

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

**Meeting of  
November 20, 2019  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé  
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) BRADLEY PLEASANT, OWNER**

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 360 SF Patio; property located at 18329 Saratoga Trail, PPN 397-20-001, zoned R1-75.

**The Board mentioned that they have received a letter from the HOA, and that Mr. Evans will be abstaining from this item because of his position on the High Point Homeowners Association. They indicated that the letter from the HOA discussed the concerns that they and neighbors have had with the condition of the property. Mr. Evans specified that the homeowner has made some improvements to satisfy some of the complaints, and that the HOA has now approved the variance. The Board noted that there is not much room in the backyard being a corner lot, and there is a lot of shrubbery and an existing deck.**

**2) JAMES AND TERESA LUCAS, OWNERS**

Requesting a 23' Rear Yard Setback variance from Zoning Code Sections 1268.12 and 1252.16 (e), which requires a 36' Rear Yard Setback and where a 13' Rear Yard Setback is proposed in order to install a 448 SF Patio; property located at 19720 Stoughton Drive, PPN 393-30-118, zoned PDA-2.

**The Board indicated that this is for an extension of an in-ground pool with a fence around it. They specified that there are some geographical issues because of how the land drops off, and there is a creek that runs through the yard at an angle. They noted that there is an existing deck as well, and it's heavily wooded with no nearby neighbors. The Board questioned whether their stone work is in some common area. They noted that there is a HOA letter needed from Echo Lake.**

**3) PSE CREDIT UNION/Jim Briola with North Cost Sign & Lighting Service, Inc., Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a changeable copy Sign in a Local Business Zoning District and where the applicant is proposing one 30 SF two-sided changeable copy Monument Sign; property located at 12700 Prospect Road, PPN 392-12-004, zoned Local Business.

**The Board indicated that this is for a changeable copy sign that is not permitted by the Code in the City. They specified that many businesses have applied for these signs and have been turned down already, and that if they allow one the City will soon be flooded with lights from these signs all down Pearl Road and Route 82. This is to replace an existing sign.**

**4) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a movable light pole banner and where three movable light pole banners are proposed; property located at 8241 Dow Circle West, PPN 395-13-028, zoned Research-Development (RD).

**The Board indicated that the reason why items 4, 5, and 6 are separated on the agenda is because they are for three different locations. They specified that there are three signs on each property so there are 9 signs all together. The Building Department mentioned that they have already been approved for their monument signs. They noted that they are rigid, perforated metal, rectangular signs that are all 6' by 2'. The Board examined the signs since this is a basically a light pole banner, and what precedent it would set for the future. They stated they will have to examine what hardship they have to overcome to warrant these signs, and they confirmed that these signs are in no way allowed by the Code currently.**

**5) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a movable light pole banner and where three movable light pole banners are proposed; property located at 14843 Sprague Road, PPN 395-13-027, zoned Research –Development (RD).

**This item was discussed above with Items 4 and 6.**

**6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a movable light pole banner and where three movable light pole banners are proposed; property located at 14955 Sprague Road, PPN 395-12-001, zoned Research-Development (RD).

**This item was discussed above with Items 4 and 5.**

**PUBLIC HEARINGS**

7) **GLENN SCHEUTZOW, OWNER**

Requesting an 8' variance from Zoning Code Section 1252.17 (c), which requires a 12' Setback from the right-of-way and where a 4' setback from the right-of-way is proposed in order to install a 4' Picket Wood Fence; property located at 13510 Rosewood Lane, PPN 398-11-051, zoned R1-75.

**The Board indicated that the real hardship which requires this variance request is the loss of trees they would have if they moved the fence where the Code now requires. They also mentioned that it's only 4' tall, and a picket fence. The Board stated the aesthetics issue that keeping it where it is will line it up with the neighbor's fence, and that otherwise it would not look as nice if moved back to where the Code requires. They also noted that although it isn't a reason to approve the variance on its own, that the applicant would also be losing quite a bit of yard space that they have been enjoying for over 20 years while living at that location.**

8) **DAVID KUFNER, OWNER**

An appeal to the Board of Zoning and Building Code Appeals pursuant to SCO §1414.07 regarding the decision of the Assistant Building Commissioner on October 25, 2019 related to fence permit number FNCE-19-3451 dated 10-10-2019; property located at 17570 West 130 Street, PPN 399-21-022.

**The Board indicated that this is an appeal. They specified that the applicant was to put their fence 16' minimum from the right of way, and that it was actually put in 15' from the right of way. The Board mentioned that this was done by a professional fence company. They noted that they will listen to Mr. Miller, and then the owner, and/or someone from the fence company speak as to what has happened.**

**The Board discussed one change to the minutes of November 6, 2019, and also a minor change to the Findings of Fact and Conclusions of Law from the JD Roofing determination also from November 6, 2019.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
November 20, 2019**

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

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

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 November 20<sup>th</sup>, 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 EXCEPT FOR MR. SMEADER

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

Mr. Houlé – Second.

Mr. Evans – I have a motion and a second. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

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 before us minutes from November 6<sup>th</sup>, 2019. We spoke about them in caucus, and if there are no further corrections to be made, we will submit those with our one minor correction. We also have Findings of Facts and Conclusions of Law from the decision of JD Roofing on November 6, 2019 with one correction we have made in caucus. I will entertain a motion to approve those with that minor correction.

Mr. Houlé – I make a motion to approve the Findings of Facts and Conclusions of Law of the Board's decision of JD Roofing from the meeting of November 6, 2019.

Mr. Baldin – Second.

Mr. Evans – Thank you, may we have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

This evening 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 normally divided into two portions. The first half are new applications, and then we'll move onto our public hearings.

### NEW APPLICATIONS

1) **BRADLEY PLEASANT, OWNER**

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 360 SF Patio; property located at 18329 Saratoga Trail, PPN 397-20-001, zoned R1-75.

Mr. Evans – First on the agenda tonight is Bradley Pleasant on Saratoga Trail. Please come up to the microphone and give us your name and address for the record.

Mr. Pleasant – Bradley Pleasant, 18329 Saratoga Trail.

Mr. Evans – Thank you, Mr. Pleasant, before we ask you to explain your request for the variance, I need to indicate for the record that because I am a trustee in the High Point HOA I will be abstaining from discussion and from voting on this issue. So if you would be so kind as to tell us about your request for the variance.

