents didn't know about the first letter.

Mr. Salica – Right, when we moved in in 2006 it wasn't disclosed to us by the homeowner or the realtor about the original letter. It took us a year to find out from a block party down the street from us about the original plan. The whole reason we bought that house was because of the fact of the woods behind us. We asked numerous times if someone owned the woods or if it was going to be developed. Well I guess we were had. That seems to be what happened.

Mr. Kolick – Please understand that you have a right to utilize your property, to put trees on it, to cut trees down. We have no right as a City to tell you, you can't do that. It's the same thing with them. The developer owns that property. We have no right to tell them that they have to put up trees or that they're going to have to remove trees, or that we'll stop him from removing. I think as Mr. Baldin has stated, you have a right as the owner of the property to do certain things with your property that our Constitution doesn't allow us to take away from anybody. We can't tell them that they have to leave their land natural, that they have to leave trees there because we like them, and the animals. We may like that personally, but we don't have a right to tell them they have to leave their property undeveloped so the other people in the neighborhood can enjoy your property because that's how it was when they moved in. I can tell you this, if you moved into your property in 2006, the original plans were before the City in 2004. So if you're realtor had gone up to the City or had told you to go up to the City you would have seen this subdivision plan that was preliminarily approved by the City two years before you bought your home. As the City, we require anyone who comes in to a developer to look at that plat, and it's required to be posted. That's a public record. I'm sorry that you didn't see it. I'm sorry your realtor didn't do it, but it was a public record back then as to what was happening with it.

Ms. Wasil Salica – My realtor did do it because it's in my Fifth-Third final papers that she went there and nothing came out of it.

Mr. Kolick – I don't know what or why it says that in your papers, but I can tell you that I've been with this City since 1972. That's been a public record since 2004, and has been up at the City for public viewing.

Ms. Wasil Salica – Because I pulled my records.

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Mr. Kolick – I don't know what your realtor told you, but understand, I know if you owned the property to the rear of you then you could keep those trees there.

Ms. Wasil Salica – That's what I was trying to do.

Mr. Kolick – It's not yours though. I know. I understand what your concern is, but as Mr. Baldin says our Constitution guarantees we have the right to use our property. We have a limited ability as the City to control that right. We can't tell a developer or anyone that they can't cut down the trees on their lot. We can't do that. We don't have the authority to do that, and it would be unconstitutional for us to try and do that.

Ms. Wasil Salica – It's okay to cut down the trees and make the builder pretty much pay Strongsville to put them someplace else?

Mr. Kolick – No, no, we have a tree preservation plan that our City Forester goes through. We have a limited amount of authority that we can require certain things on there, but we can't tell them that they can't cut down their trees. We understand that the road is behind your house. That's what you're going to have. There will be lots behind your house. As Mr. Baldin says we have that all over the City. I started here in 1972, it was almost all farms. Since that time, people have moved in. They may have lived 10 years in that area before the development came in. You're going to continue to see development in this City. In fact, the development right now is going to be in areas that are much harder because all the big tracks in the City have already been taken up. Now developers are coming in and consolidating four, five, six bowling alley lots and they're building subdivisions behind homes that never thought they'd have homes back there. A lot of times realtors will say that those lots are all owned by all different people, but it doesn't always last that way. Someone comes in, and they consolidate the lots, and we have them now. They drive back there and put a cul-de-sac back there. Then they put 10-12 homes in, and what people looked as their backyard; not owning it, but this was our backyard, and this is what we had. We can't constitutionally or as a matter of law stop that type of thing from happening, just so you understand. Okay?

Mr. Salica – I wrote something similar, but it sort of sounds like the same thing. Maybe I'm preaching to the choir. Would you like me to read it?

Mr. Kolick – The one thing we don't want to do is be repetitive. If you feel it's what your wife has already expressed, then I don't think there is reason for that. If you have anything new to add then we're happy to listen.

Mr. Salica – It's pretty much the same thing.

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Mr. Kolick – I don't think it's necessary because our response will be the same thing to your as to hers. Okay? Thank you.

Mr. Salica – Thank you.

Ms. Wasil Salica – Thank you.

Mr. Houlé – Yes, please come up to the microphone.

