

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

**Meeting of
May 22, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé and 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) MARTIN ELLMAN, OWNER

Requesting a 16' Setback variance from Zoning Code Section 1252.15 (a), which requires that an Accessory Structure be setback 20' from the nearest dwelling and where an Accessory Structure is proposed to be Setback only 4' from the nearest dwelling in order to construct a 60 SF Accessory Structure; property located at 19228 Bowman Drive, PPN 393-37-067, zoned R1-75.

The Board noted that Bowman is one of the oldest streets in Strongsville so there are often Zoning issues with it. They indicated it is a Rubbermaid-looking shed, and considered whether it could be moved to another location on the property.

2) CYNTHIA DENNISON, OWNER

a) Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 190 SF Deck encroaching 7' beyond the main dwelling into the Side Yard Setback;

b) Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 3' Rear Yard Setback is proposed in order to construct a 190 SF Deck; property located at 16456 Georgetown Court, PPN 397-21-127, zoned R1-75 Cluster.

The Board noted they have an Architectural approval letter, but that they will still need a HOA letter for these variances. They mentioned that it backs up to common ground, and there's a bicycle trail behind it, which makes it fairly private.

3) MICHAEL AND ROSEMARY MANDILAKIS, OWNERS

Requesting a 699 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,699 SF Floor Area is proposed in order to

construct an Attached Garage; property located at 12407 Arbor Creek Drive, Sublot 8, PPN 398-27-058, zoned R1-100.

The Board specified that this is a luxury class home, and noted that all these estates have large garages.

4) FREDERICK HUDAK, OWNERS

Requesting a 228 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 348 SF Floor Area is proposed in order to install a Front Entrance Feature; property located at 15563 Albion Road, PPN 398-13-011, zoned R1-75.

The Board noted that they have a permit for a newly poured two lane driveway with a little walkway to the stairs and to the front door. They stated that there was an existing front entrance feature that was torn out to do that project, and this variance is to replace it the way it was before they did the driveway. The Board indicated they would like to make sure the concrete is 4 inches thick since it will need to be if they intend to use it for vehicle storage on the side of the house.

5) GAYLE ZEVCHIK, OWNER

Requesting a 33 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 153 SF Floor Area is proposed in order to install a Front Entrance Feature; property located at 20276 Glenwood Lane, PPN 393-25-019, zoned PDA -2.

The Board specified there is an existing ramp that goes down the length of the house, and that they believe that they intend to replace it with a traditional entrance like a porch.

6) JOANNE FRAGAPANE, OWNER

Requesting a 7' 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 21' encroachment into the established Rear Yard Setback is proposed in order to construct a 190 SF Deck; property located at 18148 Potomac Drive, PPN 396-19-059, zoned R1-75.

The Board specified that this property backs up to a large common area that then backs up to the Administration building for the schools. They noted that there is a finished patio area, and that they are just adding to that. The Board mentioned that there are a lot of trees in their back yard, and that the neighbors already have decks protruding from their patios.

PUBLIC HEARINGS

7) **NATHAN AND ELAINE GRADISHER, OWNERS**

Requesting a 132 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 252 SF Front Entrance Feature is proposed; property located at 16702 Aspen Circle, PPN 397-29-025, zoned R1-75.

The Board stated that there is a wall that will hide this front entrance from public view very well. They indicated no issues during the caucus with this variance request.

8) **JAMES KIEFER, OWNER**

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 210 SF Paver Patio encroaching 7' beyond the main dwelling into the Side Yard Setback; property located at 15066 West 130 Street, PPN 399-01-003, zoned R1-75.

The Board indicated a hardship with the topography of this property. They concluded that it would be difficult to do this project any other way, and noted that it also backs up to the Metroparks and that makes it private.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS**

Requesting a 321 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 441 SF Front Entrance Feature exists; property located at 18473 Main Street, PPN 395-01-040, zoned R1-75.

The Board was informed by the Building Department that there may be Code violations with the steps, but an inspection had not been done because they don't have a permit for it yet. They mentioned that two Council members had received calls regarding this applicant. They had stated that there have been cars parked on the lawn, and there are projects that have sat uncompleted around the property creating a mess. The Board also indicated that there have been complaints from neighbors saying that they do not want to see this variance granted because of how this applicant has gone about doing things in the past. They also noted that the applicant has already started the project including pouring concrete without getting their permit. The Board examined the issue with lack of parking on their street due to a small berm on its side. They added that they recently enlarged their driveway to correct that problem in the future. The Board noted that they did the driveway project in the correct procedure with a permit unlike this front entrance feature.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING May 22, 2019

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this May 22, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have no minutes before us this evening for approval. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

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

Mr. Evans – Thank you. Our meetings are divided into two portions. The first half are new applications, and then we'll move onto our public hearings.

NEW APPLICATIONS

1) MARTIN ELLMAN, OWNER

Requesting a 16' Setback variance from Zoning Code Section 1252.15 (a), which requires that an Accessory Structure be setback 20' from the nearest dwelling and where an Accessory Structure is proposed to be Setback only 4' from the nearest dwelling in order to construct a 60 SF Accessory Structure; property located at 19228 Bowman Drive, PPN 393-37-067, zoned R1-75.

1) **MARTIN ELLMAN, OWNER, cont'd**

Mr. Evans – First on our agenda is Martin Ellman. Please have a representative come up and give us their name and address for the record.

Mr. Ellman – Martin Ellman, 19228 Bowman Drive. I guess I should just explain?

Mr. Evans – That would be excellent. You can tell us what you'd like to do, and why you need the variance.