Mr. Pleasant – Yes, I'm requesting the variance for a patio on the rear of my home. I'm looking to improve the property and get more usable space there at the home.

Mr. Evans – Okay, gentlemen are there questions that you have for Mr. Pleasant?

Mr. Baldin – Mr. Chairman, am I correct in assuming since you are abstaining that it would take a total of 3 votes to approve this?

Mr. Kolick – Yes.

Mr. Evans – When we get to the next meeting, yes.

1) **BRADLEY PLEASANT, OWNER, Cont'd**

Mr. Baldin – Okay, thank you.

Mr. Evans – Is there anyone else? Okay. 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 December 4<sup>th</sup>. We will invite you back at that time. We will make our decision at that time, and as I indicated I will be abstaining because of being a trustee in High Point. It is not necessary that you stay for the rest of the meeting tonight.

Mr. Pleasant – Okay.

Mr. Kolick – Does he need to stake the corners or anything or is that self-evident as to where they are at?

Mr. Houlé – Pretty evident, I would think.

Mr. Evans – Yes, pretty evident. This is not a difficult one. There is no existing deck there, but the indication of where it's going is pretty obvious. That's it for tonight then.

Mr. Pleasant – Okay, thank you.

Mr. Evans – Alright, thank you.

2) **JAMES AND TERESA LUCAS, OWNERS**

Requesting a 23' Rear Yard Setback variance from Zoning Code Sections 1268.12 and 1252.16 (e), which requires a 36' Rear Yard Setback and where a 13' Rear Yard Setback is proposed in order to install a 448 SF Patio; property located at 19720 Stoughton Drive, PPN 393-30-118, zoned PDA-2.

Mr. Evans – Item number two on the agenda is Lucas on Stoughton Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Lucas – James Lucas, 19720 Stoughton Drive.

Mr. Evans – Mr. Lucas if you would be so kind as to tell us your reasons to request this variance.

2) **JAMES AND TERESA LUCAS, OWNERS, Cont'd**

Mr. Lucas – The previous homeowner clearly had a dog. It was a fenced-in area with concrete pavers and rock. I'd like to remove the rock and concrete pavers and put in concrete in there along with the fence. I don't mean the fence for the pool, but the fence for the enclosure for the dog.

Mr. Evans – Okay, you may have heard us talking in caucus, have you approached Echo Lake yet about getting an approval from them?

Mr. Lucas – Yes, I have that letter here.

Mr. Evans – Okay, if you want to you can give that to us tonight, and we will keep that for the record then.

Mr. Lucas – Okay.

Mr. Evans – Your house backs up to common area of Echo Lake?

Mr. Lucas – I believe so, yes.

Mr. Evans – Do you know where the property boundaries are? You're not intending to put the concrete into the common area or anything?

Mr. Lucas – I'm not 100% sure, but I have an idea of where it is. I believe that the pool currently goes into the common area. That was approved by the City to do so.

Mr. Evans – Okay.

Mr. Lucas – I'm not talking about going that far, only about half that distance.

Mr. Evans – Okay. Mr. Kolick?

Mr. Kolick – The City would not have approved it going into the common area, they can't because we don't have the authority to approve it onto someone else's property.

Mr. Lucas – If that's the case, then I'm definitely not going into the common area.

Mr. Kolick – Do you know where your property stakes are in the backyard?

Mr. Lucas – No.

Mr. Kolick – You might try to locate them because if there is an existing problem, we don't want to exacerbate the existing problem, if there is one there. If you look at the aerial view from the

2) **JAMES AND TERESA LUCAS, OWNERS, Cont'd**

**Mr. Kolick continues** - County, it shows that there is something going into the common area behind your home. It's not very clear. This Board does not have the authority to grant anyone to put a pool or anything onto someone else's property. We can't.

Mr. Lucas – When I purchased the home, the original company that I hired to teach me how to take care of a pool happened to be the person that put that pool in, and he said that he remembered having to come to the City to get approval because of that green area behind me. He couldn't remember the details, but he was giving me an approximate of where that was to the pool. I'm not extending past that. I'm about half-way through the pool.

Mr. Evans – One of the things you can do is you can go to the county website, and with your PPN you can look up the dimensions of your property so you can get the two lot lines that are on the side of the property from the back edge of the sidewalk and into your yard. You can then tell approximately where the rear lot line is. Depending on whether it's a curve or a straight line across the back, again the County's website would show you what that property line looks like. Then you can at least get an approximation that would give you an idea of what you're working with. Certainly what Mr. Kolick is suggesting is that you would not want to put a new deck into common area. If the pool or part of the pool now extends into that, whether that was approved by the HOA, again since I'm a HOA trustee there's very few circumstances where a HOA has the ability to approve someone building into common area. There's lots of ramifications to that to prevent that. The City would definitely not have approved that because the homeowner does not have ownership. The Echo Lake Association does. Echo Lake happens to be managed by a management company. They've been in that position for a number of years. Again, whether or not they would have a record of that, I don't know. Certainly you might want to check those things out just to see where you're at. As Mr. Kolick suggested, you definitely don't want to be putting the deck into common area because that would be your responsibility.

Mr. Kolick – Mr. Lucas, do you know if the pool went in when the home went in or did it go in later?

Mr. Lucas – The pool went in after the house was built.

Mr. Kolick – Well, we can at least check our records to see what we might have about a permit for the pool. At least that will tell us what our records show. Keep in touch with Brian.

Mr. Roenigk – I'll look into this tomorrow.

Mr. Kolick – He'll look into what our records might show on it, and they might be enlightening too.

Mr. Lucas – Okay.

2) **JAMES AND TERESA LUCAS, OWNERS, Cont'd**

Mr. Houlé – Would he have to have an easement on his deed or something if he bought a house like that? If it was not on his own property?

Mr. Kolick – But without a variance, we could not even approve it even if there was an easement because it's crossing a property line.

Mr. Houlé – No, I know, but I'm just wondering if he would have had something on his deed.

Mr. Rusnov – Mr. Kolick, you have the original engineering copy of the commercial survey, and it shows the location of the pool, and it doesn't appear like it's over the line. You might want to verify this with the Building or Engineering Departments because you do have a commercial survey here. You could probably scale it out to give you an exact footage from the rear line to the edge of the pool.