Ms. Imbrigoitta – Kathy Imbrigoitta, 9588 Brushwood Lane, Strongsville. It's on subplot 4 behind Mr. Lipovits' property. I'd like to go on record as questioning why this development would be allowed to receive variances. He's not requesting a 5' variance, not a 10' variance, but a 15' and a 20' variance on the front. It's not even just the front that he's requesting a variance for. On the back of the lots, he's not requesting a 5' variance or a 10' or even a 15' variance, but a 20' variance. Now I understand that things have changed since he originally put a plan in, but I'm sure that City Council had good reason to do that. I believe that a few of the reasons may have been mentioned. More space between the houses, and this is what makes Strongsville different from other communities where the houses are closer together. So my question is, because I'm kind of surprised that it's become obvious during the conversation that these variances are very likely going to happen, at what point do you say no? I sympathize that you're in a tough position and you have to make tough choices that you feel that it's difficult to stop development, but if Mr. Lipovits or any other developer had come and said, well can we have a 30' variance approved, where do you draw the line? These are significant variances. I just wanted to go on the record in saying that.

Mr. Rusnov – These deal with front building setbacks and rear yard setbacks. I totally understand your position, Okay? We have no power and don't write the Zoning Codes. We don't do any of that. We have spoken about the old Code, and how it was revised and that it was 11000 SF that was increased to 12500 SF or something like that, but a 1500 SF in lot size bigger. Great. So Mr. Lipovits increased his lot size and cut out some lots the only way he could, by the width. He can't go with the depth because he's very limited. Short of eliminating one side of the street, but then what is going to happen to that land?

Ms. Imbrigoitta – The argument you're making...

Mr. Rusnov – I'm not making it an argument, I'm just talking with you.

Ms. Imbrigoitta – It sounds to me like you're asking him to do what he can, and the things that he can't, then that's fine.

Mr. Rusnov – That's not the case. If you look at the other end of the street...

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Ms. Imbrigoitta – I know, he can't do anything about the other end.

Mr. Rusnov – I'm looking at subplot 11, which is 11250 SF, these are 13600 SF. They're bigger. The depth is 137' on the old one, and its 131' give or take on the new ones. We're talking about a little bit of difference here in depth. The new lots are wider.

Ms. Imbrigoitta – We're talking a 20' difference in depth, just on the back.

Mr. Rusnov – No, the lot...

Ms. Imbrigoitta – And 15' to 20' on the front, or am I not reading this correctly?

Mr. Smeader – If I'm reading this correctly, the front and rear yard line setbacks for proposed Phase II are the same as Phase I. What was granted in Phase I, Phase II will have the same rear yard and front yard setbacks so there will be a continuity going all the way down the street.

Ms. Imbrigoitta – Continuity is not my question. I don't live in Pine Lakes, so I don't know what the lot sizes are there. My question stands, where do you draw the line? We have new rules and I mean I understood that you're supposed enforce them.

Mr. Kolick – I might be able to answer that. If there was additional land where Juniper Court is, and Juniper Court wasn't there, then there would be an opportunity for this developer to acquire that land or already own that land, and then there wouldn't be a necessity for the variances. The problem is that there is only so much width to start with between Juniper Court, Maplebrook Estates, and the back of the lots on Jacque Road. There's nothing else this developer can do. He can't make them any deeper, if he had an opportunity to make them deeper, then that would give us an opportunity to say that he doesn't have a hardship. The problem is that he can't make them any deeper. The Code recognizes that there are going to be instances where people come up just like they were tonight that have a hardship due to the way their property is laid out, or a hardship due to the property that they own, and then that gives this Board the authority to grant that variance. So you're asking what instance they would not grant it. Again, this Board looks at each one of these instances individually, but if Juniper Court wasn't there, and he owned that land, and he proposed a subdivision, then that wouldn't be a hardship on him, and even though I can't speak for the Board, but I'd anticipate after being up here for over 40 years that they wouldn't grant the variance. The problem is in this instance, there's no more land for him to get to leave those setback further away from the front or back. That's one thing they look at. The other thing they have to look at is certain things of continuity. You don't want the neighborhood to look all out of whack. So they look at what the front setbacks on all the other houses on Rosalie, and they are saying that this will conform to those setbacks. If you wanted it to look like Parma, they probably wouldn't

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Kolick continues - grant those types of variances so they have to look at each individual case. In this individual case, because there's no more depth that can be obtained, there's nothing else they can do with it.

Ms. Imbrigoitta – Well I guess I can see your point. If the setbacks in the front and the back are the same as in Phase I.

