

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS  
Meeting of  
December 7, 2022**

Board of Appeals Members Present: Ken Evans, Dustin Hayden, John Rusnov, David Houlé, Richard Baldin

Administration: Assistant Law Director Daniel Kolick

Building Commissioner: Mike Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

**1) JOANNA (NEMETH) OVERHOLT, OWNER  
MOTION TO RECONSIDER THE DECISION OF THE BOARD OF ZONING  
AND BUILDING CODE APPEALS AT THE MEETING HELD ON NOVEMBER  
16, 2022**

- a) Requesting a 7,250 SF Lot Area variance from Zoning Code Section 1252.03 (e) (1), which requires a 20,000 SF Lot Area and where a 12,750 SF Lot Area is proposed in order to allow Live Poultry for four (4) chickens;
- b) Requesting a 33' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from any residence and where a 17' Setback from the nearest residence is proposed in order to approve a Chicken Coop;
- c) Requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the West property line and where a 34' Setback from the West property line is proposed in order to approve a Chicken Coop;
- d) Requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the South property line and where a 34' Setback from the South property line is proposed in order to approve a Chicken Coop; property located at 16537 North White Oaks Drive, PPN 397-22-036, zoned R1-75.

All variances are subject to the following conditions: (1) the chicken coop is limited to 4' x 9' maximum size; (2) the fence that surrounds the rear yard must be properly maintained to avoid any predatory animals entering through openings or chickens getting out; (3) no more than four chickens are permitted; (4) the chicken coop and the chickens must be maintained to eliminate any odors or harm to neighboring properties; (5) the chicken food has to be separate and in sealed containers; (6) no roosters are permitted on the property; (7) the chicken coop and chickens must be removed from the property when the disabled occupant that is using the chickens as emotional support animals moves from the property or no longer requires the chickens for emotional support.

Mr. Evans stated that the first item on the agenda is a reconsideration that the applicant requested and is not a Public Hearing.

2) **MICHAEL A. AZZARELLO, OWNER**

Requesting a variance from Zoning Code Section 1252.16 (e), which prohibits a Deck in the front yard and where the applicant is proposing two Decks in the front yard; property located at 9715 Priem Road, PPN 391-13-010, zoned R1-75.

Mr. Evans stated that this request is for two decks in the front yard and there is a lake in the front yard so one of the decks is a dock. Mr. Evans stated that this is an outdoor living special circumstance. Mr. Rusnov stated that he is familiar with the property, the property is the nicest house on the street and the lake is scenic. He also stated that the back yard is small. Mr. Hayden stated that the property is set back from the road. Mr. Baldin stated that the owner has done a nice job moving a lot of dirt around and he approved of the two decks. Mr. Rusnov stated that owner's will continue to improve their homes since COVID is here to stay. Mr. Evans stated that having the lake out front is a topographical hardship. Mr. Houlé stated that the property is 500' from the street and behind other houses. Mr. Baldin questioned whether the Building Department would require a hard surface driveway. Mr. Miller stated that unless the owner enlarges the house there is no requirement to upgrade the gravel driveway. Mr. Baldin stated that the Board often gives an applicant additional time to install a concrete driveway due to the high cost. Mr. Miller stated that he believes the owner will someday upgrade the driveway to concrete.

3) **CLEAN EXPRESS/Jarrod Norton with Morrison Sign, Representative**

Requesting a Sign variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs totaling 75.8 SF are proposed; property located at 16860 Royalton Road, PPN 396-14-004, zoned General Business (GB).

Mr. Evans stated that this signage is for a new car wash business replacing a demolished car wash business. Mr. Rusnov stated that the business is set way back off of Royalton Road. Mr. Houlé stated that they could have a bigger sign since what they're proposing is under the allowance. Mr. Evans observed a Clean Express business on Broadview Road that was not set back as far from the road as this one. Mr. Evans also stated that the logo didn't stand out on the sign on Broadview Road.

4) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative**

- a) Requesting a 1.67' Sign Height variance from Zoning Code Section 1272.08 (c), which permits a 3' Sign Height and where a 4.67' Sign Height is proposed in order to install seven (7) Directional Signs (#8, #9, #13, #15, #17, #18, #19);

- b) Requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#8, #15, #19);
- c) Requesting a 4 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 7 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#9, #13, #17); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Public Facilities (PF).

Mr. Evans stated that this is mostly for directional signage on the property. He also stated that it's a lot of signs and, speaking from personal experience in his dealings with the Altenheim property, he sees the necessity due to the size of the business with the expansions. Mr. Rusnov stated that the signage there is not adequate. Mr. Houlé stated that all the signs are similar in height to what is proposed and wondered if they already had variances. Mr. Miller stated that the west sign on the west drive is going to be better than the one that is there now. The proposed signage will be at a much better location than the current one because of a sight distance issue. Mr. Kolick stated that the CPTED officer determined that there are no sight line issues. Mr. Evans stated that there are three signs that have Altenheim on them that don't need to be the height of the others. Mr. Rusnov stated that the inner court yard is not at all visible from the street. Mr. Evans stated that sign #9, #13, #17 and #18 could be smaller. Mr. Kolick stated that perhaps the size is due to consistency with the others.

5) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative**

- a) Requesting a Ground Sign variance from Zoning Code Section 1272.07, which prohibits a ground sign in a Residential District and where two (2) Directional Ground Signs (#2 and #22) are proposed;
- b) Requesting a 1.67' Sign Height variance from Zoning Code Section 1272.07, which permits a 3' Sign Height and where a 4.67' Sign Height is proposed in order to install two (2) Directional Signs (#2 and #22);
- c) Requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install two (2) Directional Signs (#2 and #22); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Senior Residence (SR-1).

Mr. Evans stated that this request comments are the same as item (4) on the agenda. Mr. Kolick stated that a (5) (a) should be read "Ground Sign."