Mr. Ellman – I'm trying to put up a plastic shed. I wanted it close to my house because the lay of the land dips down. The topography of the land goes down toward the back. I have some fruit trees that are back there that I don't want to move. There are newer ones that I just planted that I could move. I could go more than the 4' that I have said, I haven't measured it exactly. I don't know exactly how far away it is when it starts dropping off. I think it could be more like 10' though, and I figure that is a better number for you guys. Mr. Houlé was out there today, and I spoke to him. He expressed that it was more of a fire concern than anything else. I understood that. I'm definitely willing to work with you guys. I'd like it to still be close to the house, but not so close that it would be an issue.

Mr. Evans – Okay. The reason the Code says 20' is because with storage sheds like you're proposing, whether they are wood, plastic or whatever, a lot of people put lawnmowers and a can of gasoline in them. Those sheds tend to get very hot even though they may have vents on them. You can have fires very easily when you have gasoline stored in a building that gets very, very hot. When it's within 20' of the house, if the shed catches on fire, the house does too. So where it's possible, we prefer absolutely that the shed be 20' away. That doesn't mean that if the shed catches fire the house won't burn too, but it's much less of a problem that way. When we've had topographical issues where it couldn't be done, what we've often said is that they have to install fire rated drywall on the inside of the shed in order to contain any fire that may be inside of there. That's an expensive proposition, but where that's the only alternative we've had people say that they really can't move it so they take that option. Each of us will be out to take a look at it like Mr. Houlé did, and our determination may be that the topographical situation says it has to be there. On the other hand if it can be moved 20' from the house and stabilized in some way without some dramatic fashion, then we'd suggest that instead. Doing the drywall on the inside is an expensive option. Even though you may tell us that you don't intend to put gasoline in it, when you sell the house later on down the line, the next owner may decide to do so. Then their house catches on fire, and they then they say that they didn't know that could happen. So that doesn't work. That's the reason we're trying to be proactive in preventing a tragedy from happening.

Mr. Ellman – I understand that. It's also one of those tinker toy sheds almost. If I ever did move, it would get taken down and brought with me. I don't intend on moving. It's my retirement home. I grew up on the street. My dad is right next door to me. I have family all around there. I've lived here my whole life. When you guys see what's going on, maybe we can come up with something.

1) **MARTIN ELLMAN, OWNER, cont'd**

Mr. Ellman continues - I know that the very, very back is really low. This was the first day I could even cut the grass back there. It has to kind of stay behind the house, but we'll see what you guys have to say.

Mr. Baldin – Mr. Ellman, I think the Chairman covered it pretty well. I do know some people on that street, and you all have long lots that are all flooded most of the time in the back yard. Correct?

Mr. Ellman – This one is not flat.

Mr. Baldin – I haven't been out to your yard yet, and I see you have some trees. You made a comment about the trees. How far are the trees from the shed that you're proposing roughly?

Mr. Ellman – The trees that are there now would be within a few feet, maybe three or four feet.

Mr. Baldin – It looks like it's much further on the printout that we have.

Mr. Ellman – Those are the pine trees. When the City came through and redid the culvert, they had planted those pine trees there. I have since planted fruit trees back there in front of those pine trees.

Mr. Baldin – Alright, I'll wait until I've been out to take a look at it. Thank you.

Mr. Evans – Anyone else?

Mr. Smeader – Is the floor part of the shed or are you putting in a concrete pad?

Mr. Ellman – It's a vinyl floor. I was just going to put it right on the ground.

Mr. Rusnov – Like the old Rubbermaid design.

Mr. Evans – I think the only other question we had in caucus was about the rectangular area on the topography lot plan.

Mr. Ellman – That is a garden.

Mr. Evans – That's on relatively flat land there?

Mr. Ellman – Yes, that is a little bit flatter area.

Mr. Evans – That exists now?

1) **MARTIN ELLMAN, OWNER, cont'd**

Mr. Ellman – Yes.

Mr. Evans – Alright. Is there anything else? So what happens now is that 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 June 12th. If in the meantime, you look at it and decide that there is a means for you to put it 20' away from the building using whatever creativity you can come up with to set it, you can then let the Building Department know before June 12th, and then we can take it off the schedule. Or if your decision is that it really needs to be there, then you would want to be ready to tell us that you have investigated fire-rated drywall, and that you're willing to do that in the shed in order to have it located where you want it. That's what you have to contemplate before then.

Mr. Ellman – Is there any other material other than fire rated drywall like a fire rated insulation?

Mr. Evans – I'll refer to our representative from the Building Department.

Mr. Rusnov – It might be extremely difficult to mount drywall to that shed. It'll be almost impossible.

Mr. Ellman – That's why I was thinking maybe there's an insulation I can glue to it.

Mr. Rusnov – The insulations don't have a fire rating.

Mr. Roenigk – There is. Rockwall does, however I don't think we're going to look at that as a fire rated material. The Code talks about a separation which is a ½ inch drywall. That's what the Code says.

Mr. Ellman – Okay, good enough.

Mr. Evans – Okay? Then we will see you back here on June 12th.

Mr. Ellman – You will.

Ms. Zamrzla – May I add something?

Mr. Evans – May you add something? Well of course our Secretary may add something.

1) **MARTIN ELLMAN, OWNER, cont'd**

Ms. Zamrzla – Thank you. There are three weeks between our meetings this time so our notices will not be going out tomorrow, they will be going out next week. We like to give about 2 weeks notice.

Mr. Evans – Excellent, thank you.

2) **CYNTHIA DENNISON, OWNER**

- a) Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 190 SF Deck encroaching 7' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 3' Rear Yard Setback is proposed in order to construct a 190 SF Deck; property located at 16456 Georgetown Court, PPN 397-21-127, zoned R1-75 Cluster.