Mr. Kolick – They're exactly the same setbacks as in Phase I. I'm sorry if that wasn't clear, but that's what they are. They're setting it at the same place they had them at Phase I, so they're coming no closer to the people on Juniper Court in Phase II than they are to the people on Juniper Court in Phase I.

Ms. Imbrigoitta – I guess I can understand that, but I'm not sure that addresses the issue of water that people have made.

Mr. Kolick – I'm fully aware of that, and I'll make sure it's heard because I also sit with the Planning Commission and the Engineer. I'll make sure the concerns of the people who have raised the water concerns to the City. For the individuals who were up here before, show us where these addresses are so the Engineering Department can check it out. They don't just look over plans, they go out to the sites. They want to see what's going on with it.

Ms. Imbrigoitta – Okay. Thank you.

Mr. Kolick – Thank you.

Mr. Baldin – I'd like to add something. Mr. Kolick, our legal counsel, maybe gave you people a little bit more perspective on exactly what is happening. As Mr. Smeader brought that up about the sizes. Thank you.

Mr. Houlé – Please come up to the microphone please.

Mr. Stelbasky – Dale Stelbasky, 9533 Brushwood Land, Strongsville. I've been in business for 35 years, sometimes I make bad decisions, well apparently there was a bad decision made when he bought this property. If he can only have houses on only one side of the street, oh well. That's his problem. Why are we going to change the laws on the books to allow this to happen? We're just doing it over, and over, and over again. This City is a great city, I love Strongsville. Every time I come up here, for everything that I see, everything is always granted for the purpose of more tax dollars. That's the fact. I understand that, we need our tax dollars, but he made a bad decision, and these setbacks are ridiculous. 20', that's ridiculous. If you were on Brushwood Lane two weeks ago and saw the basements that were flooded, Okay, I know it is engineering, so we'll deal

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Mr. Stelbasky continues - with the Engineering Department but we've already been doing that for 15 years and it's still not fixed. So if you make a bad decision, and you buy piece of property, and you can't do it by Code why are you guys, who we elected, not following these Ordinances? Variances can happen, ladies and gentlemen, but I think there's got to be a line drawn somewhere. I would hope that you would take it into consideration to look at the homeowners who live here and pay taxes, and do their job for the City, and back the City 100%, in all areas, we'd like you to back us this time. Thank you.

Mr. Rusnov – I have one point to make, we're not elected. We're here as appointments.

Mr. Stelbasky – I understand.

Mr. Rusnov – Okay, and we're doing this mainly out of the goodness of our heart, Okay? We're not getting rich off of this. Trust me. All of the concerns that you've expressed we're paying attention to. According to when this property was purchased, everything was cool. City Council then 10 years later by a stroke of a pen made this subdivision non-conforming so he had to request variances. I'm not defending him, I'm trying to tell you what we're looking at with all this.

Mr. Stelbasky – I understand that John, but you have your mind made up already.

Mr. Rusnov – No, I don't.

Mr. Stelbasky – Yes you do. You're the only one who has spoken up against us and with him completely.

Mr. Rusnov – I'm trying to be as fair as possible.

Mr. Stelbasky – I understand that, but look at our side of it for a change. Come down there, I invite you over. I'll tell you something on Christmas Day I had a police officer come to my house and tell me that my car is blocking the sidewalk. I said, why don't you come on in, and we'll talk about it. He said, this is so silly, I can't even believe I'm here, but it's Christmas Day, you're going to have extra people and cars, and you only have 20' so you have no front yard to put them. Okay, forget about the aesthetics of it, what about Strongsville. This is what we live here for. We lived here because we don't want Parma. If I wanted Parma, I could have paid 120K, and got a Parma house, I wanted Strongsville. I appreciate everything you guys do, I back this City. Financially, and whatever, I back them 100%, but there has to be a time when we say no. If you made a poor business decision, you know what take the loss. I've taken losses all my life. I've done really well still, I raised five kids. I have an autistic child, and we went over and above everything we needed to do to make things work. Sometimes things just don't work, and so you need to change them so you can make it work so everyone is happy. That's the final word. Take

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Mr. Stelbasky continues - it into your hearts and really focus on what I'm saying. Let's start somewhere now. You guys have a great evening, thank you.