Mr. Baldin – I looked at that, but it doesn't show the distance.

Mr. Evans – No, it doesn't, but it does show that it's an existing pool.

Mr. Rusnov – Right, so it's clearly on the property. Unless this commercial survey is wrong, which I highly doubt.

Mr. Kolick – We'll see what we have in our records.

Mr. Evans – Without the dimensions of the pool or the dimensions to the back lot line, it would be very difficult to ascertain whether that is the pool itself or the deck around it. There's a number of things that might be involved.

Mr. Kolick – Or some of those lines might have been drawn in off of an engineering copy afterwards. I noticed that some of these lines aren't the straightest in the world, so I really wonder if they took an engineering plan and drew over top of it.

Mr. Evans – Or somebody did.

Mr. Rusnov – Well lets verify it with Engineering.

Mr. Kolick – We'll see what we have, but the key thing for you is to make sure whatever you have is maintained on your lot or you may have a problem in the future at some point. Like I said, the aerial view seems to show something constructed beyond your property line. I can't tell from the aerial view what it is. Keep in touch with Brian, and we'll get the information on it.

Mr. Lucas – Alright. May I approach you to give you this letter?

2) **JAMES AND TERESA LUCAS, OWNERS, Cont'd**

Mr. Evans – Absolutely. Thank you. We will add that to our record for your request. Then as well you are done here tonight. The same thing will happen in your case that people within 500' will receive a letter of notification with just the information that is in the agenda tonight. You may want to talk to your neighbors about it before the next meeting.

Mr. Lucas – Okay, sounds good.

Mr. Evans – Okay, we'll see you back here on December 4<sup>th</sup> then.

3) **PSE CREDIT UNION/Jim Briola with North Cost Sign & Lighting Service, Inc., Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a changeable copy Sign in a Local Business Zoning District and where the applicant is proposing one 30 SF two-sided changeable copy Monument Sign; property located at 12700 Prospect Road, PPN 392-12-004, zoned Local Business.

Ms. Zamrzla – Mr. Chairman, the applicant for item number three would like to be moved to the December 4<sup>th</sup> and 18<sup>th</sup> meetings.

Mr. Evans – They would like to be moved?

Ms. Zamrzla – Yes sir.

Mr. Evans – Okay, so item number three is going to be postponed until December 4<sup>th</sup> so if there is anyone here tonight for that item, they will instead be on the agenda for December 4<sup>th</sup> and the subsequent meeting for the public hearing.

4) **UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a movable light pole banner and where three movable light pole banners are proposed; property located at 8241 Dow Circle West, PPN 395-13-028, zoned Research-Development (RD).

5) **UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

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6) **UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative**

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

Requesting a variance from Zoning Code Section 1272.04 (g), which prohibits a movable light pole banner and where three movable light pole banners are proposed; property located at 14955 Sprague Road, PPN 395-12-001, zoned Research-Development (RD).

Mr. Evans – That would take us then to items 4, 5, and 6 which are all together. Please have a representative come up and give us their name and address for the record.

Mr. Dilonna – Hello, Vince Dilonna with Blink Signs. Our address is 1925 St. Clair. We have a couple of addresses that we are working with here. The first is 8241 Dow Circle West, also 14843 Sprague Road, and 14955 Sprague Road.

Mr. Evans – Okay, so tell us about what it is that is going on with the project and why the signs on the light poles are needed.

Mr. Dilonna – Alright. From the start of this project, Bill the owner of Union Home and Mike Catan, came to our company and asked us to create a design and some sort of signage package that makes this look like a corporate campus. So what we came up with and presented was a couple of monument signs, a couple of channel letter sets which go on the buildings, and these are more of directional or way to find signs, and not as much banner signs. They are permanent signs that do not wave. They are made of aluminum. They are for the parking lots as well as for some of their main light poles that they have in front of their property. So they bought all three of the buildings on Sprague. I don't know if you've been over there recently, but they have knocked out all the light poles and put up all new fixtures. They have repaved the parking lots, and they are doing the same with the I.T. T. building as we speak. That will all be new with a brand new façade on the building. They are doing quite a bit of work there, and they would like to bring all this together for all their other vendors and other employees. This is their corporate headquarters so this is also for any guests or clients that come in. So what we proposed was to do aluminum perforated metal signs. I have a sample of the perforated metal here. This is more of a permanent sign with flat cutouts. The perforated metal is going to be painted their purple and green to identify each of the buildings and parking lots. So you do have the design in front of you?

Mr. Rusnov – Yes.

Mr. Dilonna – We have a monument for each of the locations. One of the buildings is considered the east building, or the purple building. The main building is just the main corporate building, which is on your page 13. The last building is the green or west building. These flags are to identify those parking lots where people pull in as well as the building itself because these monuments signs are painted the same color in order to identify that whole space.

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

Mr. Evans – The monument signs have already been approved by the City?

Mr. Dilonna – They are approved and installed.

Mr. Evans – You have one on each of the three buildings?

Mr. Dilonna – Correct, there's one on the front of the main corporate building, and there's one on each side. There's technically three separate entrances. Each building has its own entrance. The west, the main building, and the east building.

Mr. Evans – Did I understand correctly that you are also putting signage on the buildings?

Mr. Dilonna – The building signage is up and approved as well. It's only on the main corporate building.

Mr. Evans – So there will or will not be signage on the east and west buildings?

Mr. Dilonna – We haven't got to that point yet.

Mr. Evans – That's not what I asked.

Mr. Dilonna – As of right now there is no signage on those buildings.

Mr. Evans – What is the intent?

Mr. Dilonna – The intent is to keep going through the process. We're going to see if we can get these approved as identification for the parking and way find, and as they continue to go through their construction and growth, then obviously get to that point depending on how they are building out the new locations. So they are redoing the whole front of the building at the ITT building right now, so once that is complete, they will analyze that. I believe that would allow its own signage and so would the other building.

Mr. Evans – The problem that we have as a Board is that everyone, every company in this City wants signage on the top, bottom, side, back, front, and everything else. You already indicated you're putting in a monument sign, or it's already there, out in front of each of the buildings. That is permitted. You've indicated that building number one, the main building has signage on it already. You've also indicated that buildings two and three are having the facades replaced, and you intend to put signs on those frontages as well. That would be even more than we allow in a retail district so that would be a huge problem because when we set precedents it opens Pandora's Box. Once the box is open, you don't get it closed.