**6) ANTHONY SCHUR, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) additional Accessory Structure exists in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1274.06, which prohibits enlarging an existing non-conforming structure and where a 1,200 SF Addition to an Existing Accessory Structure is proposed;
- c) Requesting a 1,314 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,637 SF Floor Area is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- d) Requesting a 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' Height is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- e) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Concrete Drive to an Accessory Structure with an overhead door larger than 6' x 7' and where the applicant is proposing no driveway in order to construct a 1,200 SF Addition to an Existing Accessory Structure; property located at 15340 Sunset Drive, PPN 397-05-061, zoned R1-75.

Mr. Evans stated that a neighbor sent a letter to the Board that was an objection to the size of the proposed building. Mr. Houlé stated that is understandable. Mr. Rusnov stated that the driveway is still gravel. Mr. Evans stated that a request of this size has never been approved by this Board. Mr. Kolick stated that there will be vehicles housed in the building. Mr. Evans stated that the Board needs to ask if a business will be run from the proposed building, which would be undesirable.

The Board members approved the minutes from the meeting on November 16, 2022.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
December 7, 2022**

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

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

Also Present: Mr. Kolick, Assistant Law Director  
Mr. Miller, Building Commissioner  
Ms. Onofré, Recording Secretary

Mr. Evans – I would like to call this December 7, 2022 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

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

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. We have minutes from November 16, 2022. If there are no further comments, we will submit those as they were given to us for the record. If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) **JOANNA (NEMETH) OVERHOLT, OWNER**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING CODE AND ZONING APPEALS AT THE MEETING HELD ON NOVEMBER 16, 2022**

- a) Requesting a 7,250 SF Lot Area variance from Zoning Code Section 1252.03 (e) (1), which requires a 20,000 SF Lot Area and where a 12,750 SF Lot Area is proposed in order to allow Live Poultry for four (4) chickens;

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING CODE AND ZONING APPEALS AT THE MEETING HELD ON NOVEMBER 16, 2022**

- b) Requesting a 33' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from any residence and where a 17' Setback from the nearest residence is proposed in order to approve a Chicken Coop;
- c) Requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the West property line and where a 34' Setback from the West property line is proposed in order to approve a Chicken Coop;
- d) Requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the South property line and where a 34' Setback from the South property line is proposed in order to approve a Chicken Coop; property located at 16537 North White Oaks Drive, PPN 397-22-036, zoned R1-75.

All variances are subject to the following conditions: (1) the chicken coop is limited to 4' x 9' maximum size; (2) the fence that surrounds the rear yard must be properly maintained to avoid any predatory animals entering through openings or chickens getting out; (3) no more than four chickens are permitted; (4) the chicken coop and the chickens must be maintained to eliminate any odors or harm to neighboring properties; (5) the chicken food has to be separate and in sealed containers; (6) no roosters are permitted on the property; (7) the chicken coop and chickens must be removed from the property when the disabled occupant that is using the chickens as emotional support animals moves from the property or no longer requires the chickens for emotional support.

Mr. Evans – Item number (1) on our agenda is not a Public Hearing this evening. A Public Hearing was held on November 16, 2022 and a number of individuals did speak at that Public Hearing. The applicant for that variance has requested that the Board reconsider our determination. I'm going to rely on our Assistant Law Director as we proceed this evening because this is a little bit unusual. I do want to point out that the Board did hear from neighboring residents at the Public Hearing and the Board heard those speaking state that they were not aware of the chickens until this Board sent the notice out indicating that a variance had been applied for. A statement was made by the applicant that there was an email sent by an affected neighbor. We did talk about that email but we did not have evidence of it. The email was not received by the City or the Board but since it has been determined that an email was actually sent to the City and the Board received that

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING CODE AND ZONING APPEALS AT THE MEETING HELD ON NOVEMBER 16, 2022**

**Mr. Evans continues** - communication. I also want to note for the record that between the November 16 meeting and tonight, one of the chickens got out of the yard and into the neighbor's property. Our animal warden was contacted and the situation was resolved with the chicken being returned to the property. The Board did receive a letter from a licensed family counselor that indicated that the chickens are emotional support animals and concurred with a Cleveland Clinic letter that the removal of the chickens would harm the individual at the residence. Board members tonight will not hear additional public comment but we may direct questions to the applicant. I will remind those in the audience that this Board is in place to consider unusual circumstances in the City of Strongsville that might warrant the granting of a variance. These in no way are related to the Deerfield Lake Covenants and Restrictions for HOA rules and our decision, whatever that may be does not affect the Covenants, Deeds and Restrictions in the association which are private and not part of the City. In order for the Board to act it is necessary for a motion from a member who was against the variance to reconsider the decision by the Board that was made at the November 16, 2022 meeting. I would then entertain a motion for reconsideration.

Mr. Baldin – Mr. Chairman, I would like to make a motion to reconsider a decision of the Board at the Board of Zoning and Building Code Appeals meeting held on November 16, 2022 concerning the Joanna Nemeth Overholt variance.

Mr. Houlé – Second.

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

ROLL CALL:           MR. RUSNOV – YES  
                          MR. HOULÉ – NO  
                          MR. EVANS – YES  
                          MR. HAYDEN – YES  
                          MR. BALDIN – YES

Mr. Evans – All right. The motion to reconsider is approved. As I indicated there are things that have happened since then. We are now in possession of the email that was sent. We do know that one of the chickens did get out. Part of what was discussed at the November 16 meeting was keeping the chickens in the yard. Mr. Kolick, I believe it's appropriate to ask the applicant to come up.

Mr. Kolick – That's correct, the applicant should come up to the microphone so that we can ask any questions that we might have.

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING  
CODE AND ZONING APPEALS AT THE MEETING HELD ON NOVEMBER 16,  
2022**

Mr. Evans – We will need to start with your name and address please.

Ms. Nemeth Overholt – Hello, my name is Joanna Overholt, 16537 North White Oaks Drive, Strongsville, Ohio, 44136.

Mr. Evans – Thank you. In doing the motion to reconsider, Mr. Baldin, do you wish to address any comments?