Mr. Evans – The next item on the agenda is Cynthia Dennison on Georgetown Court. Please have a representative come up and give us their name and address for the record.

Ms. Dennison – Cynthia Dennison, 16456 Georgetown Court.

Mr. Evans – You are asking for a variance that is pertaining to a side yard and rear yard setback. Tell us about the project, and why the variances are needed in order to accommodate what you want to do.

Ms. Dennison – Sure. On the north side of the house I have a current, older deck that was there when I bought the house a couple of years ago. Last year on the east side I put a deck across about half of the back of the deck. What I'd like to do is take that old deck off on the north side, extend it further east, wrap it around, and connect to that other deck. One of the reasons it's going to be over a little bit is because I want it to be symmetrical with the other one. We could cut it a little closer but then it becomes more of like a little ramp walkway around the back, and I don't think that's going to look acceptable. If I'm not able to wrap it around, I'd at least like to replace the existing deck that is older and ugly with the newer material, and at least make it look a little nicer. I heard your comments on the Lexington approval. I'm on the Board for Lexington myself, I'm the Treasurer, but I did get an email confirmation from the President and the Secretary which I can forward to you. We don't have a formal process, but I can get those to you tomorrow. I will then reach out to High Point to find out what the process is for a variance. I did not realize I had to do something else.

2) **CYNTHIA DENNISON, OWNER, cont'd**

Mr. Evans – The Architectural approval is usually given by the HOA, and that pertains to City Codes. When there is a variance involved there is a separate approval that has to come from the HOA. That leads me to make the comment that because I'm a Trustee at High Point I will be abstaining from voting on this particular issue. That in terms of process also means that I can take care of notifying High Point about the need for the variance letter. So you don't have to worry about notifying anyone.

Ms. Dennison – Thank you very much.

Mr. Evans – Questions, comments, observations from the Board members? We were talking in caucus about the lot placements on this, and we had questions on whether or not there needs to be a determination about where the pins are on this particular property.

Mr. Roenigk – You may want to mention that the Commissioner mentioned that the property pins should be found for this project.

Mr. Evans – Lexington Colony is one of the oldest cluster colonies in Strongsville. It's the oldest one in High Point. It was built during the Homearama days back in 1974. Finding the pins is one of the things that you probably should do in order to protect yourself. Everyone will tell you where their property is, where their pins are located, but those have probably gone way in, and people are gradually making their properties a little bit bigger. You would not want to build your deck on the common property of Lexington Colony, on a neighboring property, or on High Point accidentally. So my suggestion is that if you're not sure where the pins are, for your protection I'll tell you that you probably want to have a surveyor out to tell you exactly where they are located so that doesn't accidentally happen. In cluster situations the properties are very tight and constrained. Henry Seitz Engineering is still around, they did the original ones for High Point, and they have all the plans. They can come out and do it very quickly.

Ms. Dennison – Okay.

Mr. Evans – For your protection I would suggest that. You don't want your deck built somewhere where someone comes along with a chainsaw saying that you're on their property.

Ms. Dennison – I appreciate that. I'm curious, if I pay real estate taxes on that property, doesn't that define the boundaries? Maybe I'm confusing things I don't understand.

Mr. Evans – It does, but the pins are the official lines. So while a tax plat will show you what your dimensions are, it doesn't necessarily tell you whether those dimensions are where the pins are. Since I'm a HOA Trustee I know that what often times happens is that someone will say that they want an extra two feet on their property so they just pull the pin out, move it, and drop it where they suddenly have that extra two feet. That's not the way it works though because only Engineers

2) **CYNTHIA DENNISON, OWNER, cont'd**

Mr. Evans continues - can set the pins from the plans, but too often owners have done that on their own. You're not the original owner so it could have happened in the past.

Ms. Dennison – Okay.

Mr. Evans – So the same thing happens. 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 June 12th. We will invite you back at that time. Thank you.

Ms. Dennison – Thank you very much.

Mr. Evans – Yes, thank you.

3) **MICHAEL AND ROSEMARY MANDILAKIS, OWNERS**

Requesting a 699 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,699 SF Floor Area is proposed in order to construct an Attached Garage; property located at 12407 Arbor Creek Drive, Sublot 8, PPN 398-27-058, zoned R1-100.

Mr. Evans – Item number three on the agenda is Michael and Rosemary Mandilakis on Arbor Creek. Please have a representative come up and give us their name and address for the record.

Mr. Mandilakis – Mike Mandilakis, 7025 Grace Drive, Olmsted Falls. Our new home will be at 12407 Arbor Creek Drive.

Mr. Evans – Thank you.

Mr. Mandilakis – I'm here to respectfully request 699 SF of additional garage space. Our garage is attached to the home. It's not going to be used for business. The home is approximately 6500 SF with an additional 6500 SF in the basement for a total of about 13K SF. The garage is to be used for some collector's cars, my wife's and my own. We're the owners and I'm also the builder of the home with my building company. I respectfully request your consideration on this.

Mr. Evans – Alright. Since you listed car collector on here as the reason for this I'll ask whether that's your occupation or simply your avocation.

3) **MICHAEL AND ROSEMARY MANDILAKIS, OWNERS, cont'd**

Mr. Mandilakis – Avocation.

Mr. Evans – Okay. You will be in good company because there seem to be a number of people that have car collections that are going to be on Arbor Creek. I don't know whether you guys are planning to have swap meets or whatever there, but certainly you're not alone in doing that. Mr. Rusnov?

Mr. Rusnov – This is a custom-built, one of a kind, architect designed home. The garage size fits the architectural design, plus you're somewhat limited by the topography because of a conservation easement in the back and a wetlands area to the other side. This property fits into the lot as does the rest of them in there. This is an area of custom-built homes.

