

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

**Meeting of
June 27, 2018
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlé, Tom Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) ERIK AND MONICA BETCHKER, OWNERS

Requesting a 17' 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 31' encroachment into the Rear Yard Setback is proposed in order to construct a 861 SF Pool Deck; property located at 16324 Falmouth Drive, PPN 397-31-001.

The Board noted that they have already received an HOA letter. They also mentioned that this is a very large yard. The Board was informed that the deck is already half completed. Then they discussed whether there was a hardship that called for the variance because it seemed it could have been placed elsewhere in the yard. The yard is flat, and the pool is at the very back of the yard far from the house. They also noted that there is a storage shed and a jungle gym in the backyard as well. They did mention that the fence would shield people's view of the deck. It was also mentioned that each neighbor has a barn or shed next to their lot as well that would shield the view as well.

2) CRAIG AND TIFFANY HANEY, OWNER

Requesting a 2' 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 16' encroachment into the Rear Yard Setback is proposed in order to construct a 352 SF Patio; property located at 16647 Timberline Drive, PPN 397-22-071, zoned R1-75.

The Board acknowledged that this is a result of the Zoning Code change that is creating the hardship on the applicant. They also noted that they have received an HOA letter, and that they have already staked it out for them. The Board Chairman mentioned that he'll have to abstain due to his position on High Point's HOA. They mentioned that it's a private backyard, and they thought it would be an improvement.

3) JASON AND NICOLE TRUSNIK, OWNERS

- a) Requesting a 6' Side Yard Setback (South) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (South) and where a 4' Side Yard Setback (South) is proposed in order to construct a 5,505 SF Single Family Dwelling;
- b) Requesting an .81' Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North) and where a 9.19' Side Yard Setback (North) is proposed in order to construct a 5,505 SF Single Family Dwelling; property located at 18116 Clare Court, PPN 394-29-132, zoned R1-100.

The Board noted that this is proposed construction on a cul-de-sac in an empty lot. They questioned whether they could move it back enough to not need the variance at all. They also mentioned that there are easements all around.

4) RYAN AND ALICIA LEWIS, OWNERS

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 install a 288 SF Unenclosed Deck; property located at 11020 Jasmine Court, PPN 398-19-028, zoned R1-75.

The Board mentioned that this is a result of the Zoning Code change that is creating the hardship. They also noted that both neighbors on either side already have this done but with attached all-season rooms. The Board noted that they still need an HOA letter.

5) DOROTHY AND RONALD SZELESTA, OWNERS

Requesting a 16' 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 30' encroachment into the Rear Yard Setback is proposed in order to install a 256 SF Unenclosed Deck; property located 9286 Rainer Court, PPN 395-22-049, zoned R1-100.

The Board noted that this is another one that is caused by the Zoning Code change creating a hardship on the owner. They mentioned that it's staked out already. They mentioned that they have a letter from the HOA with conditions that they added.

6) **MARK AND LOIS MANGIONE, OWNERS**

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) accessory structure and where the applicant is proposing a 171.72 SF second accessory structure Patio Cover/Gazebo; property located at 16963 Bear Creek Lane, PPN 397-11-078 zoned R1-75.

The Board noted that this is for a gazebo on a corner lot. It'll be on a patio near the house, not in the yard. They also noted that there is a shed in the yard already. The Board mentioned that there are fences on both sides of the yard, and the other side has the house making it not very visible elsewhere. They agreed that it'll be a nice addition.

PUBLIC HEARINGS

7) **BRENT AND GINGER HEYNEMAN, OWNERS/JDK Construction, Rep.**

Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 496 SF Unenclosed Patio; property located at 18313 Potomac Drive, PPN 396-19-045, zoned R1-75.

The Board noted that they received an HOA letter from the applicant. They also mentioned that this is another case due to the recent Zoning Code change that created a hardship on the owner.

8) **MICHAEL AND ELAINE ZUSY, OWNERS**

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to construct a 1240 SF Deck; property located at 10750 Carmel Oval, PPN 395-27-146, zoned R1-75.

The Board noted that they received a revised drawing and an HOA letter from the applicant.

9) **DIRK GARNER AND ZARINA MELIK-STEPANOVA, OWNERS**

Requesting a variance from Zoning Code Section 1252.16 (e), which prohibits a Patio in the front yard and where the applicant is proposing a 283 SF Patio in the front yard; property located at 17631 Falling Leaves Drive, PPN 396-05-072, zoned PDA-2.

The Board found no issue with this applicant's request.

10) **SHIRISH PATEL, OWNER/Steve Bella with Bella Cement, Representative**

Requesting an 8' 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 22' encroachment into the Rear Yard Setback is proposed in order to construct an 870 SF Unenclosed Patio and a 384 SF Unenclosed Patio; property located at 21688 Briar Bush Lane, PPN 392-09-007, zoned R1-75.

The Board noted that the HOA had concerns, but that the concerns had been addressed in a plan that they have approved. The Board found no issue with this variance request.

11) **PAULINE WARNER/Dave Hopkins with Paradise Pools, Representative**

Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming use where the applicant is proposing an in-ground swimming pool; property located at 11433 Pearl Rd., PPN 392-21-014, zoned RMF-1.

The Board noted that this contractor is taking over a project that was deserted. They agreed that it will be an improvement.

12) **WILLIAM FOWLER, OWNER**

Requesting a 17'4" Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 32'8" Front Yard Setback is proposed in order to construct a 450 SF Garage Addition; property located at 11712 Park Point Place, PPN 398-15-029, zoned R1-75.

The Board noted that they received an HOA letter from the applicant. The Board found no issue with this request unless it was a problem with the neighbors.

13) **SGT. CLEAN CAR WASH aka BENDIK HOLDINGS, LLC/ Greg Seifert, Representative**

Requesting a 5'6" Side Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Setback and where a 4'6" Side Yard Setback is proposed in order to expand an existing parking lot; property located at 18534 Pearl Road, PPN 394-26-003, zoned CS.

The Board noted that they asked the applicant to contact the neighboring development, and they were waiting to hear what they had to say about it. They also noted that the vacuums are underground and so should be practically noiseless.

OTHER BUSINESS

14) ERIC BURCH AND KAREN SHINSKY, OWNERS

Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 15' x 15' Unenclosed Patio; property located at 13206 Compass Point Drive, PPN 399-31-049, zoned R1-75.

The Board noted that this is one that was affected by the Zoning Code change. They discussed that they were waiting on Engineering's opinion, and the Building Department was told that there were no problems with this plan. The Board also noted that the public hearing was already completed at the last meeting.