Mr. Rusnov – One last thing. My mind is not made up. I didn't come in here that this is going to be a no, and this is going to be a yes. I had a list of questions that I was going to ask them tonight, but they were all answered in this letter from the meeting they had with the homeowners. I wasn't there, but at least I know the questions were asked.

Mr. Stelbasky – I understand, but the first woman who spoke said she wasn't at the meeting either, I don't know if they were informed properly.

Mr. Rusnov – I have no control over that.

Mr. Stelbasky – You have no jurisdiction over that anyhow. The HOA is totally separate.

Mr. Rusnov – That's another safety net.

Mr. Stelbasky – It's a safety net, and we have a lot of them, but what I'm looking at you guys and the homeowners tonight, and thinking that we really need to look deep. John, I'm sorry if I pointed you out, but really think about this a little bit.

Mr. Rusnov – I have.

Mr. Stelbasky – Alright, then maybe we should...

Mr. Rusnov – I've taken three trips back to this area just to look at the trees and the water.

Mr. Stelbasky – Right, I've been there 25 years. I've presented pictures to Engineering, and we presented a lot of facts to Engineering about the flooding, etc. The Engineering Department, to be honest with you, are only human, and they make mistakes. We still have a lot of water retention that sits there and floods homes, streets, etc. It's not fixed, just ask Pat Berry or Tony Denaro, they just flooded. Their whole basement is flooded, the sanitary backed up into their basements. All I'm saying is that I think we have variances for reasons, but this is a reason that I think we should take a long look at and say enough is enough. Thank you very much.

Mr. Houlé – Thank you Mr. Stelbasky. Is there anyone else? Please come up to the microphone and give us your name and number for the record.

Ms. Kirsvanich – I'm Jodi Kirsvanich, and I live on Juniper Court. We moved there three years ago from Parma. A couple things are extremely frustrating tonight for us. We're really blindsided, we actually stood at the President of the Homeowners Association's house two days ago who told

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Ms. Kirsvanich continues - us in fact that nothing had been supported or approved at that time. So coming here tonight and hearing the argument that this had been supported and all the questions were answered is shocking. We have a group here that have not had the opportunity to talk with Mr. Lipovits and have our concerns answered. We have not been heard. I came from Parma and as I walked the streets doing the petitions this week, I heard from a lot of people the same story. They moved from Parma to come to Strongsville for the community feel. That will be gone. The 20' variance is significant when you look in our backyards. Especially when you're looking at the fact that there will be no ability to buffer any of the homes that are put there. So with all due respect, I've heard a lot about what is good for this City, and Mr. Lipovits, but we're talking about the homeowners and the loss of the community feel that we will have if these variances are granted. So with all due respect, if you could please consider that.

Mr. Rusnov – Can we postpone the vote for a talk with everybody that should be there and wants to be there with Mr. Lipovits, and thrash this out.

Ms. Kirsvanich – I would plead for some type of delay, we have in the past approached Mr. Lipovits as he's been in the backyards and he has refused to even comment to us. He put his hand up to not speak to us. So you may have a report with him that there's open dialogue and that there should be trust, and I'm saying that we've had no opportunity to even have that.

Mr. Rusnov – I hear no dialogue.

Ms. Kirsvanich – I have no reason to trust or not trust him, I just know that right now I feel very violated because the very HOA that is supposed to represent us after joining them three years ago is not involving us, and not listening. It's disturbing, and I hope you could understand that right now I'd love the opportunity for a delay so that we could voice our opinions. We've not been heard.

Mr. Rusnov – I can totally understand that. I don't know what I can do since I'm not the Chairman, but maybe the legal aspect can be answered by Mr. Kolick.

Mr. Kolick – That's why we have these meetings so we do hear from individuals. That's all we can do. We post the meetings, and put them on our website, and we have agendas that go out. We contact the HOA. Whether they contact their individual members, that's not something we can address. We do that purposefully with every HOA even though we're not required to do it, just so they can contact their people. That's all we can do. I can't control what happens, and the City can't control what happens with it. We have time limits though, please understand. If we don't act within those time limits, the variances are deemed approved. We don't have the luxury of being able to postpone it or do something else with it. So if there's...

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Ms. Kirsvanich – I just want to say that if the HOA is coming to you and saying that the questions and concerns have been answered then they are incorrect. They have not been. That's all I can say. They have not been addressed.

Mr. Rusnov – Thank you.