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

Mr. Dilonna – Absolutely.

Mr. Evans – If we allow this for an R and D area, then the retail people up and down Pearl and 82 are going to want huge balloons and fancy lights and changeable signs, and everything else. It's going to be a real problem to do signage that is a monument, on the face of the buildings, and light poles as well.

Mr. Dilonna – Right now we're not speaking about the buildings themselves, we don't know...

Mr. Evans – We are speaking about the buildings because you've already indicated that it's a likely situation.

Mr. Dilonna – That could be the intention, but if that has to go to a variance as well, then that's something that they would do, but as of right now we're just trying to focus on getting these put into the parking lot and giving the identification of each of these buildings.

Mr. Evans – Are there questions from Board members?

Mr. Baldin – These pole signs, they are basically going to be identification signs? They aren't directional signs or anything like that? It's just identification of where the parking lots are, and where the entrance to that parking lot is?

Mr. Dilonna – And the building itself. So if they have a client come in, and they say go to the green building or the west building, the monument sign as well as these flags are going to clearly state that it is the green building.

Mr. Baldin – So this is going to be the lighting that will light up the parking lot in the evening as well?

Mr. Dilonna – These are not illuminated. They will not light-up at all.

Mr. Evans – They are on a light pole.

Mr. Dilonna – They are on a pole.

Mr. Baldin – They will be seen because a light will be shining on them, there's no doubt about it.

Mr. Dilonna – Right, but these themselves do not light up.

Mr. Baldin – Right, and they have nine of these, is that right?

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
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Mr. Dilonna – There are three per property, so if you look at them as individual properties, then there are only three per property.

Mr. Rusnov – So there's nine.

Mr. Dilonna – Total, but each one can be a separate application.

Mr. Rusnov – There are three monument signs total for all the buildings.

Mr. Dilonna – Each of the buildings and address has its own.

Mr. Rusnov – Each building will have some type of identification.

Mr. Dilonna – We'll have to get to that point once we cross it, yes.

Mr. Baldin – Do you know where the location is that you want to put these signs?

Mr. Dilonna – More than likely...

Mr. Baldin – So when I go there to look at the property, I can say there's pole number one, two...

Mr. Dilonna – Yes, so if you actually come down Sprague Road, there's three light poles that were installed at building two and one, and the west building will have three installed as well so they are right at the front of the property.

Mr. Baldin – So you have them in already or you will have?

Mr. Dilonna – The light poles are already in at one and two, and the west building is being worked on right now.

Mr. Baldin – Okay.

Mr. Evans – They will be along the berm up against Sprague, I presume.

Mr. Dilonna – Correct.

Mr. Kolick – Are all the signs 2.75' by 6'?

Mr. Dilonna – They are all the exact same size and they are all the exact same material. The only difference is that the one is going on the east building will be painted purple with white lettering,

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

**Mr. Dilonna continues** - and the one on the west building will be painted green, and will have white lettering, and the one in the middle will be neutral just like the monument sign. We're trying to keep that whole corporate feel where everything is tied in together.

Mr. Kolick – So the signage you're talking about says more than Union Mortgage. It also designates the parking area for each building so in other words if someone says go to the green parking area, it is in fact a directional sign without actually stating a direction on it.

Mr. Dilonna – Absolutely, so the monument signs are about 5' high, if you are driving by you could miss it. There are a couple of trees coming from each way, but as soon as you hit right where their property is visible, you would clearly be able to identify which is the green and which is the purple building based on these flags.

Mr. Kolick – Right, so again you're using them for directional purposes besides just Union Home Mortgage identification signs.

Mr. Dilonna – Correct, and I don't know if you've been out there recently, but the new monument sign itself is large enough to give its own advertisement. It's a beautiful, gigantic, custom made sign. These are more for that whole corporate feel as well as to give each building its own identification. So the east building is mainly employees, and the main building will be client entry as well as corporate employees. The west building is for training and new hires, and things of that nature. So if you're just starting at this company, who is growing rapidly, they can just say that you're going to come to the green building as soon as you pull down Sprague.

Mr. Baldin – These monument signs that they put in have already been approved, are they the standard sizes or was there a little extra added?

Mr. Dilonna – I had no push-back from the Building Department. I sent them the permit and it was approved probably within 20-30 minutes. They reviewed everything.

Mr. Baldin – Thank you.

Mr. Kolick – Brian, I take it that since the monument signs were approved they would have met the Code provisions or they wouldn't have been approved, correct?

Mr. Roenigk – That is correct.

Mr. Kolick – So they were all within the Code parameters and square footage?

Mr. Roenigk – Yes.

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

Mr. Kolick – Okay.

Mr. Rusnov – The only thing that is not are these nine signs on the poles.

Mr. Kolick – Right.

Mr. Baldin – Correct.

Mr. Dilonna – The building signage was all approved as well. Everything is up, they had a huge event. We had everything up just in time, so it was pretty nice.

Mr. Rusnov – Except for the building which is not complete yet.

Mr. Dilonna – The ITT building is actually being designed and worked on right now. The other two buildings are pretty much finished and ready to go. They are already occupied.

Mr. Rusnov – The third one is not.

Mr. Dilonna – The ITT building?

Mr. Rusnov – Yes.

Mr. Dilonna – So the installation of those flags is going to be down the road since they are still repaving that whole parking lot. The other two buildings already have the light fixtures in. They are all universal, so they are using the same exact fixtures through the west building as well. They are not quite in yet so those won't be going in until that building is ready to open.

Mr. Baldin – This company is huge, they are not just located here in Strongsville, correct?

Mr. Dilonna – They are gigantic, and they keep growing.

Mr. Baldin – Right, and do they these types of signs on any of the other buildings across the country?

Mr. Dilonna – That's what we're hoping to do. This is their main corporate campus. When they came in he had the first building, then he bought the second building, ITT went and he bought that third building. The reason they came to us to help them design this whole package is to incorporate this into all across their locations. They want the same design, the same monument signs, the same layouts, and the same logos. We've actually helped to create some branding guidelines for that.

