

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

**Meeting of
September 12, 2018
7:30 p.m.**

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

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Brian Roenigk

Recording Secretary: Carol Brill

The Board members discussed the following:

NEW APPLICATIONS

1) J. SUE ONDERCIK, OWNER/Deck Creator, Representative

Requesting a 13' 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 27' encroachment into the Rear Yard Setback is proposed in order to construct a 480 SF Deck; property located at 16955 Willow Wood Drive, PPN 397-29-112, zoned R1-75.

The Board noted that this application is not the result of the recent change in Code by Council.

2) STEVE BLAGOJEVIC AND JILL BUZI, OWNERS

- a) Requesting a 380 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 572 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 1'8" Height variance from Zoning Code Section 12523.04 (g), which permits a 12' Height and where a 13'8" Height is proposed in order to construct an 572 SF Accessory Structure; property located at 19823 Bowman Drive, PPN 393-36-010, zoned R1-75.

The Board discussed the height being an issue.

3) MICHAEL AND PATRICIA JELINEK, OWNERS

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 144 SF Accessory Structure exists and a second 160 SF Accessory Structure is proposed; property located at 19736 Winding Trail, PPN 393-17-049, zoned R1-75.

The Board mentioned that this is in regards to a pool.

4) **MICHAEL AND DEANNA CLOUSE, OWNERS**

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 23' encroachment into the Rear Yard Setback is proposed in order to construct a 485 SF Concrete Patio; property located at 9962 Juniper Circle, PPN 398-10-048, zoned R1-75.

The Board mentioned that this is for an irregularly shaped patio. They discussed what is surrounding the property, and similarities to neighbor's patios nearby.

5) **PAULINE URBAN, OWNER**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where 65' of 6' high chain link Fence on the East side property line in the front yard has been installed; property located at 20176 Royalton Road, PPN 392-34-007, zoned R1-75.

The Board noted that this is already installed, and they did not get a permit to install the fence from the City. They also discussed the chain link fence extending out to the front of the house.

6) **SOMERA ROAD/Matt Viola with Kohrman, Jackson & Krantz LLP, Representative**

- a) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 1 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned General Business (GB);
- b) Requesting a 5' Parking Setback variance from Zoning Code Section 1260.05, which requires a 5' Parking Setback and where a 0' Parking Setback (South) is proposed on Lot 2 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Office Building (OB);
- c) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 3 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Restaurant - Recreational Services (R-RS).

The Board noted that the parking setback variances have to do with the property lines between the parcels, and not the property lines outside of the parcels. This means the parking is not being moved closer to residents even if they are approved. They also noted that this involves it being contingent on cross easements for parking, utility, and access. The

Board was also informed that there will have to be another condition for the covenants that have to do with the two lots so that they don't have access to Royalton Road. They also noted that they have information needed from the City Planner.

PUBLIC HEARINGS

7) VACLAV BERANEK, OWNER

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where a 24' Solid 6' high privacy Fence on the South property line in the front yard and a 48' Solid 6' high privacy Fence along the North property line in the front yard are proposed; property located at 8313 Big Creek Parkway, PPN 395-05-008, zoned R1-75.

The Board received a letter from the Metroparks in objection to this variance request due to the fence being within 60' of the park's lot line. They noted that they are not bound by the park's request, but that they will take it into consideration when considering granting the variance.

8) HUNG TRAN, OWNER

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 120 SF Accessory Structure exists and a second 192 SF Accessory Structure is proposed; property located at 19072 Turkey Meadow Lane, PPN 397-14-075, zoned R1-75.

The Board discussed the current structures in the applicant's yard, and whether or not this request was out of the norm for the neighborhood.

9) LARRY HORVAT, OWNER/Zach Kitzmiller of Morel Landscaping, Representative

Requesting a 10' 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 24' encroachment into the Rear Yard Setback is proposed in order to construct a 455 SF Patio; property located at 17932 Hunt Road, PPN 399-22-050, zoned R1-75.