Mr. Baldin – Joanna, I think it was a very emotional evening and I think a lot of us got emotional and that was one of my reasons that I conferred with the Law Director and I think my decision was not the right decision that I should have made personally. We have something similar in my family and I had to give it a lot of thought after the meeting. This is why I've asked to reconsider.

Ms. Nemeth Overholt – Thank you.

Mr. Evans – All right. Ms. Overholt, the circumstance of the variance and the request that was made, we put a number of conditions on that one we considered that was not approved but that is being reconsidered tonight. One of the conditions was that the chickens cannot get out of the yard. We do know that one got out. The animal warden was contacted and the chicken was put back in. What happened and what can be done to prevent that from happening?

Ms. Nemeth Overholt – We had a lot of wind around those couple of days but besides that the day that happened we had a Friendsgiving and we had friends over. It was another family, friends of ours, their child has autism too. We did have the chickens out. The kids were playing with them. I was inside cooking dinner. I got the text message saying the chicken was outside. The barrier that we have had up was like a temporary garden fencing and we would be willing to put up something in there that is more stable and not fall over when the wind blows. We would do that but that's what it was. It was a piece of fencing and it just fell over.

Mr. Evans – All right. Questions that we may have from Board members?

Mr. Baldin – That was a large piece of fencing?

Ms. Nemeth Overholt – No, it was about two feet high and two feet wide and they attached together on the sides and you can...

Mr. Baldin – Okay.



1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING CODE AND ZONING APPEALS AT THE MEETING HELD ON NOVEMBER 16, 2022**

Mr. Kolick – Mr. Chairman, just so the applicant understands, if this would get approved there are criminal offenses if that chicken would get out of the yard or more than one, you need to be aware of that because our animal warden would be required by law to enforce that. It is important that if the decision gets reversed here tonight, and I don't know whether it will or it won't, but you have to keep those chickens in your own yard. In fact, that's one of the requirements here under the conditions of the Board, as well. So that is a warning, so to speak, so that everybody understands what the situation is.

Ms. Nemeth Overholt – You have my word, it will not happen again.

Mr. Evans – All right. Questions from Board members?

Mr. Rusnov – No.

Mr. Evans – I do want to make note that the letter that was received by the City was from 16541 North White Oaks Drive, which would be the residence most impacted. Again, we did not have that letter. It was referred to at the November 16 meeting but we did not actually have that letter in hand. We did have a number of comments from residents who spoke against it but none of them had experienced any adverse impact from either the eight chickens that were there originally or the four that remained after June and are currently there until the letter went out from the Board.

Mr. Kolick – That letter, Mr. Chairman, from the neighbor, was in support of granting the variances.

Mr. Evans – Thank you, Mr. Kolick, for that clarification.

Mr. Baldin – Before we vote on this, does she have a copy of all the restrictions?

Mr. Kolick – She will receive a letter from the Board, as we always do indicating any variances that were granted or any variances that are denied along with any conditions that are imposed. That letter goes to the applicant. We do that for any applicant.

Mr. Evans – We need to read the conditions.

Mr. Kolick – You need to read the whole thing.

Mr. Evans – I meant for purposes for the audience.

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING  
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Mr. Kolick – You're going to read it as part of the motion. The audience will hear that. They will all know the conditions imposed if the variances are granted.

Mr. Evans – Ms. Overholt, you're in agreement with all of those conditions that were discussed at the previous meeting and they're now a part of the agenda here, correct?

Ms. Nemeth Overholt – Yes, we are willing to cooperate with what you guys believe would be the right placement and restrictions that you placed on it. We're okay with that.

Mr. Evans – Anything else, gentlemen?

Mr. Rusnov – No.

Mr. Evans – Mr. Kolick, I believe it would be appropriate to have a motion read?

Mr. Kolick – You would read the motion just as it reads on the agenda.

Mr. Evans – So, we will need a motion.

Mr. Rusnov – Requesting a (a) 7,250 SF Lot Area variance from Zoning Code Section 1252.03 (e) (1), which requires a 20,000 SF Lot Area and where a 12,750 SF Lot Area is proposed in order to allow Live Poultry for four (4) chickens; and (b) requesting a 33' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from any residence and where a 17' Setback from the nearest residence is proposed in order to approve a Chicken Coop; and (c) requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the West property line and where a 34' Setback from the West property line is proposed in order to approve a Chicken Coop; and (d) requesting a 16' Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Setback from the South property line and where a 34' Setback from the South property line is proposed in order to approve a Chicken Coop; property located at 16537 North White Oaks Drive, PPN 397-22-036, zoned R1-75.

All variances are subject to the following conditions: (1) the chicken coop is limited to 4' x 9' maximum size; (2) the fence that surrounds the rear yard must be properly maintained to avoid any predatory animals entering through openings or chickens getting out; (3) no more than four chickens are permitted; (4) the chicken coop and the chickens must be maintained to eliminate any odors or harm to neighboring properties; (5) the chicken food has to be separate and in sealed containers; (6) no roosters are permitted on the property; (7) the chicken coop and chickens must

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING  
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**Mr. Rusnov continues** - be removed from the property when the disabled occupant that is using the chickens as emotional support animals moves from the property or no longer requires the chickens for emotional support.

Mr. Hayden – Second.

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

ROLL CALL:           MR. EVANS – YES  
                          MR. RUSNOV – YES  
                          MR. HOULÉ – NO  
                          MR. BALDIN – YES  
                          MR. HAYDEN – YES

**MOTION GRANTED**

Mr. Evans – Ms. Overholt, the variances have been granted by this Board. There is an opportunity for City Council to review our decision. You will hear from the Building Department after twenty days if City Council doesn't review the decision. This Board is empowered to make decisions and we're given that power to do things in order to make changes to what the Code requires. I cannot be stern enough in telling you that in doing this, the Board in making an exception like this puts certain conditions on and those conditions need to be followed. As Mr. Kolick said, there are consequences for things that might happen by accident. I want to make sure you understand that should those things happen then there are consequences and the City is empowered to enforce the conditions of the variances if that had to be the case. So, again, we're granting the variances. We believe that there are adequate provisions here to protect the neighbors but we admonish you to make sure that you stay within the guidelines that we have set in order that this would be a function that will not disturb the neighborhood.