**4)5)6) UNION HOME MORTGAGE/Vince Dilonna with Blink Signs, Representative,  
Cont'd**

**Mr. Dilonna continues** - So if they need for any reason to find a local sign company to print or do anything like that, it will all be consistent across the board.

Mr. Baldin – Thank you.

Mr. Evans – Any further questions?

Mr. Baldin – I have no further questions.

Mr. Evans – Alright, the same thing will happen here 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, which would all pretty much be corporate entities due to this location. The public hearing is on December 4<sup>th</sup>, and we will invite you back at that time. The only other question I have is that you are proposing these signs as 6' by 2'?

Mr. Kolick – 2.75'. That's what we will put on the agenda and the notices.

Mr. Evans – Dimensionally could those be reduced proportionately?

Mr. Dilonna – I think to keep the visibility we'd like to keep them that size. Mainly for the fact that the light poles are about 20' up. In fact we're trying to lift them up a little bit higher, and for example I think this Strongsville Seal right here might be about 6', but from where I am though it looks as if it's about 4'. I think we'd like to keep it that size and to keep it consistent all the way across. When they are that high they are not going to look as large as 6', especially to the standard eye.

Mr. Evans – Okay. Alright. We invite you back here on December 4<sup>th</sup> then.

Mr. Dilonna – Thank you all so much.

**PUBLIC HEARINGS**

**7) GLENN SCHEUTZOW, OWNER**

Requesting an 8' variance from Zoning Code Section 1252.17 (c), which requires a 12' Setback from the right-of-way and where a 4' setback from the right-of-way is proposed in order to install a 4' Picket Wood Fence; property located at 13510 Rosewood Lane, PPN 398-11-051, zoned R1-75.



**8) DAVID KUFNER, OWNER**

An appeal to the Board of Zoning and Building Code Appeals pursuant to SCO §1414.07 regarding the decision of the Assistant Building Commissioner on October 25, 2019 related to fence permit number FNCE-19-3451 dated 10-10-2019; property located at 17570 West 130 Street, PPN 399-21-022.

Mr. Evans – Next on our public hearings is David Kufner on W. 130<sup>th</sup> Street with an appeal to the Board of Zoning and Building Code of Appeals. The way we're going to do this is I'm going to ask Mr. Miller who is our Building Department representative to speak first and tell us what the circumstances are that are related to this situation. Then we'll invite Mr. Kufner's participation in the meeting. So Mr. Miller if you would please take the podium.

Mr. Miller – Thank you. Mike Miller, Assistant Building Commissioner of the City of Strongsville, 16099 Foltz Pkwy. The reason for the violation notice that we sent to the resident was because we received a complaint in our department regarding sight lines along the property line there when they were backing out of the driveway adjacent on the west side to this fence. Some history on that is that there was a permit applied for through the Building Department on September 27<sup>th</sup> of this year by Great Lakes Fence Company. The application was approved by our residential building official. The approval letter is included in your packet tonight as well as a copy of the topographical drawing which shows where the fence was to be installed. Marked on that drawing it states clearly that there is a 16' minimum requirement from the right of way along Drake Road. After we received the complaint we sent one of our field inspectors out to verify the location of the fence, and it shows that it is only 15' from the right of way. In accordance with our permitting software, and inspection was performed to locate the pins of the fence. The purpose of that inspection is to determine that there is no crossing of the fence over to the adjacent properties. We had our inspectors verify the location of the pins, and it's up to the contractor in accordance to this signed application to comply with the Ordinances of the City of Strongsville. That is the reason for our order to relocate the fence to be 16' from the right of way.

Mr. Kolick – Mr. Miller I take it that it not only needs to comply with the Ordinances, but to comply with the plat that shows that the fence had to be kept a minimum of 16' from the right of way. That was the instruction that was given to the fence contractor. Is that correct?

Mr. Miller – That is correct. Yes, that is the approval that was given, and as stated in the approval letter from our Residential Building Official Codified Ordinance 1272.17 (c) it states that on a corner lot a fence greater than 4' in height has to maintain a 16' setback from the right of way. That was part of the approval that was given to the contractor.

Mr. Houlé – Mr. Miller, there was also an issue listed in the letter about a potential with the west property. Is that not an issue?

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Miller – We do not determine property line disputes. There was a question about that, but the pins were verified and that's all we do there. They are there and exposed, so if the fence is crossing onto an adjacent property that becomes a civil matter.

Mr. Houlé – Okay.

Mr. Miller – The Building Department does not follow up on that.

Mr. Evans – Okay.

Mr. Rusnov – So in other words, Great Lakes made a big mistake. They put it in at 15' instead of 16'.

Mr. Miller – Yes. They were the installing contractor. We sent the violation notice to the property owner.

Mr. Baldin – Was the property owner aware of what was going on? Do we know?

Mr. Miller – Where the fence was going?

Mr. Miller – I would hope that if he was paying to have a fence installed he knew where it was being installed. Again our next inspection would have been a final inspection to verify compliance with the approved plans. The complaint came in before the request for the final inspection was made. Therefore we initiated the Code enforcement to relocate the fence in accordance with the approved plans.

Mr. Baldin – It's a huge fence, and it's quite a costly fence, I'm sure. You would think that the homeowner would be very specific and particular.

Mr. Miller – I think the homeowner trusted his contractor.

Mr. Baldin – Apparently.

Mr. Miller – We all hire contractors. We trust them to that they are professionals. I don't believe that Mr. Kufner is a fence installer so therefore he's trusting his contractor.

Mr. Baldin – So he may not have known the Code, correct?

Mr. Miller – And maybe his contractor didn't supply him with a copy of the actual approval, just the permit.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Baldin – Thank you.

Mr. Rusnov – So to answer your question, the property owner is placing their confidence and faith into the installer that they will do it correctly.

Mr. Miller – Right.

Mr. Rusnov – I don't think the property owner, as Mr. Miller stated, is a surveyor or a fence installer. I don't think he's fully aware of where 15' is or 16' is.

Mr. Evans – Mr. Miller, is Great Lakes Fencing licensed in the City of Strongsville?

Mr. Miller – They are.

Mr. Evans – Is there a bond that is held against their performance?

Mr. Miller – There is. There is an issue \$10,000 Surety Bond held against their performance to deal with any Code violations. In this instance though, if Mr. Kufner didn't want Great Lakes to redo their work, we might go back. Again though, we have to offer Great Lakes the opportunity to correct their violation.