Mr. Mandilakis – Exactly.

Mr. Evans – Mr. Rusnov is an appraiser on the Board here so we rely on him to make that statement whenever we're up against this type of issue.

Mr. Rusnov – I have it printed on my sleeve.

Mr. Mandilakis – I appreciate it. I also provided you with some pictures and a color picture if you wanted to look at the garage location.

Mr. Evans – Yes, thank you. Is there anything else from the Board?

Mr. Smeader – We assume you will not be running any kind of business out of the garage area.

Mr. Evans – He actually already said that, he beat you to it. Is there anything else?

Mr. Baldin – Not really, other than the fact that everyone moving into that neighborhood, with all these cars, maybe you should all have a car rally there some day. You could invite the whole city to see all these old antique cars.

Mr. Evans – At least the Board.

Mr. Baldin – Right, at least the Board.

Mr. Mandilakis – I'll be sure to give the Board 10% off on the tickets I sell.

Mr. Evans – Alright, and we do have the HOA approval letter for that in hand. So you are all set, and we'll see you back here on June 12th. Thank you very much, and welcome to Strongsville.

3) **MICHAEL AND ROSEMARY MANDILAKIS, OWNERS, cont'd**

Mr. Mandilakis – Thank you. I appreciate it.

4) **FREDERICK HUDAK, OWNERS**

Requesting a 228 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 348 SF Floor Area is proposed in order to install a Front Entrance Feature; property located at 15563 Albion Road, PPN 398-13-011, zoned R1-75.

Mr. Evans – Next on the agenda is Fredrick Hudak. Please have a representative come up and give us their name and address for the record.

Ms. Hudak – Toni Hudak, 15563 Albion Road.

Mr. Evans – Thank you, and you are asking for a variance for a front entrance feature. We appreciate the fact that you are improving your home. Tell us a little bit about what you're planning on doing in the front there.

Ms. Hudak – That's the driveway that is wrapped around. That was there when we moved in. We had a car and a half driveway, and we extended it to two cars because the kids were parking on the grass so everything was getting muddy. I also use that so I can turn around in my driveway to get out. My driveway is on a hill, and if I'm not backed in during the winter I can't get up that driveway. Plus I can't see above the snow mounds. It's also used for the kids playing basketball and riding their little bikes because I have nine grandkids.

Mr. Evans – Okay.

Mr. Rusnov – Isn't this the one that is replacing the old area. That's important to mention.

Ms. Hudak – Yes, and it is 4" thick.

Mr. Rusnov – 4" concrete. Okay. Thank you.

Ms. Hudak – Because I do use it to back in, and then go out straight.

Mr. Rusnov – So it'll be to the same standards as the driveway.

Ms. Hudak – Yes.

Mr. Rusnov – Okay. Thank you.

4) **FREDERICK HUDAK, OWNERS, cont'd**

Ms. Hudak – Okay.

Mr. Evans – Anything else from anybody?

Mr. Baldin – No, it looks pretty simple.

Ms. Hudak – Okay.

Mr. Evans – Okay. The same thing will happen. 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.

Ms. Hudak – Okay. One more question. Are we allowed to leave? We get up at 4 am in the morning.

Mr. Evans – Oh my, I forgot to say that for the other ones.

Mr. Rusnov – Absolutely, you do not have to stay here.

Mr. Evans - It is not necessary that you stay for the rest of the meeting tonight. The public hearing is on June 12th. We will invite you back at that time. Thank you.

Ms. Hudak – Thank you.

Mr. Rusnov – Take me with you.

5) **GAYLE ZEVCHIK, OWNER**

Requesting a 33 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 153 SF Floor Area is proposed in order to install a Front Entrance Feature; property located at 20276 Glenwood Lane, PPN 393-25-019, zoned PDA -2.

Mr. Evans – That then takes us to item number five on the agenda which is Gayle Zevchik. Please have a representative come up and give us their name and address for the record.

Mr. Debolt – Good evening, I'm Scott Debolt, 1405 Easten Way, Brunswick, Ohio. I'm representing my mother-in-law this evening, Gayle Zevchik.

5) **GAYLE ZEVCHIK, OWNER, cont'd**

Mr. Evans – Thank you. Scott tell us about the project. It's a ramp now.

Mr. Debolt – Yes, that ramp my father-in-law was using, but he has since passed. We're going to remove the ramp, and she wants to just put a sitting porch with a little extension past the house. Originally I believe the variance was for going past the house, but from what I understand the law director said that was okay. He said it was the square footage that was an issue. So if we decrease the square footage, the passing is going to be too tight there for her. I believe she does have it approved by the HOA. She's had a notice posted in the window so all the neighbors can see. It'll add some curb appeal. She has six grandkids. One of them is here tonight, and they will be out in the front yard playing so we want a nice sitting area for her. Plus we want to add the curb appeal to the home as well.

Mr. Evans – We do have a letter from the HOA so that is taken care of.

Mr. Rusnov – It's such a small amount. It's only 33' that you're asking for.

Mr. Debolt – And it's where she wants to put a little bistro table and a couple seats.

Mr. Rusnov – A grill and a beer keg.

Mr. Debolt – That's when I come over.

Mr. Rusnov – Very good, thank you.

Mr. Evans – Alright, is there anything else from anyone?

Mr. Rusnov – No, that'll do it.

Mr. Evans – So the same thing will happen. 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. The public hearing is on June 12th. We will invite you back at that time.

Mr. Debolt – Great, thank you very much.

Mr. Evans – Thank you.

Mr. Rusnov – Thanks.