1) **ERIK AND MONICA BETCHKER, OWNERS, Cont'd**

Mr. Betchker – Erik Betchker, 16324 Falmouth Drive, Strongsville.

Mr. Evans – You're here for a rear yard setback for a pool deck to be constructed. If you can, please tell us what you're proposing.

Mr. Betchker – The pool is back on the back, the deck is on the back, and the old deck will be replaced. All of this here, and with the windstorm we had this spring, the handrail fell off. It was constructed by the previous owner who was a contractor by trade. Once the handrail came off, I took it upon myself to remove the decking boards and start replacing the decking boards. Then I realized that they used staples, so the wood under the deck was no good so I had to go down the post. I talked to Brian in March, April, and May and all they were concerned with was that were on the back of the property, and then we violated the set back from the property. Now what I'd like to do is, and what I'm currently working on now is from the back of the pool to the back of the property is about 7' wide. That's heading toward the back, and I think its 27' for the pool, and it's about a couple feet from each edge. It's about 22' by 7'. So it'll be a raised, circular pool. I want to do the four corners...taking it out, and putting in a pipe layout here, so people can walk around the pool. I have four kids, 4, 6, 8, and 9 years old. It's limiting. Plus the pool is like 45 yards from the back of my house.

Mr. Evans – OK. So the pool was already there when you moved in. It had a deck around it. The deck has been replaced. Now you're expanding the deck where the pool was and where the original deck was.

Mr. Betchker – Correct. I am building the deck that was there now, and has a temporary handrail up because the pool just opened up this week. We're dealing with all that. We need this variance.

Mr. Evans – Okay, gentlemen are there questions? I know some of you have been out there.

Mr. Houlé – The pool is within the easement, but the decking is the one that needs a variance. That's what I can tell looking at it.

Mr. Betchker – There's a 15' setback and that's about 16.5' or so away from the rear the property line. The furthest part of my pool from the rear line is about 15' from the rear line.

Mr. Houlé – Right, so the pool is within the allotted space, but the....

Mr. Betchker – Decking is not.

Mr. Evans – It's within the yard.

1) **ERIK AND MONICA BETCHKER, OWNERS, Cont'd**

Mr. Houlé – It's within the yard, but it says that you only needed 36' on the application here. He needs a 20' variance. I think the pool is within that 20', but not the decking.

Mr. Kolick – Not the decking.

Mr. Houlé – On the application, it says 31' encroachment. There's different numbers here between the application and the agenda.

Mr. Betchker – The pool should approximately be 48' from my rear property line. My pool is already within that 15', and then we have behind the pool. So it's all that.

Mr. Evans – So we need to verify the actual variance because in the application the applicant said 20', and in the agenda it says 17'. Which is the correct number? We need to ensure we're in the right spot. Are there other questions from Board members?

Mr. Houlé – There's no other option? You want to put the pool decking on the backside so it encroaches even more into the rear setback? That is opposed to putting it on the other side? I know you said you were going to do some side ones as well.

Mr. Betchker – We're just building off the existing deck.

Mr. Houlé – Yes, but that was already in violation of the Code.

Mr. Betchker – That was all done before though.

Mr. Houlé – Right, but we're here to see whether or not we'll grant you a new variance. That is regardless if the other one was there or not.

Mr. Evans – So what you're asking is whether it can be constructed on the other side of the pool where it is not encroaching on a setback?

Mr. Betchker – I'm not going back any further than the preexisting deck is. I'm saying keep that same line in the back, and I'm building it forward and further over.

Mr. Houlé – Is there another alternative to putting back where it's in the encroachment? Is there a reason you can't put the decking only on the front side of the pool? The pool seems to be okay as far as the encroachment, but not the decking.

Mr. Evans – The existing deck is already into that 50' area.

Mr. Baldin – The numbers are just wrong though, so we need to get the numbers corrected.

1) **ERIK AND MONICA BETCHKER, OWNERS, Cont'd**

Mr. Kolick – The question to the applicant is, since you're rebuilding the deck anyway, is there any reason why you can't put the deck on the front of the pool only? Then you wouldn't need that much of a setback variance. That's the question.

Mr. Betchker – I'm going to say NO because I already rebuilt the whole

Mr. Evans – Substructure.

Mr. Betchker – bottom of it. The posts were still there in the ground, and I started the decking

Mr. Evans – Where the deck originally was.

Mr. Betchker – Yes, versus replacing a full deck.

Mr. Evans – Okay. So we'll make sure we get the right numbers so we have that for the next meeting.

Mr. Baldin – Did you start this, and then someone from the City came out and saw what was going on and therefore you had to go get a permit? Or did you go get a permit ahead of time?

Mr. Betchker – I was only rebuilding the old deck before. I was removing the decking boards that were unsafe. I spoke to Brian in March, and I planned three or four weeks ago to expand the deck. It has the adverse effect.

Mr. Baldin – Okay, thank you.

Mr. Evans – Is there anything else? 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 July 11th. 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. Betchker – Thanks for your time.

2) **CRAIG AND TIFFANY HANEY, OWNER**

Requesting a 2' 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 16' encroachment into the Rear Yard Setback is proposed in order to construct a 352 SF Patio; property located at 16647 Timberline Drive, PPN 397-22-071, zoned R1-75.

Mr. Evans – Second on the agenda tonight is Craig and Tiffany Haney. Please come up to the microphone and give us your name and address for the record.

Mr. Haney – Craig Haney, 16647 Timberline Drive.

Mr. Evans – Thank you, Mr. Haney. You are working on a 2' rear yard setback variance. For those of you in our audience this is one of many that are on our agenda this evening. They are a direct result of Council changing the Zoning Code. In doing so they have made a lot of properties non-conforming because they made it retro-active to most of the existing properties in Strongsville. It's created havoc, and you can tell by the number of people who are here because we usually have about a half dozen people, and tonight there's a packed audience thanks to City Council and the change they have made. I will not be political and say whether that was good or bad, because we're here to just follow the rules that they have imposed on the City. So Mr. Haney, this is replacing a preexisting deck?

Mr. Haney – We have an existing patio.

Mr. Evans – It's an existing patio, and you're going to a stamped concrete patio instead.

Mr. Haney – That's correct. I was not aware about 14' limit. I would be happy to move it back 2' if that is possible?

Mr. Evans – Brian?

Mr. Houlé – It's a 2' encroachment.

Mr. Roenigk – If it's non-conforming, they can't do anything until...

Mr. Evans – That's what I thought. No, thanks to Council it doesn't matter.

Mr. Kolick – If he moves it two feet, then he's in compliance with the Code. If he moves it two feet back, then he's permitted to go 14' into the rear yard setback.