Mr. Evans – To fix it, okay. Have we had other problems with Great Lakes in Strongsville?

Mr. Miller – Not to my knowledge.

Mr. Evans – Okay, thank you. Are there any other questions?

Mr. Baldin – No.

Mr. Evans – Alright, thank you Mr. Miller. Mr. Kufner this is your opportunity to speak. Please come to the microphone and give us your name and address from both of you for the record first.

Mr. Kufner – David Kufner, 17570 W. 130<sup>th</sup> Street.

Ms. Kufner – Rose Kufner, I'm his wife, and I live at the same address.

Mr. Evans – Alright, thank you very much. Whomever wants to speak first you're more than welcome to bring your information to us.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Kufner – We know it's the City Code, but we'd like to go with a 1' variance or 12" variance for our fence. I don't want to take it down. I see that we have complaints, but I just wanted to see if I can get a 12" variance.

Mr. Evans – There is a process for applying for a variance. That is different than appealing the decision of the Building Department here. My first question is whether you've had a conversation with Great Lakes Fence?

Mr. Kufner – I did. I signed papers with them to clear themselves from everything, and so all the expense is on me. So that is how it comes out when you sign papers with these fence companies. So anything that they have done incorrectly, they have you sign your initials, and I read my contract it is going to come back on me. That's where I have a problem.

Mr. Rusnov – Oh my god.

Mr. Kolick – Mr. Kufner, just so you understand, we can notice the fence company because they are the ones who pulled the permit. We can notice them that they are in violation, and I guess you're not disputing the fact that there is a violation. You're saying that the fence company did it. We can notify them and require them within 5 days to come back and correct it. So I mean, we can maybe assist you in that matter so to speak. I don't know what your contract says, and we can't get involved with the contract. Since they are the ones that pulled the permit though, we can send them the notice though, and tell them that we need to have it corrected in 5 days. Our problem as a Board is that there is a sight line problem. The one thing we are very cognizant about are safety concerns. The reason why the Code requires 16' is so that there be a clear sight line. So whether it's you or your neighbors backing out of their driveway, there will be a clear sight line. That's why they require 16'. I'm not going to tell you that you can't file for a variance, but I think it's going to be highly unlikely with a safety issue like this that the Board is going to be in a position to grant such a variance. I think that fence is going to be moved, and again, I'm not speaking for the Board because they'll do whatever they choose. In the past though, if there are sight line problems, we have not as a Board and can't in good conscience grant a variance for it. Goodness forbid a little kid came down on a tricycle and you didn't see them, and either you or your neighbors back into them because you didn't see them. We can't be dealing with that. So again, if you want to file for a variance you can, but I'm going to tell you that it's unlikely to be granted.

Mr. Kufner – 12" variance is going to be a problem?

Mr. Kolick – It's probably really needs to be done, yes. That makes a big difference in a sight line when you're pulling out of a driveway. It really does. If the fence was low, that would be one thing. You're dealing with a 6' fence. You can't see over it while you're sitting in your car. You can't. That's why the legislature has setup what they have. A couple of things could be done here tonight. One is that you could withdraw your Appeal or we can act on the Appeal, but I think you

**8) DAVID KUFNER, OWNER, Cont'd**

**Mr. Kolick continues** - have a good idea of where we have to go with the Appeal because it's clear that there is a violation since you're not even denying it. As to who has to do the correction, the one thing we can do is send the applicant who pulled the permit a notice that they need to correct the issue within 5 days. Now where that is going to go between you and the fence company, we can't address. We can tell the individual company who pulled the permit that they need to correct it, and there are consequences if they don't. Again this is up to the Building Department but we could pull their license for not complying with the Code on a permit that they were clearly told they had to be 16' from the right of way. It was right on the plan that was given to them when they pulled the permit. They were well aware of what it was.

Mr. Rusnov – What about this Surety Bond?

Mr. Kolick – Well, the Bond is another story because we make the claim against the surety company, and they would then come out and do their investigation. I can't tell you where they would be on that. We had that same issue with the last one, and the surety company determined that their contractor didn't do it. I can't speak for the surety company here, although I don't think we'd be faced with that issue here. Nevertheless...

Mr. Kufner – When you guys came out and checked the pins, and the inspector came out to check the pins, do you think you would have measured it before we put the fence up?

Mr. Kolick – No. They won't measure. First of all the City doesn't put the pins in. A surveyor when they built the house put the house in. All the inspector does is make sure that you're building on your property or at least where that pin is, or what appears to be on the property. A lot of times, understand, pins will get moved. Sometimes it's purposefully, and I'm not suggesting you or the neighbor did that. Sometimes it happens by mistake when people are digging out a garden or something else and the pins get moved. So we can't do that, we can't survey every property to see where it's at, but our final inspection which we were never called to do would have determined that this was in violation.

Mr. Kufner – You're saying that 15' from the sidewalk, then 3' of sidewalk, and then an apron that is 20' or 30', you're saying that's not enough room to see out in a normal pickup truck?

Mr. Kolick – That's what our regulations say, whether it's a pickup truck or a VW. Yes, if you're sitting way up here, maybe, but not everyone who is going to be backing out of your driveway or near your driveway is going to be driving a pickup truck. You know what I mean? It's a law that we don't set as a Board. The City Council makes the laws. They determine after their studies by dealing with what we call our CPTED Officer in the Police Department, that if you're going to have 6' fence, it has to be 16' from that edge of the sidewalk in order to maneuver safety. That's what they have determined is law, and we can't change that as a Board.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Evans – In the past, we have also had circumstances where the Police Department reviewed the situation, and based on an alteration of the design for instance not having a square corner or chopping off the 90 degree corner and make it a 45 degree one instead, in some cases we've been able to modify that setback distance.

Mr. Kolick – I think the problem in this case, if you look at the map though, is that they are backing up to their neighbor's driveway as well as their own driveway. So they can't cut the one driveway on their side, you'd have to cut the driveway going to the backline too.

Mr. Evans – On both sides, yes.

Mr. Kolick – So then you're going to have this, this, and this.

Mr. Evans – Yes, you'd have two corner cut offs, but...

Mr. Kolick – Right.