Mr. Kolick – Mr. Chairman, the only other thing I would bring up and reiterate, two things, one, work with the Building Department as far as moving that coop to make it comply with what we have here. I suggest you get the more permanent fencing in to keep the chickens from getting out. This is more for the audience, it was raised at the last hearing that the Covenants and Deeds from the HOA they are not affected by our decision here. That is a separate private item between the HOA and the applicant. Just so you understand. If you want to take it up with the HOA you can do so. That's a separate item.

1) **JOANNA (NEMETH) OVERHOLT, OWNER, Cont'd**

**MOTION TO RECONSIDER THE DECISION OF THE BOARD OF BUILDING  
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Mr. Evans – You will hear from the Building Department at the conclusion of the twenty-day period and we hope that everything works out. You are all set for tonight.

Ms. Nemeth Overholt – Thank you. Merry Christmas.

2) **MICHAEL A. AZZARELLO, OWNER**

Requesting a variance from Zoning Code Section 1252.16 (e), which prohibits a Deck in the front yard and where the applicant is proposing two Decks in the front yard; property located at 9715 Priem Road, PPN 391-13-010, zoned R1-75.

Mr. Evans – Item number (3) on our agenda is Michael Azzarello. If you would come forward and give us your name and address.

Mr. Azzarello – My name is Mike Azzarello, and I live at 9715 Priem Road.

Mr. Evans – Thank you. Why don't you take us through your project? I think you were here during caucus and heard us talking about it. Why don't you tell us what your intent is with adding these decks?

Mr. Azzarello – I have pictures.

Mr. Evans – If you submit them we will retain them.

Mr. Rusnov – Before you start, I have a few quick questions that may help us out. Was the previous owner a motorcycle cop?

Mr. Azzarello – He was.

Mr. Rusnov – That property, I hardly recognized it.

Mr. Azzarello – Thank you, it's an ongoing process.

Mr. Evans – Those pictures we keep for the record. We have all been out to see all of the properties that are on the agenda tonight. Go ahead and tell us about your request for the variance.

2) **MICHAEL A. AZZARELLO, OWNER, Cont'd**

Mr. Azzarello – We've been remodeling the house for three years and now we want to install a front deck so we can enjoy the outside living space.

Mr. Rusnov – You have very little rear yard. Your view and the scenic amenity for the property is the front. The street is blocked by trees and the lake. You're putting in two decks, one on the front of the house and the other one is probably on the lake, which is a dock, correct?

Mr. Azzarello – Yes, the old one was all rotted out. We're rebuilding it. It's about 500' off the road. We'll use the composite material, the 40-year stuff.

Mr. Rusnov – I don't have any other questions for you.

Mr. Hayden – In his application he noted that there will be a small ramp to be used by a family member for accessibility.

Ms. Azzarello – It will all be composite also and it's going to blend right in from the driveway so it'll be a nice composite deck. It will have railings on the side.

Mr. Rusnov – People on the street couldn't see it anyway.

Mr. Evans – As we stressed in caucus, this is related to a topographical situation since there is no back yard and you want to make use of the front yard. Anything else?

Mr. Baldin – I think you're pretty much grandfathered in there with that heavy-duty gravel driveway. Some day you might put in the concrete driveway, or pavers.

Mr. Azzarello – We starting to take advantage of the weather and get all the front yard done. The trees were all rotted with disease. The pond is from 1955 and it was only 4' deep. We cleaned it out and tried to make it really nice.

Mr. Rusnov – It was sludge. It was sold to Pettiti's.

Mr. Azzarello – I was told that they did that in the old days. They dug a hole in the front yard and put the dirt along the house. So, with the great weather this year we were able to improve it.

Mr. Baldin – You will be sitting up high.

Mr. Evans – Anything else from the Board members? If not, is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone who wishes to speak against the granting of the variances? Hearing none and seeing none I will close the Public Hearing and entertain a motion.



3) **CLEAN EXPRESS/Jarrold Norton with Morrison Sign, Representative, Cont'd**

**Mr. Evans continues** - make those fit into the existing allowance of signs and that has been proposed at this point. Tell us about the signage where you're intending and what the purpose is.

Mr. Norton – As discussed in caucus, this is a unique site located 200' back from Royalton Road. It has a couple of points of entry. The client in doing this would rather have tasteful signs on the building as opposed to the 180 square foot allowable. We have worked to develop a package that is tasteful so if you have your packet in front of you the second page says side elevation. That is actually the south elevation I believe. So, these signs would be viewed if you enter from Royalton Road and entered at the side of the car wash. You basically get one of the large Clean Express Auto Wash signs there right as you drive up and then a small sign that says three vacuums that does not light up so it's nothing big and in your face. It's a design element on the building to fill up the space above the windows on the west side of the east elevation. On the third page is the east elevation and this can be seen from the shopping center parking lot. I'm from Columbus. I'm not familiar with the site. I stopped there on my way in today and I can see the building has been demolished but you can clearly see how the building will sit. I think it's the intention of the sign to direct traffic. There's a Best Buy and Lazy Boy there. It's to help people to identify where the car wash is and alleviate the bottle neck there in the shopping center. With that I think that's it. I think it's a unique case with the building set way back from the road. The client doesn't want to go crazy. They want something tasteful and we're comprising on the square footage and in doing so asking for the three signs, which is over and above what the Code allows.

Mr. Evans – Questions, comments?

Mr. Rusnov – We looked at it and I totally understand behind you there is that access road where Rosewood Grill and Triv's is. No one is going to be spotting that there.

Mr. Baldin – Do you know if this is going to be a manned car wash or not?

Mr. Norton – There will be an attendant.

Mr. Rusnov – It will be like Sergeant Clean's on Pearl Road.

Mr. Baldin – I assumed but I didn't know. Thank you.