6) JOANNE FRAGAPANE, OWNER

Requesting a 7' 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 21' encroachment into the established Rear Yard Setback is proposed in order to construct a 190 SF Deck; property located at 18148 Potomac Drive, PPN 396-19-059, zoned R1-75.

Mr. Evans – Item number six on our agenda is Joanne Fragapane on Potomac. Please have a representative come up and give us their name and address for the record.

Ms. Fragapane – Sure, Joanne Fragapane, 18148 Potomac Drive.

Mr. Evans – Thank you, and you are looking for a rear year set back variance. As we discussed in caucus, this is a property that butts up to the School Board building or what used to be Zellers. Tell us about the size of the deck, where it's being located, and why that is the spot it needs to be in.

Ms. Fragapane – I actually have handouts for you guys.

Mr. Evans – If you want to bring them up, we'll send them down the line. Thank you.

Ms. Fragapane – We had a house fire in September of 2017, and we didn't have a rear access door from our master bedroom. So when we rebuilt the home, I mentally needed an access door. So there is a 3' or so drop if you open that slider so we wanted to put a smaller deck there. It'll be more wide than deep, but it is 10' deep. I found out that it makes it encroach on the rear yard setback.

Mr. Rusnov – This is more of a safety issue as an escape route, correct?

Ms. Fragapane – Pretty much, yes, but we want to enjoy the backyard too.

Mr. Rusnov – That makes sense.

Ms. Fragapane – We've spoken to both neighbors. We're very close, and the neighbors to the left just recently built a pretty large stone pavilion that extends way further than our deck will. It's gorgeous, it looks beautiful, but it's way further than we're ever going to be. There's images on page 2.

Mr. Rusnov – That 3' drop is a health and safety issue.

Ms. Fragapane – Yes.

Mr. Rusnov – That's a statement. Yes it is. So we totally understand what you're doing.

6) JOANNE FRAGAPANE, OWNER, cont'd

Ms. Fragapane – Okay. I also included aerial photos so you can see our property as well as the neighbors, and where we sit behind the old Zellers. There's a landlocked woods area that is behind us.

Mr. Evans – So the materials you gave us here tonight, you actually prepared based on the application and what it said you needed.

Ms. Fragapane – And talking with neighbors that went through this as well.

Mr. Evans – Congratulations.

Ms. Fragapane – That helps.

Mr. Evans – You followed everything, this is wonderful. I want to give you kudos for that.

Ms. Fragapane – Thank you, thank you.

Mr. Evans – Most people don't pay attention, and just sort of drop things on us, so thank you.

Ms. Fragapane – Thank you.

Mr. Evans – Are there any other questions?

Mr. Baldin – Yes, I know the area very well. I was probably the fourth home built in that development many years ago. They have a lot of land behind them. There is a lot of common ground that was never developed by the developer, and the City let them get away with that. I went so many times and argued about that, however I don't see a problem with what she's asking for. Zellers School is back there. I'm the original President of the HOA. I will abstain on the vote.

Mr. Rusnov – Thank you for sharing that.

Mr. Baldin – You're welcome.

Mr. Evans – Thank you, Mr. Baldin. Is there anyone else? Alright, so you're all set, again June 12th, and a letter will go to everyone within 500'. You're all set then. Thank you.

Ms. Fragapane – Alright, thank you.

PUBLIC HEARINGS

7) **NATHAN AND ELAINE GRADISHER, OWNERS**

Requesting a 132 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 252 SF Front Entrance Feature is proposed; property located at 16702 Aspen Circle, PPN 397-29-025, zoned R1-75.

Mr. Evans – That then takes us to public hearings. So item number seven on the agenda is Nathan and Elaine Gradisher. Please have a representative come up and give us their name and address for the record.

Ms. Gradisher – Elaine Gradisher, 16702 Aspen Circle.

Mr. Evans – Thank you. We do have the HOA letter of approval from Deerfield Lake. Tell us really quickly what you're planning to do with the front entrance feature.

Ms. Gradisher – We have an area in between the front of the house, and then there's a brick wall that separates it there so we want a little patio. Right now it is not attractive. I just think it'll give a lot of curb appeal. We're going to landscape around it, and make it look like a nice patio.

Mr. Evans – Okay. Are there questions from the Board?

Mr. Rusnov – No.

Mr. Evans – We've all been out to look at it.

Mr. Baldin – No questions.

Mr. Houlé – It'll be a nice addition.

Mr. Evans – We talked about it in caucus and said it would be a nice addition. Nothing else? Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 132 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 252 SF Front Entrance Feature is proposed; property located at 16702 Aspen Circle, PPN 397-29-025, zoned R1-75.

Mr. Smeader – Second.

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

7) **NATHAN AND ELAINE GRADISHER, OWNERS, cont'd**

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 may move forward with the project at that time.

Ms. Gradisher – Perfect. Then do I need to submit anything else?

Mr. Evans – You've submitted everything that you need. Now you just need to wait until the City notifies you that Council has accepted our decision.

Ms. Gradisher – Then go ahead and get started. Excellent.

Mr. Evans – You're all set. Thank you.

Ms. Gradisher – Thanks for your patience, Kathy.

8) **JAMES KIEFER, OWNER**

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 210 SF Paver Patio encroaching 7' beyond the main dwelling into the Side Yard Setback; property located at 15066 West 130 Street, PPN 399-01-003, zoned R1-75.

Mr. Evans – Item number eight on our agenda is Kiefer on W. 130th St. Please have a representative come up and give us their name and address for the record.

Mr. Kiefer – James Kiefer, 15066 W. 130th St.

Mr. Evans – Mr. Kiefer you are looking for a side yard variance, this is for a patio area. Tell us about the project, and why it is that you need the variance.