Mr. Rusnov – That would speed the process up for you, bigtime.

Mr. Roenigk – He needs a 50' setback first.

2) **CRAIG AND TIFFANY HANEY, OWNER, Cont'd**

Mr. Kolick – So he doesn't even have that, is what you're saying?

Mr. Roenigk – If he doesn't even have 50' there's....

Mr. Kolick – He can encroach 14' into a 50', but he doesn't even have 50'.

Mr. Roenigk – 50' could be inside the dwelling.

Mr. Kolick – Alright.

Mr. Roenigk – If this isn't to scale, I won't be able to do this now, but I could check that.

Mr. Haney – Please check and let me know.

Mr. Evans – Yes, right. I'm sure you don't have that because I'm sure that High Point doesn't. They are built according to the standards back then, and thanks to Council it no longer conforms.

Mr. Kolick – What we can look at is that he only needs to be 36' from the property line because he can encroach 14'. We'll send him on, and in the meantime you can take a measurement and see if he takes off that 2', and if it works he wouldn't need the variance.

Mr. Evans – So if you're 36' from the edge of the patio, then it doesn't require a variance. So go measure that. I'm reasonably certain it's not going to make it, but you can take a look at it. If it would be 36', then get ahold of the Building Department and you would then not need a variance to move forward. OK? Are there questions for Mr. Haney? Alright, we have a letter from the HOA. Let us know after you measure that if it's conforming so Kathy in the Building Department doesn't send out a letter to everyone within 500 foot. If the letter goes out then the public hearing would be July 11th. Again everyone in that radius would receive that so you can talk with inquisitive neighbors about what you're doing. I will also have to make note of the fact that since I'm a trustee in High Point Homeowners Association, I'll be abstaining on the vote should there be a continuation of the variance request at the next meeting. Is there anything else gentlemen? Okay, thank you.

3) JASON AND NICOLE TRUSNIK, OWNERS

- a) Requesting a 6' Side Yard Setback (South) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (South) and where a 4' Side Yard Setback (South) is proposed in order to construct a 5,505 SF Single Family Dwelling;
- b) Requesting an .81' Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North) and where a 9.19' Side Yard Setback (North) is proposed in order to construct a 5,505 SF Single Family Dwelling; property located at 18116 Clare Court, PPN 394-29-132, zoned R1-100.

Mr. Evans – Third on the agenda tonight is Jason and Nicole Trusnik. Please come up to the microphone and give us your name and address for the record.

Mr. Trusnik – Jason Trusnik, 18116 Clare Court, Strongsville.

Mr. Evans – You are proposing building a new house in Waterford Crossing. We spoke in caucus a little bit. We have the approval from Waterford Crossing. Right now you're building the house right up to the building line. Was there any thought of backing it up a little bit to avoid those two variances on the side?

Mr. Trusnik – There was a lot of thought. If you look at the house it is on a cul-de-sac. There is a strip of land between us and the next house. Once you hit the cul-de-sac, that house is 10' further back already. So we played around with it, and we had two different angles that we had the house. One way the neighbors on the back patio could see the front of our house, which seemed weird to me sitting on the porch. It was a weird angle. We tried to set the house back for privacy.

Mr. Evans – Right now the proposal is less than one foot on the one side, and six feet on the other. This is new construction so obviously you'll want to let the neighbors know because everyone within 500 feet will get a notice about the application for the two variances. Are there other questions or comments?

Mr. Baldin – I think he gave us his reasons.

Mr. Trusnik – The layout makes sense.

Mr. Rusnov – It makes it conform to the rest of the neighborhood.

Mr. Trusnik – I tried to find the best place for the house. Then also the reason I put it more on the left was because there is the easement there.

Mr. Houlé – It is already staked out on both sides.

3) JASON AND NICOLE TRUSNIK, OWNERS, Cont'd

Mr. Evans – Is there anything else? Your public hearing is July 11th, and the notification will go out to everyone meanwhile. We'll see you back here then.

Mr. Baldin – If you could have the new stakes put in then.

Mr. Trusnik – Okay. I will, thank you.

4) RYAN AND ALICIA LEWIS, OWNERS

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 install a 288 SF Unenclosed Deck; property located at 11020 Jasmine Court, PPN 398-19-028, zoned R1-75.

Mr. Evans – Fourth on the agenda tonight is Ryan and Alicia Lewis. Please come up to the microphone and give us your name and address for the record.

Ms. Lewis – Alicia Lewis, 11020 Jasmine Court.

Mr. Evans – Okay. You are a part of Pine Lakes.

Ms. Lewis – Mr. Lewis is out of town and cannot be here. We asked the HOA for approval.

Mr. Evans – Outstanding. Okay. When you get that just get it up to the Building Department. Then they'll have it before the July 11th meeting. That would be good.

Mr. Rusnov – So to save some time, you're here because of the Zoning Code change. Period.

Ms. Lewis – Yes.

Mr. Rusnov – Thanks.

Ms. Lewis – That's it.

Mr. Evans – So July 11th is the public hearing and we'll see you back here at that time.

Ms. Lewis – OK.

Mr. Evans – Thank you.

5) DOROTHY AND RONALD SZELESTA, OWNERS

Requesting a 16' 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 30' encroachment into the Rear Yard Setback is proposed in order to install a 256 SF Unenclosed Deck; property located 9286 Rainer Court, PPN 395-22-049, zoned R1-100.

Mr. Evans – Fifth on the agenda tonight is Dorothy and Ronald Szelesta. Please come up to the microphone and give us your name and address for the record.

Mr. Szelesta – Ronald Szelesta, 9286 Rainer Court.

Mr. Evans – Thank you. You are asking for a 16' rear yard setback. This is also a result of the change in the Zoning Code. You wanted to install an unenclosed deck back there. We have a letter from Schneider Reserve Master Association. They have approved everything. Are there questions or comments? This is a result of the Zoning Code, it's really cut and dry unfortunately. Your public hearing is July 11th, and there will be a notice that goes out to everyone within 500'. Talk to curious neighbors. Our apology that you have to go through this process, but the public hearing on July 11th is when we'll invite you back.

Mr. Szelesta – OK.

Mr. Evans – Thank you very much.

6) MARK AND LOIS MANGIONE, OWNERS

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) accessory structure and where the applicant is proposing a 171.72 SF second accessory structure Patio Cover/Gazebo; property located at 16963 Bear Creek Lane, PPN 397-11-078 zoned R1-75.

Mr. Evans – Sixth on the agenda tonight is Mark and Lois Mangione. Please come up to the microphone and give us your name and address for the record.

Mr. Mangione – Mark Mangione, 16963 Bear Creek Lane, Strongsville.