The Board discussed the stone in the backyard, and water issues.

10) ALFRED AND THERESIA KRIST, OWNERS

Requesting an extension of the September 27, 2017 determination of the Board of Zoning and Building Code Appeals:

- a) Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a 234 SF Three Season Room;
- b) Requesting a 4' Rear Yard Setback variance form Zoning Code Section 1252.16 (e), which requires a 16' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 600 SF Concrete Patio; property located at 22347 Olde Creek Trail, PPN 392-13-066, zoned R1-75.

The Board confirmed that this was just an extension of their original request with no revisions.

1) **J. SUE ONDERCIK, OWNER/Deck Creator, Representative, Cont'd**

Mr. Evans – I appreciate our Secretary, Carol Brill, for pinch-hitting this evening for Kathy. First on our agenda is J. Sue Ondercik. Please come up to the microphone and give us your name and address for the record.

Mr. Hahn – Fred Hahn, 12235 York Road, N. Royalton.

Mr. Evans – Thank you, Mr. Hahn. You are here representing her tonight. She's requesting a rear yard setback variance. Can you tell us what the plan is, and what is happening with construction?

Mr. Hahn – It's just a deck that is slightly smaller than the existing deck. We're led by the Building Department to put on the application Non-Conforming due to act of Council. We found out that is not accurate anymore so basically we're just trying to update her deck.

Mr. Evans – Alright. Several of the Board members have been out. Are there any observations or questions that you need ask?

Mr. Houlé – Like Mr. Hahn said, it's pretty much based on the plans, and from the owner it's going to be like for like with a little bit of a variance making it little bit smaller. Otherwise, it'll be a nice improvement.

Mr. Hahn – Yes, the depth is not changed.

Mr. Houlé – Yes, it won't change at all, it'll be even with the three season room that they have in the back.

Mr. Evans – Thank you gentlemen. Is there anyone else?

Mr. Baldin – It'll be a nice improvement, I'm sure.

Mr. Houlé – We do need a letter from the HOA.

Mr. Evans – Okay.

Mr. Hahn – I do have it here. Do I submit it to somebody?

Mr. Kolick – Give it to us now.

Mr. Evans – You can give it to us now and that'll save you the postage.

Mr. Hahn – Let me go through this paperwork. Do you want it right now?

1) **J. SUE ONDERCIK, OWNER/Deck Creator, Representative, Cont'd**

Mr. Evans – No, you can go through it and bring it up when you find it.

Mr. Hahn – Okay.

Mr. Evans – So what will happen 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 her neighbors within 500 feet of the property. It will state exactly the description that is written in the agenda tonight. So if she has curious neighbors that will want to ask questions, you let her know that she should get together with them before the next meeting to explain simply what her plans are. That may save everyone some time and the trouble. The public hearing is on September 26th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Hahn – Thank you.

Mr. Evans – Just don't forget the letter before you leave. You can bring it up to our Secretary.

Mr. Hahn – Thanks.

2) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS**

- a) Requesting a 380 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 572 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 1'8" Height variance from Zoning Code Section 12523.04 (g), which permits a 12' Height and where a 13'8" Height is proposed in order to construct an 572 SF Accessory Structure; property located at 19823 Bowman Drive, PPN 393-36-010, zoned R1-75.

Mr. Evans – Next on our agenda is Steve Blagojevic and Jill Buzi. Please come up to the microphone and give us your name and address for the record.

Mr. Blagojevic – My name is Steve Blagojevic, and my address is 19823 Bowmen Drive.

Mr. Evans – Thank you. You are before us because you need two variances to build a shed back there. As we discussed in caucus, there are a number of other sheds in the area. Some of those we have given variances for in the past. You heard us talking about the height which is a little bit higher and requires a variance as well as the square footage. The first question I need to ask you for the record is whether or not you intend to run a business out of this structure you're building?

2) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS, Cont'd**

Mr. Blagojevic – No, I do not.

Mr. Evans – Second question. Do you know what the width of the doors are that you're proposing for the double door?

Mr. Blagojevic – It's going to be a 6' by 80" high double door. It's a standard double door.

Mr. Evans – The total width is 6'. It's not that each door is 6', it's both doors together.

Mr. Blagojevic – Correct.

Mr. Evans – In speaking about the height, because it's one of the things we discussed in caucus, what is the reason you need the height at 13.8'?

Mr. Blagojevic – It's the wall height plus the pitch of the roof.

Mr. Evans – So this is a prefabricated shed?

Mr. Blagojevic – It's from 84 Lumber, yes. It's a kit.

Mr. Evans – We spoke in caucus as well about the idea that you might reduce the size of it somewhat? Obviously one of our jobs is to try and minimize variances for the City. We could make it bigger obviously, but the height variance makes it two variances. We try to keep it under control because everyone always wants something bigger than their neighbor has. When we allow a variance, someone decides that since this person went 14' tall that they want to go 16' tall. Before we know it we're at 26' high structures. One of our objectives is to ask you to consider what it is that you need to put in the building, and whether or not a smaller footprint which might lead to a smaller roof pitch or a smaller height overall might work for you.

Mr. Blagojevic – Actually we have a lot of storage, but we have a storage unit right now that we're running in Strongsville. There's a lot of content in that building that we need to transfer into this structure. We want to use it for other household stuff too. The stuff we use for projects and things. The current garage we have, all the fumes and dust, etc. go into the house. That's why we're proposing the building in the back. There's other buildings in the neighborhood that are above that height restriction. For example there are at least three in the neighborhood, and there's multiple buildings on it. It would be lower than all those combined.

Mr. Evans – We also know from experience that no matter how big you build, it'll never be big enough. Everyone comes in and wants a big shed or a barn or whatever to get their garage empty so they can put their cars in there. We go back a year later, and the cars are all in the driveway again because they filled the barn and the garage already. No matter how big it is, we know it's

2) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS, Cont'd**

Mr. Evans continues - never big enough. Everyone always finds more stuff to put in storage. Gentlemen are there any questions?

Mr. Rusnov – All Mr. Evans is asking you to do is to reconsider if possible the height and the size to minimize the variance for us.

Mr. Blagojevic – Do you have any suggestions?

Mr. Kolick – Bring it down to compliance.

Mr. Rusnov – Take a look at another builder of another prefab.

Mr. Evans – It may be that 84 has smaller buildings too. There's no set number. The 192 is obviously not going to be big enough for you. We get that. We do know there are bigger ones in the area. As I said, our problem is that every time someone comes in here they take a look at what someone else got, and they always want something bigger. We try to minimize it, like we described, and if you can do one that is smaller then perhaps we could get it down to a 12' height. Obviously we'd appreciate that simply because that's one less variance that we have to deal with. As it is, we're going to send this out tomorrow to everyone within 500'. So everyone is going to see it as two variances. You're allowed to request whatever you want. You can request an 18' tall one if you want, but our job is to take a look at it and use our four criteria that we have to grant variances to determine whether or not it fits that criteria. Minimizing the number of variances and the size of the variances helps us. Council does review everything that we do, and they want us to try and restrict the number and the size of the variances. That's a part of our consideration. Is there anything else?

Mr. Houlé – We did grant a variance to your west side neighbor. It's a little smaller than what you're asking for, but there was no variance for height. So I would just take that into consideration.

Mr. Baldin – Your yard is pretty deep, isn't it?

Mr. Blagojevic – Yes.

Mr. Baldin – You're going to set this shed quite a few feet away from your home, aren't you?

Mr. Blagojevic – It's approximately 78' from the house.

Mr. Baldin – Thank you.

Mr. Evans – You're not planning on putting a pathway or driveway back to that or anything?

2) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS, Cont'd**

Mr. Blagojevic – No.

Mr. Evans – Okay. Is there anything else? With those considerations, think about whether or not you could reduce it. As Mr. Houlé suggested, we know that we approved a variance. It was a little bit smaller, we got the pitch down to 12', or at least that's what we approved. We believe that it went in at that height. Think about that, and what we would ask is that if you determine that it would be in your interest to make it smaller to ensure approval of it, you'll want to come back with drawings to the Building Department before or by the next meeting on September 26th. If you were to go down to 520 SF building you would want to come in with a layout that gives us that information and what the roof might look like. So if it's within the 12' height requirement, then that would knock out the second variance request. Again, you're allowed to ask for whatever you want. We'll be more than happy to make a decision based on what your request is. Our suggestion is always to work with us. We try to do things that way, Okay?

Mr. Blagojevic – Yes.

Mr. Evans – Letters will go out to all of your neighbors as well. I say the same thing to you that if you have inquisitive neighbors or someone who may object, then get to them about what you're proposing. Give them the details beforehand, and then they don't have to worry about coming to the public hearing, Okay?

Mr. Blagojevic – Yes. Thank you.

Mr. Evans – Thank you.

3) **MICHAEL AND PATRICIA JELINEK, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 144 SF Accessory Structure exists and a second 160 SF Accessory Structure is proposed; property located at 19736 Winding Trail, PPN 393-17-049, zoned R1-75.

Mr. Evans – Item number three on our agenda is Michael and Patricia Jelinek.

Ms. Jelinek – Patricia Jelinek, 19736 Winding Trail.

Mr. Evans – Thank you. You are asking for a variance for an accessory structure. Give us an idea about what you're requesting and why you need it please.

3) MICHAEL AND PATRICIA JELINEK, OWNERS, Cont'd

Ms. Jelinek – We're requesting to add a shed to our backyard. It would be a 10' by 16' shed. The use would be for during the summer due to our large pool. It would be utilized along with the pool in the summer. As it stands right now, we have no storage areas. We have this gazebo and we try to put all of our furniture in the gazebo and wrap it all up in shrink wrap, but we're finding that the furniture is not being protected from the weather. So in the winter months it would add storage for those items.

Mr. Evans – So you mentioned the gazebo. Some of us have been out there, but not all of us. The rest of us will be out before the next meeting. How big is the gazebo roughly?

Ms. Jelinek – I think its 16' by 16'. It's 144 SF accessory structure. It's also connected to our deck. It was there when we bought the house.

Mr. Evans – You are part of the Crystal Creek Homeowner Association so we ask that you get a letter from them letting us know that they have no issues with this proposal. If you get that before the next meeting you can get that to the building department. If you don't get it before then, you'll want to bring it with you on September 26th. Is there anything else gentlemen that we need to ask?

Mr. Rusnov – No.

Mr. Evans – Okay. There will be a letter going out within 500'. Talk with neighbors that may have an issue with this, and let them know what you're proposing. They will only see what's in the agenda, and often times that leads to questions. If you get to them ahead of time, that's usually to your advantage.

Ms. Jelinek – Okay. Thank you.

Mr. Evans – Thank you.

4) MICHAEL AND DEANNA CLOUSE, OWNERS

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 23' encroachment into the Rear Yard Setback is proposed in order to construct a 485 SF Concrete Patio; property located at 9962 Juniper Circle, PPN 398-10-048, zoned R1-75.

Mr. Evans – Next on the agenda is Michael and Deanna Clouse. Please come up to the microphone and give us your name and address for the record.

Mr. Clouse – My name is Michael Clouse, 9962 Juniper Court.

4) MICHAEL AND DEANNA CLOUSE, OWNERS, Cont'd

Mr. Evans – Thank you, and you're doing a concrete patio in the back. Please give us a description of the project, and why a variance is needed.