Mr. Kolick – Mike, I don't recall them coming to Planning Commission with this building. Have they?

Mr. Miller – I believe they were because this permit is in the process.

Mr. Kolick – Maybe they were because they had to do some engineering work on that wall, as I recall.

3) **CLEAN EXPRESS/Jarrold Norton with Morrison Sign, Representative, Cont'd**

Mr. Miller – There was some work for the retention wall behind the building.

Mr. Kolick – Thank you.

Mr. Evans – Anything else from the Board members? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the Public Hearing closed and entertain a motion.

Mr. Hayden – Mr. Chairman, requesting a Sign variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs totaling 75.8 SF are proposed; property located at 16860 Royalton Road, PPN 396-14-004, zoned General Business (GB).

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance, Mr. Norton, has been granted by this Board. There is a twenty-day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the conclusion of the twenty days. Is there anything else?

Mr. Kolick – Mike, has he been before the ARB with the signage?

Mr. Miller – It was conditionally approved by the ARB. We didn't want to make the applicant come back twice. It was conditionally approved.

Mr. Kolick – I don't have a problem with that. Thank you.

Mr. Norton – They've had the sign package for a while. I'm sure it was presented at that time.

Mr. Evans – You are all set for tonight. Thank you very much. Good luck with the project.



4) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative**

- a) Requesting a 1.67' Sign Height variance from Zoning Code Section 1272.08 (c), which permits a 3' Sign Height and where a 4.67' Sign Height is proposed in order to install seven (7) Directional Signs (#8, #9, #13, #15, #17, #18, #19);
- b) Requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#8, #15, #19);
- c) Requesting a 4 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 7 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#9, #13, #17); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Public Facilities (PF).

Mr. Evans – Item number (4) on our agenda this evening is Altenheim Properties on Shurmer Road. If the representatives will come forward please and we will need names and addresses for the record, please.

Ms. Higgins-Woyma – I'm Laura Higgins-Woyma. I work for Brilliant Electric Sign Company at 4811 Van Epps Road. I am representing Brilliant Electric Sign Company.

Mr. Soinger – I'm Scott Soinger. I'm the Director of Facilities at Altenheim, 18627 Shurmer Road.

Mr. Evans – Okay, Laura, why don't you take us through item (4). We'll do that one first and then move on to the next one. The first one is zoned Senior Residence and the second one is zoned Public Facilities.

Ms. Higgins-Woyma – Do you want me to read (a) through (c)?

Mr. Evans – Yes.

Ms. Higgins-Woyma – These are single faced non-illuminated regular shaped aluminum panel directional signs. Why we are seeking bigger signs is because as you know this facility has grown tremendously over the years and there was a lot of issues with people finding where to go and Scott wants to talk a little bit about that.

4) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative, Cont'd**

Mr. Rusnov – Before you start, sir, the signage there I'm very familiar with. I had trouble finding it. This place has grown so much that the signage that you have currently is inadequate. That's really the whole crux of everything.

Ms. Higgins-Woyma – I'm a Strongsville resident and I went to Strongsville High School and walked past this facility to get to school. It's a humongous facility. I agree that the signage is inadequate.

Mr. Rusnov – That's the whole crux of why you're here. I don't mean to steal your thunder but common sense enters into some of the things that we do and when clientele can't find Grandma, that's not good.

Ms. Higgins-Woyma - And for emergency vehicles as well.

Mr. Baldin – Go ahead Scott. You were going to talk about the signage.

Mr. Soinger – We consistently have families come in the wrong buildings. We have four buildings and four entry ways so they have a 25 percent chance of getting it right.

Mr. Evans – The other thing I would point out is that these are not advisement signs. These are directional for the campus and multiple buildings and multiple uses and people that may not be familiar with that. This is to help them and for delivery receipt. So, any other questions?

Mr. Houlé – Isn't this similar to what we did with Union Home Mortgage? Are these just replacing what signs are there, same size as what's there?

Mr. Soinger – The existing are getting refaced and there are additional signs.

Mr. Rusnov – Are we reading four first and then five?

Mr. Evans – Yes. They have to be read separately because of the different zoning classifications.

Mr. Hayden – Are these signs mostly for directional purposes for families or are they also for deliveries?

Mr. Soinger – Both.

Mr. Hayden – Is that more the interior signs? We were talking about the height of those so it may make sense why they're going to be the height that they are.

4) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative, Cont'd**

Mr. Soinger – We also have a meeting center that we have to give directions to.

Mr. Rusnov – In other words you are correcting the current situation. Does that sum it up?

Mr. Evans – So, the question I asked in caucus was if 17 and 26 on the map, which are the Altenheim Therapy Rehab Center and other separate building signs 9 and 22, Shurmer Place Memory Center sign, do those need to be the 4' 6" height? Those are monument signs for the individual buildings where the directional signs have a number of different locations. I understand why that needs to be 4' 6" high. I'm questioning whether the Shurmer Memory Place and Therapy recap Center signs need to be as high as that. Four foot six inches is relatively high and we have to live with everything that we do and when someone else sees that and says they want that too, I want to be able to say that those signs were necessary height for a specific reason. The directional ones for the entry way I'm not opposed to. I question whether or not the others need to be quite as high.

Mr. Soinger – There are two other building identification signs that are existing at that height. We just copied the same sign.

Mr. Evans – Okay, I don't recall them being that high. All right, anything else?

Mr. Soinger – I'm not opposed to lowering it.

Mr. Evans – Anything else?

Mr. Rusnov – No.

Mr. Evans – Okay, this is a Public hearing. Is there anyone in the audience who wishes to speak in favor of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will entertain a motion.

Mr. Houlé – Mr. Chairman, I would like to request (a) a 1.67' Sign Height variance from Zoning Code Section 1272.08 (c), which permits a 3' Sign Height and where a 4.67' Sign Height is proposed in order to install seven (7) Directional Signs (#8, #9, #13, #15, #17, #18, #19) and (b) requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#8, #15, #19) and (c) requesting a 4 SF Sign Face Area variance from Zoning Code Section 1272.08, which permits a 3 SF Sign Face Area and where a 7 SF Sign Face Area is proposed in order to install three (3) Directional Signs (#9, #13, #17); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Public Facilities (PF) be approved.

4) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative, Cont'd**

Mr. Baldin - Second.

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

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans – Those variances have been granted by the Board with the same twenty day waiting period.

5) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative**

- a) Requesting a Sign variance from Zoning Code Section 1272.07, which prohibits a ground sign in a Residential District and where two (2) Directional Signs (#2 and #22) are proposed;
- b) Requesting a 1.67’ Sign Height variance from Zoning Code Section 1272.07, which permits a 3’ Sign Height and where a 4.67’ Sign Height is proposed in order to install two (2) Directional Signs (#2 and #22);
- c) Requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install two (2) Directional Signs (#2 and #22); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Senior Residence (SR-1).

Mr. Evans - That will bring us to number (5) on the agenda. The applicants are the same so we don't need to go through the address. I would dare to say that the comments from item number (4) apply to number (5). Is there anything else that we need to add on this one? It is a different zoning classification and needed to be listed separately. Gentlemen, any questions?

Mr. Rusnov – No.

Mr. Baldin – It will be a great help.

Mr. Evans – Okay, this is a Public hearing. Is there anyone in the audience who wishes to speak in favor of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? If you will come to the microphone please and we will need your name and address.

5) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative, Cont'd**

Ms. Talpas – My name is Joanne Talpas and I live at 18492 Shurmer Road, directly across the street from Shurmer Place. This letter I received doesn't really explain to the average person what this is for.

Mr. Evans – I can't imagine the City would do that. Let me hand you this map and signage plans. These are replacing the signs that they currently have for directional purposes for people coming into the property and moving around within the property. The reason that we are doing these variances is because our Code is very specific about signage size and these are a little bit larger in order to accommodate all the different places within the Altenheim campus. So, along with that map that shows where those are there are some drawings that show what the signs will look like. They are going to be a bigger version of what is there. The Code requires a variance to do that.

Ms. Talpas – Okay, that letter doesn't make that clear and I just really wanted to understand and the general consensus living across the street, I've helped more than a few people out. I would like to talk to you after about something else, a property that they own that is not marked that is not labeled but there are cars that go there so thank you for your time.

Mr. Evans – No problem. That information should help you understand. I'm sure that Scott will be happy to speak to you. Anyone else? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, I make a motion (a) requesting a Sign variance from Zoning Code Section 1272.07, which prohibits a ground sign in a Residential District and where two (2) Directional Signs (#2 and #22) are proposed and (b) requesting a 1.67' Sign Height variance from Zoning Code Section 1272.07, which permits a 3' Sign Height and where a 4.67' Sign Height is proposed in order to install two (2) Directional Signs (#2 and #22) and (c) requesting a 6.99 SF Sign Face Area variance from Zoning Code Section 1272.07, which permits a 3 SF Sign Face Area and where a 9.99 SF Sign Face Area is proposed in order to install two (2) Directional Signs (#2 and #22); property located at 18627 Shurmer Road, PPN 397-01-092, zoned Senior Residence (SR-1).

Mr. Baldin – Second

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

5) **ALTENHEIM PROPERTIES, INC., OWNER, Laura Higgins-Woyma with Brilliant Electric Sign Co., Representative, Cont'd**

Mr. Evans – The variances have been approved and it's also subject to the same twenty day waiting period. The Building Department will notify you at the conclusion of the twenty days and you're all set. Mr. Kolick, do they need to go to ARB?

Mr. Kolick – Mr. Miller, have they been to ARB?

Mr. Miller – Yes, they were approved conditionally.

Mr. Kolick – They don't need to appear again.

Mr. Evans – Good luck with the project.

Mr. Soinger – Thank you.

Ms. Higgins-Woyma – Thank you.

Mr. Evans – Thank you.

6) **ANTHONY SCHUR, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) additional Accessory Structure exists in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1274.06, which prohibits enlarging an existing non-conforming structure and where a 1,200 SF Addition to an Existing Accessory Structure is proposed;
- c) Requesting a 1,314 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 1,637 SF Floor Area is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- d) Requesting a 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' Height is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure;
- e) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Concrete Drive to an Accessory Structure with an overhead door

6) **ANTHONY SCHUR, OWNER, Cont'd**

larger than 6' x 7' and where the applicant is proposing no driveway in order to construct a 1,200 SF Addition to an Existing Accessory Structure; property located at 15340 Sunset Drive, PPN 397-05-061, zoned R1-75.

Mr. Evans – Item number (6) on the agenda is Anthony Schur. Please come forward and state your name and address for the record, and tell us what you're proposing.

Mr. Schur – My name is Anthony Schur, 15340 Sunset Drive. I'm requesting to build an extra building in the back yard for the purpose of storage like vehicles and tools and equipment, a work shop, recreational equipment.

Mr. Evans – One of the questions that we always ask is whether or not you intend on running a business out of the property.

Mr. Schur – Definitely not.

Mr. Evans – So, it's for your own personal use?

Mr. Schur – Personal use.

Mr. Evans – We did receive a letter from a neighbor on Sunset there that expressed concerns about the size of the building and what it might entail and becoming a commercial enterprise. Gentlemen, questions or comments?

Mr. Kolick – So, you will be storing vehicles in this building?

Mr. Schur – Personal vehicles.

Mr. Kolick – How many vehicles are you planning on putting in there?

Mr. Schur – Two or three, and a motorcycle.

Mr. Kolick – And you'll be working on vehicles?

Mr. Schur – Working on vehicles. Maintaining the vehicles.

Mr. Baldin – Mr. Chairman, sir, what type of business are you in at the present time?

Mr. Schur – Me, I'm a millwright.

6) **ANTHONY SCHUR, OWNER, Cont'd**

Mr. Baldin – Okay, and I noticed you have a couple of vehicles on the property. One was recreational and the other was just sitting there. Will you be storing them in the big barn if we grant this?