Mr. Salica – If I could just say something quickly, as my wife said, we've been there three years and we love it. You've mentioned that you've been on the Board for an extensive time as have you. You've talked about development in Strongsville. Have any of you been to the current area that is Phase I on Rosalie.

Mr. Rusnov – Sure, all of us.

Mr. Salica – Do you know how many homes have been built in the last three years since we've been there?

Mr. Rusnov – Probably zero.

Mr. Salica – I think three.

Mr. Rusnov – We looked at the vacant lots and couldn't understand why they didn't sell.

Mr. Salica – Correct, there are 12-15 lots currently that have been not kept up, they are just fields. So if you want to buy a house in a lot that's open, next to it you have dandelions and weeds, and all types of things that aren't kept up as of right now. So that's something that we see every day, and you're about to create more spaces like that if you approve this.

Mr. Houlé – Mr. Reed do you want to come back up? Is there anyone else who hasn't spoken yet who would like to come to the microphone before we hear a repeat speaker?

Mr. Kolick – Is there anyone else? You don't have to, but if there's someone here.

Mr. Baldin – Don't be bashful, we've got all night.

Mr. Burkhouse – Scott Burkhouse, 10389 Rosalie Lane, Strongsville.

Mr. R. Miller – Rich Miller, 10425 Rosalie Lane, Strongsville. We've been residents for 11-12 years. We're one of the original owners. We have starred at fields for 11 years now. My kids were little when we bought the house, and now they're in college, and we raised them on a street that didn't have sidewalks. Now we're going to expand the neighborhood when only half of it has been built up. We've all watched the value of our houses, we're all afraid to put our houses up for sale. We're probably at a break-even point right now after 11 years. People down the street scratch

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Mr. Miller continues - their heads wondering why there's 10 year old houses, and then open lots? Having a conversation right now that we're going to expand the street and make these fields even bigger. We've had drainage issues since we've moved in, I've had Engineering in my backyard this past weekend. I brought pots around to my yard to fill puddles that have been sitting in my backyard with standing water.

Mr. Burkhouse – We can't cut our grass in our backyard with these huge swales he put up that we weren't made aware of. I don't trust him, and I don't trust the Engineers. I'm on record for coming here 12 years ago about concerns. I'm appalled that we're even here talking about an extension of this street.

Mr. R. Miller – I was told 10 years ago by the City, and it's on record, about the drainage and the pond in my backyard with elephant holes, and they said that the water draining into my backyard was going to be addressed. The City came out and looked, and they said they were going to put a drain in my backyard. I'm here 11 years from then, and the same people you see are protecting us, and they didn't do anything.

Mr. Burkhouse – I'm not going to leave that guy hanging because the only one who woke up and said something truthfully today because he needs to be heard. We're living it, we bought property there. So wait until you build a home and deal with people like ourselves that paid money for those homes?

Mr. R. Miller – Have you lived in a house for 11 years and have no appreciation for it? We moved into Strongsville, and hoping and expecting that we'd have appreciation, but then we had the recession, but we worked through it. I watched other neighborhoods appreciate in value. Ours has not appreciated because no one is finishing a street. It's not attractive to pull in, even the entrance ways that are supposed to be maintained by the builders aren't. It's just over grown trees and weeds, and now we're talking about expanding it. It makes no sense to me. Finish what you started first in Phase I, and then we should be having this conversation.

Mr. Burkhouse – Come to Rosalie and really see what's going on. I had to have the City Engineers come out and put another drain in to take the water that's coming from Jacque, and I had to fight you Joe to get that done.

Mr. R. Miller – I welcome you to walk in my backyard right now. You better bring mud slickers. Thank you for your time.

Mr. Houlé – Thank you.

Mr. Kolick – Thank you.

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Houlé - Is there anyone else here tonight who would like to speak against the granting of the variance?