Mr. Evans – Thank you, this is for a patio cover. This is the store bought one that you're going to put on there. Hunting Meadows is not an active association so there's no approval necessary.

Mr. Mangione – There was a cover when we bought the house many years ago, it was a large concrete pad and it had a pergola on it. Obviously I took it down, but I was wondering if I could re-install it because my wife wants it.

6) **MARK AND LOIS MANGIONE, OWNERS, Cont'd**

Mr. Evans – Can't imagine, no one ever does that. Alright.

Mr. Mangione – It will come from the same place that I bought the other one which was ugly, and thinks the new one is going to be great.

Mr. Evans – Hopefully she will after you get it up.

Mr. Baldin – What, you don't agree with her?

Mr. Kolick – You can't say that.

Mr. Evans – For the record, yes.

Mr. Mangione – For the record, I always agree with my wife.

Mr. Evans – Alright are there questions from Board members?

Mr. Houlé – No, I think it'll look very nice.

Mr. Evans – Yes.

Mr. Mangione – Did I bring you a picture?

Mr. Baldin – You did.

Mr. Mangione – Thank you.

Mr. Evans – Hopefully the instructions will be easy for you to put together. Alright, so your public hearing is on July 11th. Everyone within 500' will get the notice about the application for the variance, and we'll see you then.

Mr. Mangione – Brian, thank you.

Mr. Roenigk – You're welcome.

Mr. Mangione - Thank you for your patience.

Mr. Roenigk – Thank you.

Mr. Mangione – We really appreciate it.

6) **MARK AND LOIS MANGIONE, OWNERS, Cont'd**

Mr. Evans – Okay.

PUBLIC HEARINGS

7) **BRENT AND GINGER HEYNEMAN, OWNERS/JDK Construction, Rep.**

Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 496 SF Unenclosed Patio; property located at 18313 Potomac Drive, PPN 396-19-045, zoned R1-75.

Mr. Evans – Seventh on the agenda tonight is Brent and Ginger Heyneman. Please come up to the microphone and give us your name and address for the record.

(No one appeared)

Mr. Kolick – Skip it and go onto the next one for now.

(The Board came back to this item at the end of the meeting, and it continues from here.)

Mr. Evans – Alright, let's go back to item number seven and see if we have a representative. I don't believe we do.

Mr. Kolick – We still have a public hearing so you can see if anyone wants to speak for it or against it because it would have been scheduled.

Mr. Evans – Alright, correct. So item number seven on the agenda is Brent and Ginger Heyneman at 1831 Potomac Drive. They were requesting an 11' rear yard setback which permits a 14' and where a 25' encroachment into the rear yard setback was proposed to construct an unenclosed patio. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. Do we then move forward?

Mr. Kolick – It's up to the Board. If you feel comfortable and you want to move forward you can, or you can table it until the next meeting without the applicant being present. They certainly knew about it.

Mr. Evans – They did, but this is another one that is a result of the change to the Code. I believe in good faith we can move forward given the travesty that we've already created here.

7) **BRENT AND GINGER HEYNEMAN, OWNERS/JDK Construction, Rep, Cont'd**

Mr. Kolick – Correct, you can move forward if you wish.

Mr. Evans – I will now entertain a motion.

Mr. Smeader – I make a motion to approve a request for a 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 496 SF Unenclosed Patio; property located at 18313 Potomac Drive, PPN 396-19-045, zoned R1-75.

Mr. Houlé – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – That variance has been granted again pending a 20 day waiting period during which time Council may review our decision. I will ask the Building Department to notify the applicant that we have granted that. Thank you.

8) **MICHAEL AND ELAINE ZUSY, OWNERS**

Requesting a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to construct a 240 SF Deck; property located at 10750 Carmel Oval, PPN 395-27-146, zoned R1-75.

Mr. Evans – Eighth on the agenda tonight is Michael and Elaine Zusy. Please come up to the microphone and give us your name and address for the record.

Ms. Zusy – Elaine Zusy, 10750 Carmel Oval.

Mr. Evans – Excellent. We are doing a replacement here. This is another one that is caught up with this non-conformance issue. Are there questions from anyone? We all know what they're doing, correct?

Mr. Rusnov – No questions.

Mr. Evans – Is there anything else that you need to tell us? Everything else is how you presented it at the last meeting. 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. Alright, Ms. Suzy I'll ask you to relinquish

8) MICHAEL AND ELAINE ZUSY, OWNERS, Cont'd

Mr. Evans continues - the podium for a moment here. Sir, could you come forward and give us your name and address for the record?

Mr. Moenich – Glen Moenich, Jr. 10318 Stamford Court, and I'm the President of Huntington Park Homeowners Association, and I just wanted to clarify about the setback was all about because we were caught off guard. I just wanted to make sure going forward we have all the information involved with the setback.

Mr. Evans – I believe that we do, and are satisfied with that.

Mr. Rusnov – We do.

Mr. Moenich – The question I ask you is that I was looking at a GS survey map of this lot to take a look at and see where the property lines are. It looks like for this resident it's not encroaching on our property over here. I don't think there's anything that's needed for the Board, but I just wanted to clarify.

Mr. Evans – Yes that would be correct.

Mr. Rusnov – OK, thank you.

Mr. Evans – Okay, thank you Mr. Minnik. Is there anyone else who would like to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I declare the public hearing closed and I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to construct a 240 SF Deck; property located at 10750 Carmel Oval, PPN 395-27-146, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second. I should observe that in the agenda it stated 1240 SF Deck, and it is not. It's only a 240 SF deck. I just wanted to make that clarification. We had that wrong in the agenda. May I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

8) MICHAEL AND ELAINE ZUSY, OWNERS, Cont'd

Mr. Evans – The variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Then you can move ahead with your project, but for now your approval of the variance is done. Okay? Thank you very much.

Ms. Zusy – Thank you.

9) DIRK GARNER AND ZARINA MELIK-STEPANOVA, OWNERS

Requesting a variance from Zoning Code Section 1252.16 (e), which prohibits a Patio in the front yard and where the applicant is proposing a 283 SF Patio in the front yard; property located at 17631 Falling Leaves Drive, PPN 396-05-072, zoned PDA-2.

Mr. Evans – Ninth on the agenda tonight is Dirk Garner and Zarina Melik-Stepanova. Please come up to the microphone and give us your name and address for the record.

Ms. Melik-Stepanova – Zarina Melik-Stepanova, 17631 Falling Leaves Drive.