Mr. Kiefer – It's going to be a paver patio to enhance the pool that I just had put in last year. I believe the variance is needed because it exceeds the side yard allowance. I believe that if my house was built to a five foot limit to the property line I wouldn't really need a variance. My house is set back from the neighbor's house on the north side that this would be on. It really wouldn't be any intrusion or an eyesore.

Mr. Rusnov – Or visible.

8) JAMES KIEFER, OWNER, cont'd

Mr. Kiefer – Right, correct, and I think it'll enhance the yard.

Mr. Evans – Alright, are there any questions, comments, or observations?

Mr. Rusnov – No questions.

Mr. Smeader – No questions.

Mr. Baldin – It'll be a nice improvement.

Mr. Evans – Yes. 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 now entertain a motion.

Mr. Smeader – I make a motion to approve a request for a 7' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 210 SF Paver Patio encroaching 7' beyond the main dwelling into the Side Yard Setback; property located at 15066 West 130 Street, PPN 399-01-003, zoned R1-75.

Mr. Rusnov – 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.

Mr. Kiefer – Alright thank you.

Mr. Evans – You're all set, thank you.

9) VIKTOR AND NATALYA MOTRYUK, OWNERS

Requesting a 321 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 441 SF Front Entrance Feature exists; property located at 18473 Main Street, PPN 395-01-040, zoned R1-75.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Evans – Okay. Item number nine on our agenda is Viktor and Natalya Motryuk on Main Street. Please have a representative come up to the microphone. Since you arrived late, I'll need the Assistant Law Director swear you in.

Mr. Kolick then stated the oath to those standing.

Mr. Evans – Thank you, now may we have your name and address for the record please?

Mr. Motryuk – Alex Motryuk, 18473 Main Street.

Mr. Evans – Thank you. Now you have asked for a variance. You were not here when we met for our caucus, correct?

Mr. Motryuk – No.

Mr. Evans – So we talked in caucus tonight. The Building Department was out to inspect for the driveway that you are doing. At the same time they noticed today that the concrete has been poured for the porch. We did not act on the variance request yet. So that is a problem because it was not inspected, and it was not yet approved for a variance. You poured concrete today. So you need to be aware that this is not the way things are supposed to be done.

Mr. Rusnov – Was there a permit, Mr. Chairman?

Mr. Evans – Mr. Rusnov, I believe the permit has not been issued yet because the variance has not been granted by us.

Mr. Rusnov – So there is no permit.

Mr. Evans – No permit.

Mr. Roenigk – There's no approval.

Mr. Evans – Right. We discussed in caucus that in the absence of a permit and approval for it, what happens is that they don't know how it was constructed. There is an obvious situation where the concrete is very close to the steps, and that will most likely not meet our Building Code which would be another problem. I believe that there are a couple of things that can happen here. None of them are probably where you want to go with this. The variance we can act on tonight, but at this point since you've already poured the concrete even if we grant the variance that porch hasn't been inspected and wasn't done with a permit. So I think probably as Chair of the Board of Zoning and Building Code of Appeals, my recommendation would be that you ask to table the variance. You're going to need to meet with the Building Department to come to a determination. My guess

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Evans continues - is that you may have to take out what you poured today because it doesn't meet Code, and whether or not the variance is granted that's going to have to be addressed at some point. There's options but none of them are really good. I guess at this point I'll defer to Mr. Kolick who has had a chance to hear me, and he can engage the situation as to what other options exist that we should consider.

Mr. Kolick – Since you didn't have approval why did you go ahead and pour this porch?

Ms. Motryuk – (broken English) We invited the Inspector before, I don't know, a month ago when we started doing this.

Mr. Baldin – I can't hear, can you get in front of the microphone?

Ms. Motryuk – I'm sorry. We had the same Inspector when we called today, he was before, and looked at everything and he had told us it meets everything. He said everything was good, but because it was not in the project because first we didn't know we have to because it was already was concrete, and the other was just not.

Mr. Kolick – Right, but the Inspector only approved the driveway. He never approved the porch because the porch or the front entrance feature couldn't get approved until this Board granted it. I think we said that at the last meeting that we had to act on this first. So why is it that you went forward and poured the front entrance way as well?

Ms. Motryuk – I'm sorry, because the company had limited time, and we spoke to all the neighbors and they said they didn't care. They said they wanted to finish fast because we're staying for a long time. The weather changed so there was rain and rain.

Mr. Evans – Did they pour the concrete for the driveway?

Ms. Motryuk – Not the driveway, but steps.

Mr. Evans – Just the porch area.

Ms. Motryuk – The Inspector was there a month ago and then he said that it was not on your project. It was the same Inspector that was there today.

Mr. Baldin – Can I make a comment? Can I ask the Building Department representative if we know who the contractor was, and is he authorized to work in our City? He should know the rules and regulations.

Mr. Roenigk – I do not know who the contractor was, but I will find that out.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Kolick – Maybe from the applicant, who was your contractor who poured it?

Ms. Motryuk – Adamiv Concrete.

Mr. Baldin – Adamiv?

Ms. Motryuk – Adamiv.

Mr. Kolick – Do you know if he's licensed in Strongsville?

Mr. Baldin – If it's the Adamiv I think it is, he's been around for 30-40 years.

Mr. Kolick – They would certainly know.

Mr. Rusnov – They should know better than to do that.

Ms. Motryuk – Because he's been helping me since 2018 in November. It's a long time to have all this mess in our yard.

Mr. Roenigk – Kathy had the application here. It's A-D-A-M-I-V Concrete.

Mr. Kolick – That's someone different.

Mr. Evans – Do they have an application?

Mr. Roenigk – They're expired.