Mr. Capp – Joe Capp, 10094 Juniper Court, Strongsville. I've lived there since 1989. I built a house with John Zillich, he's a great builder. He's been in Pine Lakes for many, many years. I've watched that neighborhood grow. What I've noticed on Rosalie, if you look at all the homes that have been built, they are all on the one side of the street. They're all on the eastside, why? Because there's large drop backs to all the homes back there. How many homes are built on the other side? Very few. Two speck homes finally got sold. Why won't people build on that side of the street? 350K and up and you want a 30' back for your lot? Nobody wants that if they're going to spend that kind of money. You're going to put in how many more lots with the same setback? Those lots are going to sit there for another 15 years with nobody buying them. No one is going to build. So you'll have the same problem that we already have on Rosalie, but it's going to be another 50 lots, that to me is a concern. You're going to tear all that out, and these people are going to lose more money on their homes because they'll have all these vacant lots, and people will ask why people aren't building here. Why? Because the lots are crappy. That's just the way it is. You can't put a 350-400K home on a 30' setback on a property. No one is going to buy it. I'd like to hear if anyone on the Board here says that they'd build a 400K home, but that you'll only have from here to there as your backyard. I don't think a single person up there would pay that kind of money to have 30' in their backyard. Then to put a deck on, you could pass a beer to your neighbor and not even leave your deck. He's not even out of his yard, that's ridiculous. Keep the 50' and I think everyone here would be happy. You have 30', then forget it. You'll never have a happy person in this place like that. Thank you.

Mr. Houlé – Is there anyone else who would like to speak before the Board against the granting of the variance?

Mr. Kolick – Why not have Mr. Reed come back up then.

Mr. Houlé – Mr. Reed would you like to come back up?

Mr. Reed – David Reed here again. I just wanted to go on record and address a lot of the concerns that were brought up at the Homeowners Association meeting. We didn't abandon them or didn't hear them. As I stated earlier the entire intent of the Homeowners Association meeting with Mr. Lipovits and his team was to enforce the fact that we would be satisfied if the residents were satisfied, and only if the residents were satisfied. We didn't publish the letter you possess because I wanted it on record. I don't want to produce a letter that was emailed to us on Monday morning or Sunday night and have something change like the minimum square footage was dropped on us on Monday or Tuesday. What does that mean to us? So before I go and produce a letter that says here's how we're going to address these things to the homeowners, I wanted to make sure that it was on record with you guys before the homeowners stuck their heads out and said, hey here's

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Reed continues - what has been said, and then something has changed when we came back. I just wanted to make sure that we all understand each other that the entire intent of the HOA's meeting with Mr. Lipovits was to make sure the concerns brought before us by the residents...

Mr. Houlé – Please speak into the microphone.

Mr. Reed – I'm sorry I thought my voice would also carry.

Ms. Zamrzla – It's for the recording.

Mr. Reed – Oh, my apologies. So as I said, the HOA is satisfied if the residents are satisfied. I think what's come out here today is the understanding that they are asking that Phase II be just like most of Pine Lakes except a little bit bigger lots. That hopefully helps frame the perspective in which we approached this. The complaints we've heard about water, that's up to this Board. The HOA has no authority there and I can't speak on that. I can only tell you what they promise to do and work with the Engineering Department. I just wanted to state that.

Mr. Houlé – We appreciate all the comments we've heard from everyone. Are there any comments from the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Kolick – The applicant is asking to speak.

Mr. Houlé – Please come up to the microphone.

Mr. Lipovits – There have been some mistruths stated here today. Our lots are bigger if not deeper, and all wider than every single lot on Juniper Lane. Just so they know our lots are approximately 3000 SF bigger, than already in the first phase, they're probably 6', 7', 8', 9' wider than every lot on that side of Juniper Lane abutting our property. Also every one of them in the first Phase is deeper, and on the second Phase they are about the same, and then they become a tiny bit less deep than the ones on Juniper Lane. So everyone keeps saying that I'm only going to have a 30' backyard, they are bigger than their homes. They are bigger than their lots. These lots are bigger, and the ones that have that drop, those were put there for walk-out basements. That's the reason for those houses to be built up there on that side. My father and I are happy to walk the property with anybody, and with the Engineers, we are very happy to do that. It's also not true that the house will be built up and the water just runs down to their property, it doesn't work like that. You'll see it on Rosalie Lane in the first Phase, it goes down, it goes into a swale, and then goes up, and the swale does its job. It gets wet, it's supposed to be wet when it rains. It's going to be

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Lipovits continues - wet a little bit after it rains but it does its job. In 2014 in that giant rain it did its job. There were no basements flooded. Nothing. That shows the extent of what he did to help these people, and that's the bottom line. It really is. Nobody's basements or yards flooded. That was a giant storm, it was 100 year rain or something. It was giant. Those yards took care of everything. That being said, I just want you all to know that. Thank you.