Mr. Evans – Thank you very much. You are here because you are doing a walkway in the front of the house. It is a little bit bigger than a normal walkway so it got caught up in the process of coming in front of us. Is there anything else you need to tell us? Are there any questions from the Board? We've all been out to look at it. It'll be a nice addition, and it's just a little bit outside of the norm so it's not really a problem. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. I will then entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a variance from Zoning Code Section 1252.16 (e), which prohibits a Patio in the front yard and where the applicant is proposing a 283 SF Patio in the front yard; property located at 17631 Falling Leaves Drive, PPN 396-05-072, zoned PDA-2.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – That variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will be notified by the Building Department when that has concluded, and then you may move ahead with your project at that time.

10) SHIRISH PATEL, OWNER/Steve Bella with Bella Cement, Representative

Requesting an 8' 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 22' encroachment into the Rear Yard Setback is proposed in order to construct an 870 SF Unenclosed Patio and a 384 SF Unenclosed Patio; property located at 21688 Briar Bush Lane, PPN 392-09-007, zoned R1-75.

Mr. Evans – Tenth on the agenda tonight is Shirish Patel with Steve Bella from Bella Cement representing him. Please come up to the microphone and give us your name and address for the record.

Mr. Bella – Steve Bella 12588 S. Churchill Way.

Mr. Evans – Mr. Bella, thank you. You're here because they need an 8' rear yard setback variance. Since you are representing the Patel's we talked in caucus a little bit because there were some concerns that had been introduced by some of the neighbors. There was an agreement that was made between the Patel's and the Meadow Wood Homeowners Association regarding the rear yard and some cleanup work. I would ask that you convey that back to the Patel's that they are under obligation to Meadow Wood to complete that work. They have agreed to it. This Board does not enforce that, but they have agreed in a document to do that. So that needs to be completed on the timeline that they indicated to them. If you could convey that to the Patel's so they are aware that it is a condition that they must meet. Is there anything else from the Board? This is a concrete patio, and they aren't allowed to have anything behind the house, but they've agreed to do those things. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. I will then entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 8' 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 22' encroachment into the Rear Yard Setback is proposed in order to construct an 870 SF Unenclosed Patio and a 384 SF Unenclosed Patio; property located at 21688 Briar Bush Lane, PPN 392-09-007, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

10) SHIRISH PATEL, OWNER/Steve Bella with Bella Cement, Representative, Cont'd

Mr. Evans – Your variance has been granted again pending a 20 day waiting period during which time Council may review our decision. They will be notified by the Building Department when that has concluded, and then they may move ahead with their project at that time. Thank you.

11) PAULINE WARNER/Dave Hopkins with Paradise Pools, Representative

Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming use where the applicant is proposing an in-ground swimming pool; property located at 11433 Pearl Rd., PPN 392-21-014, zoned RMF-1.

Mr. Evans – Eleventh on the agenda tonight is Pauline Warner with Dave Hopkins from Paradise Pools representing her. Please come up to the microphone and give us your name and address for the record.

Mr. Berardinelli – Wayne Berardinelli, 12361 Melody Lane, Grafton.

Mr. Evans – Thank you, you're here representing Pauline Warner. This is a situation on Pearl Road where there was some work done by a contractor, and you're coming in to clean that up. We talked a little bit about it in caucus, is there anything that anyone needs to ask or put before the record? Okay. 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 then declare the public hearing closed and I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming use where the applicant is proposing an in-ground swimming pool; property located at 11433 Pearl Rd., PPN 392-21-014, zoned RMF-1.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Then you can move ahead with the project, thank you.

12) WILLIAM FOWLER, OWNER

Requesting a 17'4" Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 32'8" Front Yard Setback is proposed in order to construct a 450 SF Garage Addition; property located at 11712 Park Point Place, PPN 398-15-029, zoned R1-75.

Mr. Evans – Twelfth on the agenda tonight is William Fowler. Please come up to the microphone and give us your name and address for the record.

Mr. Fowler – William Fowler, I live at 11712 Park Point Place.

Mr. Evans – Thank you. We received the approval letter from the HOA. If you could just give us a little thumbnail sketch of what you intend on doing it would be great.

Mr. Fowler – I had an architectural drawing done by a landscape architect for my front yard. It's all contingent on a new garage. I will have my vehicles parked inside, but my truck will still be outside. I'm planning on spending about 50K to improve my property so that my neighbors will have a better house to look at.

Mr. Evans – Okay.

Mr. Fowler – I want to comment on a couple of items that were brought to my attention from my neighbors. They have concerns about what I'm doing. I've had a lot of lumber delivered to my yard for the past two years. I've had material on my roof. I've had 1200' of trim that I've replaced on the side of my house because I'm a carpenter. I've also had delivered 1500 SF of white oak flooring that was also delivered to my home. I'm trying to improve it because I want to stay there the rest of my life. I like the neighborhood, and I like the neighbors. I want to say that I've done a lot for the Association. I've built them a barn and a pavilion at no cost to them. I want to say that I'm doing everything I can. Regardless of what I've done in the past, I'm working to be a better neighbor and I want to improve the neighborhood.

Mr. Evans – Thank you Mr. Fowler. Are there questions? We believe that this is in line with the building setbacks for most of the other houses that are there. It is requiring a variance, but it's similar to what other homes in the area have. This is a public hearing, is there anyone who wishes to speak for the granting of the variance?

Mr. Buher – Robert Buher 11557 Circle Ridge in Forest Park. Residents of Forest Park are here. We have a comment that many people, including the Fowlers, are improving homes. The homes are similar and we work hard to encourage them to be that way.

Mr. Evans – Okay, is there anyone else who wishes to speak for the granting of the variance? Please come to the microphone and give your name and address please?

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Bartos – Bob Bartos, 11563 Circle Ridge, also a resident of Forest Park Association and a neighbor. He is a good neighbor. The HOA approved it if the neighbors are okay with it.

Mr. Evans – Okay, thank you Mr. Bartos. Okay, thank you. Is there anyone else who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Please come forward and give us your name and address please.

(Inaudible)

Mr. Rusnov – Is that thing working? Is the light red on the bottom?

Ms. Zamrzla – There's nothing to turn ON.

Mr. Evans – There's no ON switch.

Mr. Rusnov – Wonderful.

(Inaudible)

Mr. Evans – We can't hear you.

Mr. Kolick – Kathy, do you have that hand mic?

Ms. Zamrzla – There's no hand microphone.

Mr. Evans – If you would come forward up here, you can use our microphone.

Mr. Fowler – Can you hear me now?

Mr. Evans – Thank you.

Mr. Kolick – Okay.