Mr. Evans – I'm suggesting that depending on the length of the foot because that's 64' that for a practical alternative that it could be a request from the applicant when he talks about the variance of moving it one foot, that we could maybe give a variance for those two square corners as they exist today. We have done that before, and it might be a more reasonable approach for Great Lakes Fence.

Mr. Kolick – I guess it's something that the CPTED Officer would have to look at. Keep in mind that you're on Drake Road.

Mr. Evans – Yes.

Mr. Kolick – Those cars are coming down there fast. You're talking about a corner lot so would it help to change it to a 45 degree angle? Yes, but if the fence still goes out that far, someone coming down may not be able to see. Again, I am not here really to debate it, but if they want to do that then they'd file for a whole new thing. They would file for a variance, and we could send a CPTED Officer out there to look at it and determine that. We need to notify Great Lakes Fence because they pulled the permit. We need to notify them that they are in violation of our City Ordinances and then see what happens. I don't know how much it would save them if you cut both those corners on a 45 degrees and leave a couple panels in the middle whether that would even save a whole lot of money. It might be cheaper or less expensive to move the whole fence in anyway.

Mr. Evans – Right.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Baldin – There's a shed in your backyard in that back corner, right?

Mr. Kufner – Yes.

Mr. Baldin – That shed is only like two feet or a foot and a half from the fence?

Mr. Kufner – Right now it is.

Mr. Baldin – So it would be almost impossible...

Mr. Kufner – I have a drainage ditch in the back that is flooding so I moved it out of a drainage problem.

Mr. Baldin – So it would be impossible to cut an angle there because of the shed that is in that corner.

Ms. Kufner – The shed is not staying there. The shed wasn't there previously. We moved it there because there's a swale in our yard and we have to correct the problem with the swale and then we'll move the shed back to where it was.

Mr. Baldin – You moved the shed, that's why it's that close right now. At one time I could see where it was.

Ms. Kufner – It's there temporarily.

Mr. Baldin – It was probably 5' off until you put the fence up, and now it's very close to the fence so it would be very hard to cut an angle.

Mr. Kufner – That's when you asked your question before, there's a swale in my yard, and if you stand next to that fence in that swale it's 7' or 8', but when you come out of that swale it's only 6'.

Mr. Baldin – Yes, when I walked back there I thought it looked like it was over 6'.

Ms. Kufner – The fence is 6', but the way our yard is...

Mr. Kufner – The way it's cut, it drops you down and then back up.

Mr. Baldin – Thank you.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Evans – The last question I have Mr. Kufner is that when we talked about the pins and the location of the fence along that back property line, do you know whether the fence is in fact on your property?

Mr. Kufner – Yes, I'm pretty sure that's on my property. We have pictures of the pins and all that stuff for you guys.

Mr. Evans – So there are a couple of choices you have as Mr. Kolick indicated. You can withdraw the appeal because we think that's probably not going to go in your favor. Withdrawing it would not be a denial of the appeal that is on the books. The City can notify Great Lakes, and as Mr. Kolick suggested, that is something that we should in fact do since they were the ones that pulled the permit. We don't expect homeowners to be engineers or installers so when you hire a contractor and they come to the City for a permit, we expect them to perform the work that they have agreed to. In this case they did not. You could also talk about whether or not you want to cut the corners at 45 degree angles and bring it in that would be another option. So there are a number of options for you to consider, and let us know what you want to do.

Mr. Kolick – I guess the first thing is, do you want to go forward with this appeal tonight and have us take a vote on it, or would you like to withdraw the appeal?

Mr. Kufner – How long do we have before we have to move the fence? Do we have a little bit of time?

Mr. Evans – What you have requested in this appeal is whether or not the Building Department's issuance of the letter to you that you are in violation is or is not correct. So at this point you're saying that the Building Department err in saying that the condition that they said exists does exist. So your appeal is whether or not the Building Department was correct. We've already sort of determined that the Building Department is correct because it's only 15' where it needs to be 16'. So the reality is that your appeal of whether or not the Building Department was correct or not probably is not going to be approved by us because it is in fact 15' instead of the required 16'. By withdrawing the appeal that just means that there is nothing out there that we denied the appeal. It just sort of goes away. Then we would deal with the issue of whether or not Great Lakes was the one who pulled the permit, whether they installed it, which they did. Then the City would be notifying Great Lakes that they are in violation of the Code. Since they pulled the permit and did the work, it would then be the City saying it's your fault, and you need to correct it, as Mr. Kolick said. We tell them to do it within 5 days.

Mr. Kufner – Within 5 days.

Mr. Evans – That would be that step, if you want to do a request for a variance that would be a third process. It's independent of the appeal. It would be applying for a variance and going

**8) DAVID KUFNER, OWNER, Cont'd**

**Mr. Evans continues** - through the same process as those individuals which you saw tonight. You'd apply for a variance for the 1' or whatever you want to do, but as Mr. Kolick suggested is that we generally do not grant variances that allow for safety issues. Council has the opportunity to overturn any variance that we grant, and when we would grant one that is in violation of safety principals it would be likely that Council would overturn our vote anyway. So going through the route of going for a variance of 1' would probably be as likely as us granting the appeal because you are 15' where it needs to be 16'. So the most likely situation is for the City to notify Great Lakes Fence and to have them come out and fix the situation. If we turn down your appeal that goes on the record, and I don't know if Great Lakes would have any course of action, but I'm sure an ambulance chaser attorney could make light of that, and say that you applied for it and the City turned you down. So we're off the hook or whatever, but that's why I would think that having the appeal turned down is probably not something that you want as a public record.

Mr. Kolick – Mr. Kufner, if this is any help to your decision making, if you withdraw the appeal, we will notify the permit holder immediately and we will give them 5 days to correct it. You can always file for an appeal after that if that process doesn't work out for you. I mean a variance. You can always file for a variance after that if that doesn't work out for you. Again, I can't tell you what to do, but I can suggest to you that may be your best course of action.

Mr. Kufner – So are we okay with the pins in the back, if I show you the pictures of the west side of the property?

Mr. Kolick – We're not dealing with that issue. The only issue we're dealing with is the location of the fence to the sidewalk. That's the only issue we're here to act on tonight, and that's the only issue we'll act on afterwards too because that's the only thing you were noticed for. It's just for that. We're not notifying you for having pins in the wrong spot or anything like that, or being on the neighbor's property. That is not up to us to determine that.