Mr. Houlé – Very briefly please.

Mr. Stelbasky – Dale Stelbasky, 9533 Brushwood Lane, Strongsville. I understand what the gentleman just said, but he's wrong.

Mr. Houlé – Alright. I'm sorry, we can't keep going.

Mr. Vantor – Last one. My name is Bill Vantor, 10039 Juniper Court as well. Those pictures that my wife gave you of our backyard, and again our land on Juniper Court backs up to his woods that he wants to develop. I get the sense of doing business and developing, but those pictures are from about a month or month and a half ago, not in 2014. We've been to the Engineers, we've been to the City. We've talked to them. My wife didn't say, and I'm not an Engineer, but I would suspect that all the water running down between our house and the Wolfe's house on the side, when we're out there trying to clean the drain in the lightning storms, that water runs into the ditch and into the street. Then come and look at the front of our house because the gap in the street is starting to collapse, and no one even mentioned that. I don't see anyone out a month and a half ago helping us clean out the drains and take care of the standing water that happens every single time it rains. So I get you want to do business, and I get you want to develop property. I implore you to do the right thing, whether that's kick the can down the road and look at it in more detail, or maybe there's some way to compromise. We look at the one house that sits up with the walk-out basement, and it's frightening to think of something like that being behind our house. I get the Engineer has to weigh in on this, but back to the gentleman who had comments about the developer that went bankrupt and all these promises that were made mean nothing then. I don't know the restitution is and what the process is, if it happens. There's all these good intentions, and we're not Engineers, but what happens when it does not work out? I can tell you what our back yard looks like. It's happening now, why is it happening now? I would think the drains have to work now, but they're not. So why is that? That's all I have to say.

Mr. Houlé – Thank you, if there are no other questions then I will entertain a motion.

Mr. Rusnov – I make a motion to approve a request for 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; also approve a request for a 20' Front Building

6) **PINE LAKES DEVELOPMENT EXPANSION PHASE 2/ Lipovits Construction, Inc., Representative, Cont'd**

Mr. Rusnov continues - 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; also approve a request for 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.

Mr. Smeader – Second.

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

ROLL CALL:	BALDIN – YES	MOTION DENIED
	HOULÉ – NO	
	RUSNOV – NO	
	SMEADER – NO	

Mr. Houlé – The variances have been denied, and we thank everyone for their participation here tonight. Now we'll move on to our next agenda item then.

7) **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. Houlé – We'll move on to our last agenda item which is Robert 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. I'm looking to get a variance to put in a barn. I've been a resident over 30 years, and this is something I've been trying to do since I moved here. What I'm looking for is more ceiling height than what the City allows. Basically I have everything in and ready to go. I'm basically ready to build. I finally got enough money together to do it. That's basically what I'm looking for.

7) **ROBERT W. DOMBROWSKI, OWNER, Cont'd**

Mr. Houlé – Alright, and what is the nature of your hardship that you require a 20' ceiling verses the allowed 15'?

Mr. Dombrowski – It's because I'm looking for 8' ceilings because inside my house I don't have any storage because my basement is short, and it's an older 100 year old home. I want to build a nice building so it can last as long as my house has. I want to build something of quality. I don't want to just build something that is just partially done.

Mr. Houlé – Board members do you have any questions or comments?

Mr. Smeader – What is the size of this proposed construction because I know it started out considerably larger, but we approved it as less square footage than what your foundation has been put in for. Your foundation is larger than what is permitted so where do we stand? What are the dimensions and the ceiling height is 20'?

Mr. Dombrowski – The roof peak would be 20'. In order for me to have 8' ceilings, I have to put in 16" floor joices to spread that span in that space. Otherwise, if I don't do that I won't have any ceiling height whatsoever.

Mr. Smeader – The proposed building is 44' by 26'?

Mr. Dombrowski – Correct.

Mr. Smeader – Thank you.

Mr. Baldin – What are you using this for actually? Why do you need this size?

Mr. Dombrowski – I have other older vehicles. I'm going to be taking in my parent's stuff eventually when they both pass away. They're both 97. So they're getting up there. So I have to deal with their things and I have a lot hobbies. I also have a lot of my equipment over at other people's houses that I want to bring over. I don't have the room for any of it right now. I can't do it in my basement, because the ceiling is too short. I can't even stand up in there. That's just the way it is. Like I said, I finally got enough money to do a nice quality job.