Mr. Thurlow – My name is Rick Thurlow, I live at 11715 Park Point Place. I'm directly across the street from Mr. Fowler. There's some nice things said about Bill, and we all agree he's a very nice guy, but this is not about character. It's about looking at the structure in front of his home. He's looking at building a 17' plus variance instead of the 50' he needs from the original Zoning Code. From my understanding, I think the City of Strongsville allows about a 1000 SF of garage space. Originally Mr. Fowler wanted to build a 25' extension coming out from his garage which would have been way over the 1000'.

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Fowler – It was never 25’.

Mr. Thurlow – You told me 25’ the other day.

Mr. Fowler – I did not.

Mr. Thurlow – That went way over the 1000’ so he cut it back to go with the 17’ variance instead. That’s about 450 SF. I think one of the things that most of the neighbors are concerned about is what will he be using it for. He had a very nice drawing of the landscape and it looked great. I wish he would have showed us that visual two weeks ago, but no one said anything until we got the letter in the mail from the Zoning Board. I think the whole project was probably not handled the right way. We should have known what was going on. In fact, I just found out tonight by Mr. Bartos that the HOA approved this. We had no idea this was happening amongst the neighbors. As you know it’s a Bob Schmidt neighborhood. In Bob Schmidt homes he utilized the properties where he had a setback, like the 50’ that we’re talking about because there really isn’t much of a backyard on the cul-de-sacs. We all enjoy the openness when we walk out the front of our houses to see that green space in the front because there’s not much of a backyard. We just feel that the structure coming out 17’ will impede the looks of the Bob Schmidt homes. It’s not only that, but we’re not sure of the actual intention of the garage. As you know, Mr. Fowler is a Contractor/Builder. We feel that he may be doing other things with the extra space as far as developing his own business in the neighborhood. After the last several years, we’ve seen various trucks coming in and delivering wood and supplies to his house. Obviously some of this material is used for his own doings like the roof panels and things of that sort. I have photos right here of the delivery he just received the other week. A large truck came down our street, unloaded the material with a fork lift, placed it on his grass, and a few days later he loaded it up on his truck and took it away. That tells me he’s not doing work on his house. One of the other concerns too is that some of the neighbors are worried about a visual obstruction. If he builds that garage out, with the way he parks his truck, it’s going to impede the vision from the sidewalk and the street. That causes problems when pulling out of the driveway. He also has a large commercial vehicle which is equipped with a mobile tool tray which is parked in his driveway. It’s quite large. I know our homeowners association has an ordinance against commercial trucks in our subdivision. It has no signage on it, but it’s very large. It’s a big F350 duo truck with a slide-out tray. It just goes to tell me that if I was going to drive a semi-truck home without signage on it, then I could probably park that in my driveway too. That was the reason for the truck being parked in his driveway. Again, the whole thing is that the neighborhood is pessimistic about the looks of the structure and what it’s going to do to the neighborhood. If the variance is granted, then the addition can be used for something else down the road. We’re not sure, but once it’s built, it’s built. That’s all I have to say at this point in time. Unless someone else wants to say something. I hope I made sense.

Mr. Evans – Alright. Thank you, Mr. Thurlow.

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Thurlow – Here's some pictures too.

Mr. Evans – Okay (accepting the pictures).

Mr. Thurlow – This is what it looks like now. This has been cleaned up in the last 24 hours. I have other pics on my cell phone too if you want to see those.

Mr. Evans – I'm sending them down to the Board members so they can see it. Mr. Rusnov?

Mr. Rusnov – Why not just ask him the question of whether he'll be running a business out of his house?

Mr. Evans – We can do that.

Mr. Rusnov – Okay. I'll be quiet now. Was this a property that was adversely affected by the Zoning Code change? No? Okay.

Mr. Evans – Right. Thank you, Mr. Thurlow. Is there anyone else who wishes to speak against the granting of the variance? Yes, would you come forward please?

Ms. Dimasi – My name is Sharon Dimasi, I live at 15265 High Point, but my home and driveway is on Park Point. I'm here to speak on behalf of Becky and Joe who live right next door to the Fowlers. I love Mr. Fowler. He's done work for me. He's been a good neighbor. I have empathy for Joe and his wife though because an extension that comes out of the front of their driveway will make them open their door and see a big wall. I have a Master's Degree in Art. Aesthetically, I think if someone put me in that situation I'd be very upset. My empathy is making me speak out about it. I don't want to rain on Mr. Fowler's parade, but I'm concerned about theirs. I noticed on the form that you gave me that just about every request was for a side thing or a rear thing and as far as I know in my small little world, it's usually up, back or sideways. Very rarely does something come down the front of a driveway. I'm not even sure why we're here.

Mr. Kolick – Before you leave, what were the names of the neighbors you were concerned about?

Ms. Dimasi – Joe and Becky, they live adjacent to him.

Mr. Kolick – What is their last name?

Ms. Dimasi – I don't know.

(From the audience) – Joseph Lanasa.

12) WILLIAM FOWLER, OWNER, Cont'd

Ms. Dimasi – I'm new from PA. I came from a small community on a lake. I'm familiar with struggles of homeowners and the push/pull that goes on. I'm led to believe by what I've witnessed in my 75 years that often times people who run the show aren't the greatest defenders, and that's also why I'm here.

Mr. Kolick – The people you are concerned about, as you face his house, are they on the left or the right of his house?

Ms. Dimasi – They are to the left.

Mr. Kolick – Thank you.

Mr. Evans – Thank you Ms. Dimasi. Is there anyone else who wishes to speak against the granting of the variance? Please come forward to the microphone up here.

Ms. Eicher – Vickie Eicher, 11717 Park Point Place. My house is here, here's Rich Thurlow, and they are directly across, and then there's Donna Fienga's home. My main concern is that I was not notified about any of this until I received a letter from the City. That kind of threw me for a loop, and then I know there's a big, black truck that is always at his house in the driveway. So if you're looking there and the garage is extended forward which is used for business; this is not aesthetically what I work hard for to look at. My daughter couldn't get in the other day just because the truck delivering lumber. It's just aesthetically not right. Why the HOA didn't contact us, I have no idea. Do you have the answer to that?