Ms. Zamrzla – At the time that it was applied for, they were not registered. They could be now, but they weren't then.

Mr. Roenigk – Yes.

Mr. Rusnov – Wonderful.

Mr. Kolick – So we have an unlicensed Contractor pouring a front entrance way feature without a permit.

Mr. Roenigk – As far as we know. This will all be checked out tomorrow obviously.

Ms. Motryuk – At first we thought the neighbors decide because of this letter. We asked all neighbors, and they said it was good. I didn't know.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Kolick – It's important to talk to the neighbors. It's important that they agree, but they don't issue the permits. The City issues the permits, and the City approves the Contractors. Your neighbors don't, and just because they sign off on it doesn't give you the right to go forward and pour the front entryway. My suggestion is like the Chairman said, that you should ask this Board tonight to table their decision. Then we can look into this because you may need to rip it all out anyway if it doesn't meet the City's Code. That may steer you in a direction that you need to go. I don't know that for sure, but you may. Or you may have to rip out part of it, but I think it'll be to your best benefit to table this. We can act on it if you want us to act on it. I think you should let us check on the Contractor, and let us send an Inspector out to check the concrete. You see the Codes here are important. Steps have to be even or a certain tolerance that permit it. Just eyeballing it, which you have there, doesn't look like they comply with the Code. That's why we need to check everything before it gets done. That's why we have to give you an actual permit to say you can do it according to the way your plans are. When you do it without us approving it, that's when we run into these problems.

Ms. Motryuk – When the company finished preparing for the concrete, we asked the Inspector and he came and he told us that everything was good. He said I will give you a green slip, but because it's not on your project, that's the only reason he couldn't.

Mr. Kolick – That Inspector is only giving you approval on what is encompassed in the permit application. The only thing you got the permit for was the driveway. The driveway was fine. I thought you poured the driveway and this at the same time, but you didn't even do that. You had them come back later and do this. So again, it's up to you. We can go forward and vote on this after the public hearing, or you can ask us to table it so we can at least look and see if it's in compliance with the Code as it's been poured. We don't know that at this point. We had no Inspector there when you were pouring it. We don't know what's there.

Mr. Rusnov – In other words, we want to be able to sort through this and check on the Contractor and all the other issues that are in front of us here. So it would probably be in your best interest to table this to give us time to check it out.

Mr. Evans – What tabling means is that instead of us acting on it tonight we would delay it until our next meeting. That would give the Building Department time to look into whether or not the Contractor is licensed in Strongsville. It would give us an opportunity to look at what was done. That would have a bearing on what eventually happens with that. Granting the variance does you no good if the Contractor isn't licensed in the City, or if the feature wasn't done according to the Code, or if the step heights are wrong. They're going to put you in a position where that concrete would have to be taken out and redone properly. Did the Contractor who poured the concrete today come at your invitation or did he come to you and say that he's here to pour the concrete today?

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Baldin – Did you make an appointment with him to pour the concrete?

Ms. Motryuk – We did before we even started because since even December, and he was looking to the weather. He said those two days would be good weather. It was because there was all this rain, and rain.

Mr. Evans – Before we do the public hearing, before we decide whether or not tabling this and holding it off is the right thing to do, I want to mention that in caucus tonight I also indicated that I had calls from two Councilmen here in Strongsville. The Councilmen received calls from people that are neighbors of yours. They expressed concern about the project because there is evidentially a history of things that have been done. They complained about parking cars on the grass, doing projects that have been done either the wrong way, or have been started and not finished. The concern of some of the people was that this large porch area that you've built, or that you wanted to build, would become a place where people would set up tents, and will be camping, and doing things like that. Those were the things that were expressed to the Council person. So there are obviously some concerns. You said your neighbors were all in favor of it, but that's not what two Council people told me. They said there were neighbors that had concerns. So above and beyond the fact that you went and poured this without having a building permit, without having the variance approved, there were also concerns from your neighbors who called their Council person to express their concerns. So you need to be aware of that as well. That is a part of the picture. They are basically saying that you did things like parking cars on the lawn and things like that, and now you've poured a concrete feature out in front without a permit, and without a variance for it. That is exactly what people were calling their Council people about. I know that tomorrow I'm going to get calls from those same two Council people telling me that everybody told me that these people don't follow the rules, and they don't do things the way they are supposed to. So that's an example of part of the problem in this on terms of how this has taken place. So does all of this make sense to you? Do you understand what we've said?

Ms. Motryuk – Yes, and some of that I didn't know, and I'm sorry. I told them you can't have car parked on the street, we want to finish faster because of that. Also we have to catch weather because the spring is so rainy.

Mr. Evans – Parking in the driveway, that's all been approved. You got the permit for that, and everything is going well with that.

Ms. Motryuk – Yes, and he said I have to pour it in one day because of the weather.

Mr. Evans – Okay.

Mr. Rusnov – In other words, give us time to sort this out and find out what is really going on, okay?

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Evans – That is the reason why we are suggesting that you may want to table this. Before we do that, I do want to do the public hearing and get that out of the way. So a public hearing is an opportunity for anyone who is for or against it to speak. You heard it with the other ones. So before we consider whether or not you want to table this, let's do the public hearing. Then we can get it out of the way so for the record we've done that. So 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? I didn't know what you guys were here for (indicating people in the audience).

Mr. Roenigk – He was the shed.

Mr. Evans – Alright, just making sure.

Mr. Baldin – It's entertaining, that's why they stuck around.