Mr. Schur – Just a few vehicles. The ones that are not being used, I travel far for work, so I have to store some vehicles and I don't want...sometimes I have to work on them and I don't want to work on them outside. I may have to jack it up or if it's a tall truck. Someday I might want to get a boat.

Mr. Baldin – And you don't feel you need a hard surface to get back there?

Mr. Schur – No, not in the summertime.

Mr. Baldin – When you get some moisture in the summertime it's going to be rough.

Mr. Schur – I won't be bringing them in and out. Just keeping them in there as I need them.

Mr. Baldin – You need a big door to get vehicles in and out. Well, one of our requirements is a hard surface. It has to be concrete.

Mr. Rusnov – Or asphalt.

Mr. Evans – No.

Mr. Baldin – No asphalt.

Mr. Schur – If it's grandfathered in to the existing building, it didn't have a concrete driveway.

Mr. Kolick – Mr. Chairman, it's not going to be grandfathered in if you're expanding the building. Another question, Mr. Schur, you're a vehicle mechanic at Odyssey Specialized Logistic LLC. Is that correct?

Mr. Schur – I was before I was a millwright.

Mr. Kolick – Okay, you have had past experience as a vehicle mechanic?

Mr. Schur – How do you guys know that?

Mr. Kolick – It's on the paperwork in front of me.

Mr. Schur – I was but I'm not now.



**6) ANTHONY SCHUR, OWNER, Cont'd**

Mr. Evans – Other questions? Mr. Schur, I can tell you that from my perspective as a member on the Board, for us to put buildings of this size into a heavily residential area where a lot size is very small and you're asking for the variances that you are for heights and square footage, no driveway back to it, this Board is very hesitant to approve that type of thing. Were you on Boston Road or somewhere where the property is much larger and much more individual in nature, that might be a different circumstance but at least for me, putting this size of building in this residential area would be the wrong thing to do.

Mr. Schur – It's a one-acre lot and the building isn't that large.

Mr. Evans – It is a large building, but that is my opinion.

Mr. Schur – I need a place to put my vehicles and I need to be able to maintain them and not work on them outside.

Mr. Evans – I understand but it's a residential area.

Mr. Schur – My neighbors didn't mind when I talked to them about it and no one even sees it. No one would even know it's there. I don't understand.

Mr. Kolick – Mr. Chairman, let me add, our variances are very specific and they are based on the size of the lot and your lot only permits a 323 square foot accessory structure. Yours is three times that, almost four times, the permitted size. So, you're much larger than what our Code would permit, even on this size lot.

Mr. Houlé – I concur with Mr. Evans. For the size of the building that you're asking for I don't think it's appropriate at all. Typically, we have never agreed to anything where you don't put a hard surface driveway in with that size of the building.

Mr. Schur – We could put a gravel driveway in or we could do it down the road in the future with another structure.

Mr. Houlé – You would have to ask again.

Mr. Schur – A concrete drive is very expensive.

Mr. Evans – We understand that but that is what the Code is and our ability to grant variances is predicated on four reasons and the hardship one here is that you want something that doesn't necessarily fit into that area; that's not a hardship that we can make a decision on. If there's nothing else let me go ahead and open this to the Public Hearing.

**6) ANTHONY SCHUR, OWNER, Cont'd**

Mr. Schur – Where do I put my vehicles then if they're going to sit outside? I have the land to build the thing.

Mr. Evans – The building may be considered to be an eyesore by neighbors.

Mr. Schur – But it's not. It's in the back yard where no one even sees it and the neighbor said he doesn't mind. He doesn't even care. He said, I would like you to build a garage. It's not hurting anybody at all. There's no traffic. It's just to store my stuff I work on for a living. That's where I have to store my tools and equipment and everything else.

Mr. Kolick – Mr. Schur, this Board doesn't set the rules. City Council sets the rules and they have set a limit of accessory buildings on a lot your size and you are asking for something four times that amount. They require that if you have a garage door and vehicles going back there that you have to have a hard surface to the building. The only way this Board can grant variances is if you meet the conditions of the Code. This Board cannot consider economic considerations, mainly cost, to grant a variance. It has to be a topographical problem or an unnecessary hardship, it can't be detrimental to the neighborhood, and I know you're saying it isn't, but we have at least one letter from one neighboring property owner saying it would be, but you have to meet all four of those and it can't run contrary to the conditions of the Code for a Residential District. There are limits to the size of the accessory building. So, that is what this Board is faced with.

Mr. Schur – What kind of building am I allowed to build?

Mr. Kolick – You can build up to 323 square feet without a garage door on it.

Mr. Schur – Additional?

Mr. Kolick – No, that's total. That is why you're here, because the addition is going way over the size that you are permitted.

Mr. Schur – How many buildings are we allowed to have?

Mr. Kolick – One accessory building.

Mr. Schur – We're here to change that, right? Upgrade it.

Mr. Evans – Again, you can ask for whatever you want. What I'm saying is that my opinion is only one and I think it's the wrong size for in that area. I'm only one member of the Board so I'm just telling you what my opinion is and other Board members may have other opinions. That is up to them.

**6) ANTHONY SCHUR, OWNER, Cont'd**

Mr. Houlé – The other option is you could build onto the attached home that you have now. You would be going out toward the driveway or off to the side. You could build a garage that way that wouldn't be subject to these rules.

Mr. Schur – Add onto the existing garage in the front of the house?

Mr. Kolick – That is a possible solution to get your vehicles inside and as long as you meet the conditions of the Code you're okay. If you exceed 1,000 square feet that would require another variance. Depending on how large it is, we would have to see plans but that is another way to maybe get your vehicles in the garage to work on.

Mr. Rusnov – They're trying to tell you maybe you want to go back to the drawing board to reconsider your options and see what you can and cannot do.

Mr. Baldin – What can you live with in size?

Mr. Kolick – Let's have the Public Hearing and then we can bring them back up and, in the meantime, you can consider some of these items.