Mr. Evans – Let me explain that when an applicant comes in, they are able to ask for any variance that they would care to ask for. The job of the Board of Zoning Appeals is to take into consideration the request for the variance, and it is measured up to four criteria that are in the Strongsville Zoning Code for this Board to use when acting on variances. Often times these are topographical issues, or they may involve the way the lot sits like a pie shaped lot, or whatever. You heard an applicant tonight that needed to set a house to the building line and needed side yard variances. This Board has entertained before and has approved variances that come forward across the building line if there are given conditions that warrant it. We've looked at variances and made decisions both for and against variances that have requested moving forward of a building line. As to why the HOA did not notify you, there's no obligation for an HOA to notify members about the variance. The City sends a letter out, and it has the information that is in the agenda tonight. It is very non-descript and very uninformative. I apologize for that, but that's what the Code requires that the letter comes out exactly stating what the request for the variance is. It doesn't describe it or give you any more information than that. It doesn't give you drawings or anything like that. If you are so disposed, you may come to the City's Building Department and look at the plans that have been submitted. They have been done, or you could go to the applicant, which is another way of doing it. As you heard for new applicants that were here tonight, we generally

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Evans continues - make the statement to new applicants that if there are neighbors or anyone who may be concerned about what they are requesting that they should go to them and present the plans to let them know what they are doing. We think that's a good way of being a neighbor and making sure people are aware of it, because it cuts down on all these people who are here and inquisitive without having seen plans or drawings. All the members on the Board here go out to each property, we evaluate it, we walk it, and we look at it. We look at what the Code says, we look at what the applicant is requiring. Sometimes we will knock on doors to see if neighbors have any concerns. More often than not, and unfortunately in this day and age, most of us when we go knock on doors anymore we get yelled at for being on people's property. So we don't do that as much anymore. I apologize, but we don't like looking at shot guns or whatever so we've moved away from that a bit. We do go out and look at the property. We judge what the situation is and we make a determination. Then we come to the meeting, have the public hearing, and we go through that process. We will ask Mr. Fowler under oath, whether or not he will run a business out of the garage. Understand that Mr. Fowler is doing his best to accommodate the rules of the HOA which say no commercial vehicles. We have HOA's across Strongsville. You heard me abstain earlier because I'm a trustee in High Point, and we have virtually the same thing. We have trucks throughout the Association. We ask people to make them non-descript and I didn't see any signage on his truck when I was out at his property. He's not posting any signs. He's doing work for the HOA for neighbors and whatever else, but he's not putting a truck there that is a large, commercially identified truck. Again, everyone tries to work within things that they have in an HOA, and the trustees are responsible for looking at things. The HOA has their criteria to approve it, and the City has their own criteria here at the BZA to judge variance requests as well. So that would be a reason why there isn't a notification that comes back to you because the HOA is not required to do that. The applicant is required to go to the HOA and request that they review the plans. It was suggested to Mr. Fowler that he go to his neighbors. It may or may not have happened. Often times when people request a variance they choose to do that, and sometimes they don't. That's up to the individual. Our job is to look at the criteria that we have for granting a variance, and whether or not it impacts it. I don't know if the Board members wish to address some of those concerns.

Mr. Baldin – I think you covered it very well. As you said the HOA is not obligated to notify everyone in the development.

Mr. Evans – Is there anyone else who would like to add anything?

Mr. Rusnov – No.

Ms. Eicher – The bottom line is that aesthetically it's not going to be pleasing. Also Mr. Fowler was measuring my property. I'm not planning any projects, but he was measuring my property.

Mr. Evans – Your property is adjacent to his?

12) WILLIAM FOWLER, OWNER, Cont'd

Ms. Eicher – Across, catty-corner. Why is he coming out so far?

Mr. Evans – Okay. I can't answer for that. I don't know why.

Ms. Eicher – Thank you.

Mr. Evans – Thank you. Is there anyone else who wishes to speak against the granting of the variance? Mr. Fowler, would you be so kind to come back up to the microphone please?

Mr. Fowler – You have a specific question first?

Mr. Evans – Yes. The question I need to ask you is whether or not you will run a business out of the house.

Mr. Fowler – I do not. I'm a contractor. I build homes and I physically cannot build a house in my driveway and carry it to the property. I do manufacture furniture and I give that away to people. I build them for my family and my friends. The last load of lumber in question that according to Vicki the truck blocked access to the driveway, was a porch that I'm building for my 87 year old brother-in-law in Toledo. My lumber yard couldn't deliver it to Toledo so I had them drop it in my yard on Monday, and Tues I moved it to the driveway so I could mow my lawn, and on Wednesday I took it to Toledo and put it in their home.

Mr. Evans – Okay. Fair enough.

Mr. Fowler – So I am not running a business out of there. No more than anyone else is. My neighbor Rick Thurlow that spoke here sells stuff out of his house, but he made the point to me that he's not having lumber delivered. Well neither am I. My lumber that is delivered to my home is for my home. They can come and verify that because I have receipts.

Mr. Evans – If I remember correctly from your presentation at the last meeting, that your intent is that if you add the garage out from where the building currently is, that you won't have a four car garage, but you'll use that as living area and...

Mr. Fowler – I'll have a three car garage. I have one space that I have for my Bob Schmidt materials that I can't put in the attic.

Mr. Evans – Okay.

Mr. Kolick – If you add this garage addition on, and you keep your truck parked in the driveway, how close to the sidewalk would your truck be?

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Fowler – It'll be exactly the same distance that it's been for the last 13 years.

Mr. Kolick – Well if you're adding...

Mr. Fowler – My driveway is currently from the garage to the sidewalk is 52', and the addition is 17.4', and that would make the difference 34.8'.

Mr. Kolick – So there was some concern about the truck hanging out over the sidewalk, and you're saying that would not take place?

Mr. Fowler – No, I have to apologize to my next door neighbor, Becky, that on several occasions I parked my truck at the end of the driveway which impeded her view of the street. We have neighbors who walk their dogs, and I was very neglectful about that. I won't do that again, I apologize to her.

Mr. Evans – Okay. Are there any other questions from the Board for Mr. Fowler?

Mr. Rusnov – No.

Mr. Baldin – Mr. Fowler, where do you have your place of business?

Mr. Fowler – I'm retired.

Mr. Baldin – Okay, well you said that you build homes.

Mr. Fowler – I build homes, and the last home I built was in Bay Village. It was \$2,000,000.00, and prior to that I built in Hunting Valley in Gates Milles, Chagrin Falls, and Moreland Hills.

Mr. Baldin – And at that time you had some place of business where you conducted your construction and engineering plans, etc.?

Mr. Fowler – I had an office in my home. I have Architects that work for me, and my only operation out of my home was an office where I conducted writing contracts and things like that.

Mr. Baldin – A lot of phone business.

Mr. Fowler – Right, I don't have people coming to my house and going over plans or anything like that.

Mr. Baldin – Thank you.

12) WILLIAM FOWLER, OWNER, Cont'd

Mr. Evans – Okay. Is there anything else gentlemen?

Mr. Rusnov – No.

Mr. Evans – I've asked for those who are in favor of and those who are against. Unless there is anyone else who needs to address the Board, and you have your hand up so I'm guessing you would like to. Come forward to the microphone please.