Mr. Evans – Okay. So hearing none and seeing none, I will declare the public hearing closed. So we've now taken care of that. So now, would you like to table the request for the variance which means stopping it tonight, and continuing it for June 12th? That gives us the opportunity to find out what happened, and why. We need to find out about the Contractor, and whether what they did meets the Code or not. Then that will take us to June 12th so we can adequately act on your request for the variance. Does that make sense to you?

Mr. Motryuk – That makes sense. What is the other option?

Mr. Evans – The other option would be that we vote on it tonight, and take action on the variance which might approve it or deny it. If we were to deny it, you would have to take that out no matter what. For us to act on the variance, it only makes sense to us as a Board to have all the information. Not having the information would likely lead to a bad conclusion for you. Whereas tabling it means we can get all the information, and then act accordingly when we meet on June 12th. I can't tell you which way to go. I can tell you that one way has the chance of probably not being good, and the other has a much better chance of having a good outcome.

Mr. Motryuk – I guess we should table it.

Mr. Evans – Okay. I think that would be a wise thing to do, so what will happen is we'll come back on June 12th. In the meantime you're going to hear from the Building Department because they are going to be out to look at it. The Inspector who looked at it today was not there to inspect that. So we'll get that taken care of. We're going to find out about the Contractor, and then that will give us the appropriate information so on June 12th we can make a decision.

Ms. Motryuk – But he did things before, and he even took a picture.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Evans – Say that again?

Ms. Motryuk – He even took pictures before this.

Mr. Evans – The Inspector today?

Ms. Motryuk – No not today, but before.

Mr. Kolick – That's why when they took the pictures they didn't issue the permit because you didn't meet the Code. It does not meet the Code.

Mr. Evans – That's why the variance had to be acted on tonight before you could have poured the concrete. Putting the form up for it could have been done, but pouring the concrete makes it permanent, and without the variance that's not the way it's supposed to be done. Again, the reason why the City Code exists is so the steps are the right height, and so everything is done the right way so it doesn't fall or collapse. Also so someone doesn't trip on the stairs because they're the wrong height or whatever. That's why the Code is in place, to make everything safe for people. So when things don't get done with the right process then it's a problem.

Ms. Motryuk – I have one more question, can the company pour the driveway and not wait until June 12th?

Mr. Baldin – I would not have the driveway poured.

Mr. Roenigk – It was inspected today, but I don't know the result. I will find that out tomorrow, and I will probably stop by your house at some point tomorrow.

Ms. Motryuk – But the Inspector was here today.

Mr. Roenigk – I don't know what the outcome of the inspection was.

Mr. Kolick – Your driveway is a separate permit, understand that, so the Building Department will talk to you about that.

Mr. Roenigk – I'll stop out tomorrow.

Ms. Motryuk – He gave a green slip.

Mr. Roenigk – Did he? Okay.

Mr. Evans – For the driveway project. So is there anyone home during the day?

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Ms. Motryuk – No.

Mr. Evans – Okay. Tomorrow Brian will be stopping by, and we'll figure out whether or not you can go ahead with the driveway. Most likely if the Inspector today gave you a green slip for the driveway then that can probably be done. Then we'll figure out what to do with the front porch, okay?

Ms. Motryuk – Sorry, I didn't know there was so much.

Mr. Evans – It is very confusing. We understand that. There's always a lot of processes and steps to the process. We'll try and get you through all that, and then we'll get the decision done on June 12th.

Mr. Kolick – If you have that same Contractor though who wants to pour the driveway, he needs to come up to the City and get licensed in the City before he does any pouring. So even if the Inspector has signed off on the forms being in the right spot, you can only use a licensed Contractor within the City. So make sure your Contractor is licensed in the City.

Ms. Motryuk – Okay.

Mr. Evans – The reason for that is that you don't want someone pouring concrete that is half water and half concrete or something, and then it cracks and breaks. If the Contractor is licensed in the City then he'll know what the City Building Codes are, and he will do things according to the Code. Then the City stands behind you on that. That's the reason you want to make sure it's a licensed Contractor.

Ms. Motryuk – He has a good reputation. He wouldn't do that to the concrete.

Mr. Evans – Okay.

Mr. Baldin – I'd like to ask them one more question. I assume that you've already paid this Contractor some dollars, but you haven't paid for the whole project have you?

Ms. Motryuk – I don't understand the question.

Mr. Motryuk – No, they have not paid them yet.

Mr. Baldin – You haven't paid them anything yet?

Mr. Motryuk – Not yet, no.

Mr. Baldin – Good for you.

9) **VIKTOR AND NATALYA MOTRYUK, OWNERS, cont'd**

Mr. Evans – Yes, don't.

Mr. Baldin – Don't, just wait. That's why I asked that question.

Mr. Evans – Until we get this all sorted out. That's our advice.

Mr. Motryuk – The last time we were here I did not realize we did not have a permit yet. We assumed we had to wait until this date, and if there were no neighbors that came forward to reject this, well that's where the confusion came in.

Mr. Evans – Right.

Mr. Kolick – Understand that not only do you have to have the decision of this Board, then there's another 20 day waiting period because City Council could reverse the decision of this Board. So even if this Board would approve your variance at some point, I don't want you leaving here thinking you can go out and get the thing poured the next day. You still can't, and it sounds like some of the Council members may even look at what this Board does with it since they've had complaints from neighbors. So be aware that there is a procedure, and that the procedure is here for a reason. It appears you jumped the gun once already, and I don't want you to jump the gun again even if something is approved by with this Board, okay?

Mr. Motryuk – Okay.

Mr. Kolick – Okay, thank you.

Mr. Evan – Alright so we'll see you back here on June 12th then, and we'll be in touch with you before that. Is there any further business to come before the Board this evening? If not, then we will stand adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathryn Zamrzla, Recording Sec'y

June 12, 2019

Approval Date