Mr. Rusnov – You could table this and go back to the drawing board.

Mr. Evans – Let's have the Public Hearing. This is a Public Hearing. Is there anyone in the audience who wishes to speak in favor of the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed. Mr. Rusnov's suggestion is you could table this and you could meet with the Building Department to determine if you could add onto the existing house that might be a way of getting around needing a variance. We are more than willing to act on the request for the 1,200 square foot addition and do it that way as an accessory building. That's up to you as to how you want to do that. If you want us to act on it as it is presented we are more than happy to do that. If you want to table it, all that does is delay our vote so you can talk to the Building Department about other options. If you want to go forward with what you have presented we are happy to do that.

Mr. Schur – I already talked to the Building Department and they obviously directed me here.

Mr. Evans – That is correct in terms of what you applied for but the Building Department may be able to tell you other options.

Mr. Rusnov – An alternative is what we're looking for. If we vote on this tonight and you're tuned down there is a time limit that you can't reapply.

6) **ANTHONY SCHUR, OWNER, Cont'd**

Mr. Kolick – Mr. Chairman, so that the owner is clear, if you determine that you want to add to the existing home and enlarge the garage that is a totally different type of variance than an accessory building. You could bring that back immediately even if the size exceeds the 1,000 square feet. That you could bring back before us. You couldn't come back with the accessory building plan decreasing the size by 100 square feet. That wouldn't be a substantial change. If you want us to act on the accessory building we can do that and you could look at adding onto the home and if you need a variance for the size that would be separate and you could come back to the Board.

Mr. Schur – You won't let me add onto the accessory building but you would let me add onto the garage?

Mr. Kolick – As long as you comply with the Code because the requirements in the Code for adding onto the house are different than adding onto the accessory structure.

Mr. Schur – I would be adding onto the front of the house where everyone would see it. People can't see the back of the house.

Mr. Rusnov – It's a whole different issue adding onto your house over adding onto an accessory structure.

Mr. Baldin – We're not saying you can't add onto the accessory structure. You just have to work within the parameters permitted by the Code.

Mr. Rusnov – You would have to meet with City Council to change things. They're the ones who wrote the Code.

Mr. Schur – Well, can we talk to City Council?

Mr. Rusnov – You can talk to whoever you want.

Mr. Kolick – You can address City Council about the Ordinances. They have public audience participation and they meet the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of the month right here in this room. You're always welcome to address City Council if you're looking for a change in the Ordinances.

Mr. Schur – Originally, I wasn't planning on changing the whole game plan.

Mr. Kolick – We just need a decision. Do you want us to act on what you have here this evening?

Mr. Schur – Can we act on what we have now?

6) **ANTHONY SCHUR, OWNER, Cont'd**

Mr. Kolick – Yes.

Mr. Schur – If that does not work then we can proceed to the other step.

Mr. Baldin – You can also make a decision to reduce the size. We're saying the size that you're looking for is out of sight.

Ms. Schur – Well, how would I fit my vehicles in it? That's the size that I need.

Mr. Kolick – Mr. Schur, one of the problems that we have with structures of this size in Residential Districts is that even presuming that everything you do is okay, some day you sell the property and the new owner runs a landscaping business out of this nice big building you built. The variance stays with the lot. It doesn't go away when you leave the property so that's another thing that we, as a Board, have to consider.

Mr. Schur – I'm planning on staying there for a while.

Mr. Kolick – Things can change. We'll act on this.

Mr. Schur – And we can proceed to a different option if this is turned down.

Mr. Kolick – Yes, you can talk to the Building Department to change your project or talk to City Council to change the Ordinance.

Mr. Kolick – You would need to make up another drawing and fill out a new application for a permit if you change the plan to an addition to the house. So, do you want us to act on what you have here?

Mr. Schur – Yes.

Mr. Kolick – Okay, Mr. Chairman, you can go forward.

Mr. Evans – Thank you, Mr. Kolick. The Public Hearing will be closed and I will then entertain a motion.

Mr. Baldin – Mr. Chairman, a) Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) additional Accessory Structure exists in order to construct a 1,200 SF Addition to an Existing Accessory Structure; b) Requesting a variance from Zoning Code Section 1274.06, which prohibits enlarging an existing non-conforming structure and where a 1,200 SF Addition to an Existing Accessory Structure is proposed; c) Requesting a 1,314 SF Floor Area variance from Zoning Code Section 1252.15,

**6) ANTHONY SCHUR, OWNER, Cont'd**

**Mr. Baldin continues** - which permits a 323 SF Floor Area and where a 1,637 SF Floor Area is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure; d) Requesting a 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' Height is proposed in order to construct a 1,200 SF Addition to an Existing Accessory Structure; e) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Concrete Drive to an Accessory Structure with an overhead door larger than 6' x 7' and where the applicant is proposing no driveway in order to construct a 1,200 SF Addition to an Existing Accessory Structure; property located at 15340 Sunset Drive, PPN 397-05-061, zoned R1-75 be approved.

Mr. Houlé – Second.

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

ROLL CALL:           MR. BALDIN - NO  
                          MR. RUSNOV - NO  
                          MR. HOULÉ - NO  
                          MR. EVANS - NO  
                          MR. HAYDEN – NO

MOTION DENIED

Mr. Evans – So, the variance has been denied by the Board here. The suggestion would be that you work with the Building Department to determine what options might suit your needs. As Mr. Kolick said you could go to City Council but that process isn't going to result in any approval immediately. For them to change the Zoning Code, that takes time, and that may not meet your needs with getting something done immediately. Meanwhile, the variance has been denied by the Board here and you need to speak to the Building Department. You're not going to wind up with 1,200 square feet but you may be able to accommodate what your needs are. Mr. Kolick, I will ask for Findings of Fact and Conclusions of Law for item number (6).

If there is no other business to come before this Board, we are adjourned.

Signature on File  
Mr. Hayden, Chairman

Signature on File  
Kathy Zamrzla, Secretary

January 11, 2023  
Approval date