Mr. Kufner – Okay.

Ms. Kufner – I guess my question is, and I've never put up a fence before, my husband spoke with someone from Great Lakes Fencing and they drew up this little plan. I see that on here it says 15' on the plans that my husband signed. So now everything else went through the company. They got the permit, so my understanding is that they probably got a letter saying that it should be 16'.

Mr. Evans – That's a good question, and let me ask our Building Department representative, Brian. On the permit it shows 15'.

Mr. Roenigk – That was what was submitted.

Mr. Kolick – That's not the permit. That's the application.

**8) DAVID KUFNER, OWNER, Cont'd**

Mr. Evans – The application.

Mr. Kolick – The plan and materials specification. What is this document? Is that a document that they give us?

Mr. Roenigk – Yes that was given to us by Great Lakes. That is part of their application.

Mr. Kolick – Then we told them that they can build a fence, but it has to be 16’.

Mr. Roenigk – Yes, that is this document here that you’ve been shown. I stamp it and it says as noted, and my notes are 16’.

Mr. Kolick – So what we’re saying is that your fence company did give us an plan that says 15’ and we told them that we’ll approve the permit, but only if it goes in at 16’.

Mr. Evans – Do you have a copy of this?

Ms. Kufner – Yes.

Mr. Kolick – That’s how that came about.

Ms. Kufner – So I guess after signing the papers with them then everything was on them to get the permits and everything else. I guess my question is that what I’m afraid of is that since we did sign the original papers with the company and it says 15’ on here...

Mr. Baldin – Did you sign those papers before the fence was put in?

Ms. Kufner – Yes. My husband signed them before the fence went up, but then they applied for the permit, and I’m assuming that they got a letter saying that it will be approved at 16’, so at that time it’s up to them to correct that?

Mr. Evans – Yes.

Ms. Kufner – Or do they have to come back to us and let us know that?

Mr. Kolick – Again, we can’t address what happens between you and the contractor, we can only address what we approved for the applicant. The application was approved for 16’, and the permit holder is responsible for complying with that 16’. How that will impact you and the fence company, we can’t get into. That’s a civil matter between the two of you. The only thing we can do is go after the permit holder and say that they did not build according to the plans that were approved by the City.

**8) DAVID KUFNER, OWNER, Cont'd**

Ms. Kufner – Alright, I understand that.

Mr. Baldin – Let me ask another question if you don't mind. Is there a date on that letter?

Ms. Kufner – There is.

Mr. Baldin – What is the date on the application?

Mr. Evans – The application was received by the City on October 30<sup>th</sup>.

Ms. Kufner – I think we originally signed this proposal on September 10<sup>th</sup>, 2019.

Mr. Roenigk – I approved it on October 10<sup>th</sup>.

Mr. Baldin – So the letter went out way ahead before they started. That's what I thought.

Ms. Kufner – I guess we didn't know there was a problem with the pins or not the pins but the stakes of where the fence was going to go. There was a green sticker on them. I mean everything else is between the City and the company so we saw that, so we just thought it was a go. So we didn't know there was a problem until we got the letter in the mail.

Mr. Evans – Again, you as the homeowner hired a contractor, and the contractor comes to the City for a permit, the City says that these are the conditions under which we will grant the permit.

Ms. Kufner – Yes.

Mr. Evans – If they are different from what is on the contract document, the contractor should let you know, but at this point they have accepted the fact that they are going to use our permit to put the fence in, so they have to comply with what the City said. When they don't, they are at risk.

Ms. Kufner – Okay. My questions are answered.

Mr. Evans – So the question now would be, do you wish to withdraw the appeal tonight? Also do you wish for the City to proceed with notifying Great Lakes?

Ms. Kufner – Yes. And I have another question based on that.

Mr. Evans – Questions, questions. That's alright, that's why we're here.

**8) DAVID KUFNER, OWNER, Cont'd**

Ms. Kufner – You said it would be 5 days for them to correct the problem. So then they are saying it's on us and that we need to pay to correct it, I just don't want that fence to be there and have us fined because it's not being resolved.

Mr. Evans – That's a valid question. Once we issue the letter from the City, they could have their license revoked by the City or if we continue to pursue that action eventually the bond surety company would become involved because that would be an action by the City in the same way that we have notified you by letter that there is a violation. They would now be the ones that are on the hook for it.

Mr. Kolick – Mr. Chairman, again, we can't get into whether they are on the hook or you are on the hook because understand that under our Code we can cite both the property owner and we can cite the permit holder. I don't want to make representations to you about a process that we don't know at this point at this point. I can't tell you what would happen if they don't come in to fix it. At some point, all we know for sure is that the fence is going to be pushed back a foot. Who will bear the expense and what will happen is outside our control. We'll try to help you where we can by indicating that this company put it in the wrong spot, but that's all we can do. Okay?

Ms. Kufner – Okay.

Mr. Kufner – How many days do I have to comply before I'm in violation?

Mr. Kolick – If they don't come in and take care of it within the 5 days you'll get another notification from the Building, and they will work with you. We also understand that we also have some weather conditions now. We'll work with you is all I can tell you. You keep in touch with Brian and Mr. Miller here, and they will work with you. If you ultimately have to move, then you ultimately have to do it. We're not going to cite you into criminal court, which we could do, without telling you in advance and giving you some time period to act on it, okay? I can tell you that. We don't do that as a City. We don't just cite you into criminal court.

Ms. Kufner – Okay.

Mr. Kolick – Alright. So for now then, with your permission, we'll show that the appeal is withdrawn. You keep in touch with our Building Department. We'll get out the proper notices to the fence company, and we'll go from there, okay?

Ms. Kufner – Sounds good.

Mr. Kufner – Sure.

Mr. Kolick – Alright, clear?

**8) DAVID KUFNER, OWNER, Cont'd**

Ms. Kufner – Clear.

Mr. Evans – Okay. Thank you.

Mr. Baldin – So try and have a happy thanksgiving.

Ms. Kufner – We will. You too.

Mr. Evans – Is there anything else to come before the Board this evening? Then we will stand adjourned.

Signature on File

Signature on File

December 6, 2019

Mr. Evans, Chairman

Kathy Zamrzla, Recording Sec'y

Approval Date