Ms. Fowler – Gail Fowler, 11712 Park Point in Strongsville. I just want to say that my husband would do anything for anybody in our neighborhood, and he has. He's gone to people's homes when someone has called and needed something immediately. Those people are here today. He's built things in our garage for someone who had a fire in their house. He was over at that house every day making sure that everything was going well in rebuilding it. He built a mantel to go over that fireplace for those people. He's done work in each one of those houses. He's helped whenever a neighbor has needed help. I'm just speaking on behalf of his character, and what he does for everybody including my sister and brother-in-law who are not doing well right now. They live in Toledo and we went up there to help them. That's why that was put on our property. That's the same as what he told us himself. I just felt like I had to say that.

Mr. Evans – Thank you, Ms. Fowler. Is there anyone else who needs to address the Board? Mr. Thurlow if you want to come back up I'll grant you a couple of moments. Please come up to this microphone.

Mr. Thurlow – This isn't about character. We all know Bill is a really great guy. I've lived across the street from him for 10 years. So that's not the issue. The issue is the variance. The 17' variance about bringing the front of his garage out. That's it, it's not about character. It's about the structure he's planning to build.

Mr. Evans – Thank you. Is there anyone else? Hearing none and seeing none, I declare the public hearing closed. I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 17'4" Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 32'8" Front Yard Setback is proposed in order to construct a 450 SF Garage Addition; property located at 11712 Park Point Place, PPN 398-15-029, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – Before we continue given that there are two opposing sides in this, we have the opportunity Mr. Fowler if you wished to, to ask this Board to table your request for the variance. That way you could discuss the situation with the neighbors and attempt to come to some sort of

12) **WILLIAM FOWLER, OWNER, Cont'd**

Mr. Evans continues - amicable solution. I have no idea how the Board is going to vote. We've had both opposing and supportive comments that have been made for the variance. The Board is conditioned to use the four reasons that we have to consider a variance request. We'll entertain any request, and we'll pass judgment on it, but if you wanted to table the request, you would have the opportunity to do that. If the Board chooses to approve the variance, it would be approved and there would be a 20 day waiting period in which time Council has the opportunity to review it. If we turn the variance request down then at that point, the variance request is dead. At that point you would not have the opportunity to make changes or come back to this Board with modifications or whatever else. So I'm offering you that opportunity if you so choose in the event that you thought that there was an opportunity to work out the situation with your neighbors. If you wish us to move forward, I'm ready to entertain a second on the motion. If you want, this is your opportunity to table this motion, in order to try and reach a solution that might be in your benefit.

Mr. Fowler – Would you like me to come up there?

Mr. Evans – Yes, if you would please. Again understand that this Board is here to judge each situation on its own. We have the criteria in the Code for us to act on a variance request.

Mr. Fowler – I appreciate that. I do like my neighbors. I trust in your judgement. I don't want to table it. Whatever your decision is, that's the route we're going to go.

Mr. Evans – That's fine. I appreciate your confidence.

Mr. Fowler – Thank you very much.

Mr. Baldin – I've been out to look at the property, but I've got a question that's been on my mind. Are all the houses pretty much uniform in line on that street?

Mr. Evans – I'm going to defer to our two appraisers on the Board. When I looked at it, to me it appeared that they were.

Mr. Rusnov – Bob Schmidt's designs are uniformity.

Mr. Smeader – I agree.

Mr. Baldin – Thank you.

Mr. Rusnov – In other words, you don't have this guy out here, and this guy over here. Does that answer your question?

Mr. Baldin – Yes it does.

12) **WILLIAM FOWLER, OWNER, Cont'd**

Mr. Evans – Okay, so Mr. Smeader I will then entertain your second.

Mr. Smeader – I second the motion.

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

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

Mr. Evans – The variance has been denied. At this point, the plan as proposed may not move forward. Okay? Well that takes us to our next item for this evening then.

13) **SGT. CLEAN CAR WASH aka BENDIK HOLDINGS, LLC/ Greg Seifert, Representative**

Requesting a 5’6” Side Yard Setback variance from Zoning Code Section 1258.11 (a), which requires a 10’ Side Yard Setback and where a 4’6” Side Yard Setback is proposed in order to expand an existing parking lot; property located at 18534 Pearl Road, PPN 394-26-003, zoned CS.

Mr. Evans – Thirteenth on the agenda tonight is Sgt. Clean Car Wash aka Bendik Holdings, LLC with Greg Seifert representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Seifert – Greg Seifert, 3390 Verner Road, Kent, Ohio.

Mr. Evans – Thank you, and you’re representing Sgt. Clean. They are requesting a side yard setback. We talked about this at the last meeting, and one of the things that we had requested was that the owner speak to The Woods about the request so we could be sure that they had no issues with it. Did that perhaps take place?

Mr. Seifert – That did take place on June 19th. The owner of Sgt. Clean sent out an email to the HOA, and he also included a copy of a letter that they had sent to him on May 29th, 2013. I give that to you now as part of our submission this evening.

Mr. Evans – Thank you.

14) ERIC BURCH AND KAREN SHINSKY, OWNERS

Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 15' x 15' Unenclosed Patio; property located at 13206 Compass Point Drive, PPN 399-31-049, zoned R1-75.

Mr. Evans – Last but not least on the agenda tonight are Eric Burch and Karen Shinsky. Please come up to the microphone and give us your name and address for the record. Mr. Burch, were you sworn in, or did you come in afterward?

Mr. Burch – I've been here.

Mr. Evans – OK.

Mr. Burch – Eric Burch, 13206 Compass Point Drive.

Mr. Evans – Thank you, at our last meeting we did the public hearing on this. For the purpose of those who may be in the audience, this item listed on the agenda is actually missing a section. There should have been an (a) and (b) portion. The rear yard setback is portion (b). The portion (a) deals with the fact that there's an existing shed. This is an unenclosed patio.

Mr. Kolick – Existing Structure.

Mr. Evans – Right, so those two will be read into the record as we go into through the process. We've already done the public hearing though so there's no speaking from the audience on this one. So unless there are any comments...

Mr. Kolick – There was a question that we had with the Engineer and I think the Building Department. I checked with them, and we should comment for the record what their response was on this. That was the concern at the last hearing.

Mr. Evans – That's correct. Brian, you may inform us on the record.

Mr. Roenigk – I spoke with the Engineering Department this morning, and they had no issues with the shed or the patio.

Mr. Evans – Outstanding. Thank you very much.

Mr. Smeader – That was regarding drainage.

Mr. Evans – That's correct. Alright, are there other questions?