Mr. Houlé – Alright, thank you. I'll open it up to the public hearing then. 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? Please come up to the microphone and give us your name and address for the record.

7) **ROBERT W. DOMBROWSKI, OWNER, Cont'd**

Mr. Cowley – Mike Cowley, 8804 Webster Road in Strongsville. I'm not here to be against his wishes, but my concern is the water runoff from this building he's planning on constructing. He has an existing two car garage there now that the water drains right into the yard. It does not go through the storm sewer. So that's my concern. Will he pick up the storm water from both of these buildings and send it out to the storm sewer?

Mr. Houlé – Come on back up Mr. Dombrowski.

Mr. Dombrowski - I do plan to do that. I'm going to have the runoff go from the garage into a storage area which is around the existing barn structure that I have right now. So all the rain water that will come off the garage and off of barn will go into a storage tank. I have a sprinkler system that I've put in that will take that water and put it back into the yard. It'll be into the backyard.

Mr. Cowley – My concern is these 100 year rains we get, and if it's in November, how are you going to water your yard? Know what I mean? I get a lot of puddling in my backyard so this is my concern. As long as it's approved by the Engineer, and that the system is designing, I want to see it work. Water is a big concern.

Mr. Dombrowski – I have a way to expel it afterwards, I can get rid of it through the sewer system just like a regular rain. Is that better? So it's also set up as a fertilizing system so I covered all those possibilities so if it were to rain or the snow were to melt, I could still take care of it and get rid of it and not put it on the property. I'll have it go down the rain gutter area instead. I'm trying to absorb as much water as we can. I understand what he's talking about. He has a low spot in his backyard and it gets a lot of water. I'm trying to make it so it comes back toward me. I have a drainage system built around the barn so I take all the water that comes down from the rain or whatever. I get you.

Mr. Houlé – We've spoken a lot about drainage tonight, so thank you. We can't pick up anything you're saying.

Mr. Cowley – As long as it's approved by the Engineer, I'm fine.

Mr. Kolick – The Engineers would have to approve it, yes.

Mr. Cowley – Thank you for hearing me.

Mr. Miller – For the applicant, we ask that you give us a record of a drainage system. We have nothing on file for anything you're proposing. At least not since I've been associated with your project so I'd advise you to submit that information to our department for review if this variance were approved.

Mr. Dombrowski – Yes, but I haven't had anyone come out yet to see that.

7) **ROBERT W. DOMBROWSKI, OWNER, Cont'd**

Mr. Miller – Right, you have to submit plans to us for approval before you could even put it in.

Mr. Dombrowski – It was looked at when the plumbing inspector came through, I showed him every single thing I was doing. Just like when they started with the footer. The footer got changed because I was getting flooding.

Mr. Miller – I understand, but you've made revisions to your project which is now expired. You are required to resubmit to us all of that. You will be required to resubmit to us things that have already been inspected because that permit is no longer enforced.

Mr. Dombrowski – Okay.

Mr. Houlé – Thank you. Anything else from the Board? I will entertain a motion.

Mr. Smeader – I make a motion to approve a request for 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; and also a request for 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. Baldin – Second.

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

ROLL CALL:	HOULÉ – NO	MOTION DENIED
	SMEADER – NO	
	BALDIN – NO	
	RUSNOV – NO	

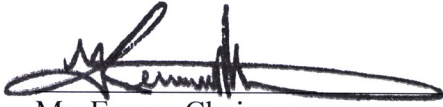
Mr. Houlé – Thank you. You heard the vote Mr. Dombrowski, and your request has been denied.

Mr. Kolick – Would you like Findings of Fact or Conclusions of Law on anything?

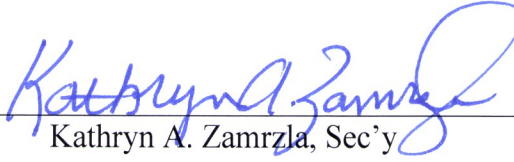
Mr. Houlé – Yes, I'll need Findings of Fact and Conclusions of Law for Pine Lakes and also Mr. Dombrowski please.

Mr. Kolick – Will do so, thank you.

Mr. Houlé – Thank you, is there any further business for the Board tonight? Then we stand adjourned.



Mr. Evans, Chairman



Kathryn A. Zamrzla, Sec'y

May 23, 2018

Approval Date