Mr. Clouse – There's a slight mistake. I'm looking for a 10' variance for 24' instead of 23'. I found that mistake on the drawings. We're just looking to, like you mentioned in caucus, there's a sliding door that we're looking to step down. The contractor says that comes out 5' for the steps. That allows us different entertaining areas. We like to entertain at night in the summertime. I believe one of our neighbors has an existing deck that extends approximately the same distance out. We're looking to improve our neighborhood along with our own property.

Mr. Evans – Thank you, Mr. Clouse. Are there questions from the Board?

Mr. Baldin – No, I haven't been out there yet.

Mr. Smeader – This lot backs up to the common area.

Mr. Evans – We already have a letter of approval from the HOA in Pine Lakes. We invite you back on September 26th. The letter will go out to everyone within 500' so talk to your neighbors before the next meeting like I've said to the other applicants. We will see you back then.

Mr. Clouse – Thank you.

5) PAULINE URBAN, OWNER

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where 65' of 6' high chain link Fence on the East side property line in the front yard has been installed; property located at 20176 Royalton Road, PPN 392-34-007, zoned R1-75.

Mr. Evans – That brings us to item number five on the agenda. This is Pauline Urban. Please come up to the microphone and give us your name and address for the record.

Ms. Urban – Pauline Urban, 20176 Royalton Road.

Mr. Evans – Thank you, Ms. Urban, you're asking for a variance to put a fence up in the front yard. You've already installed it.

Ms. Urban – It's already up.

Mr. Evans – So our first question is that I believe you said it was the fence fairy that brought it? We'll ask how the fence got there, and why you need it.

5) PAULINE URBAN, OWNER, Cont'd

Ms. Urban – Okay. My neighbor asked me if I wanted to put a fence down the side of the property. We have a problem with the deer. I love them, but they're coming up to my patio door. So he said he could buy the wood and put up a wood one if I went in on half the cost. I said I would, but that I didn't want a wood 6' fence. They can jump a 4' fence though. My brother-in-law told me that they got a 6' chain link fence. So we did that. I lived in Brunswick Hills for 41 years, and I never had to do all that with the permits. I had a lot of acres. So I didn't think about that. I didn't think I needed a permit because I wasn't doing boundary lines. I was making it an area in my backyard, you know, in my yard with my property still all out there, and we agreed on the sidelines. So we got up to the side, and then our houses have a driveway that goes around. We could use it as a turn around, and they had a fence there already when I bought the house. We were going to keep the gate, and put up a double gate in case we needed to get a vehicle through there. So that's what we did. Edmond is working on a house that was condemned, and they are doing such a beautiful job. Anyway, this mess that was in the front, he went out there and was digging out roots and everything to make himself a beautiful vegetable garden. The deer were already eating up all my flowers and everything too. So he asked my brother-in-law if he could just put it past his garden. So that's how the extra footage on the chain link got there. He just put a chicken wire fence around the rest of the garden. So that's what we did.

Mr. Evans – Are there questions from the Board?

Mr. Baldin – Who was the contractor that put up the fence?

Ms. Urban – My brother-in-law and my grandson.

Mr. Baldin – So you didn't have a company come in and do it?

Ms. Urban – No. I needed to save money and he offered.

Mr. Baldin – That's fine. I was just curious because I know there's no permit. Thank you.

Ms. Urban – Yes, I'm sorry about that.

Mr. Evans – That was a good explanation, and we appreciate that. Obviously at this point, the permit should have been done before and ahead of time, and the variance request should have been done then as well. There are lots of time when people do things and the City catches it after the fact. That's what we have to determine what to do after the fact. What will happen now is the same thing for you. A letter will go out to everyone within 500'. Talk with your neighbors before the next meeting, and we'll see you on September 26th for the public hearing.

Ms. Urban – We do sit back pretty far, but I don't know.

5) PAULINE URBAN, OWNER, Cont'd

Mr. Evans – All of us who have not been out there yet will be out there to look at it before the next meeting.

Ms. Urban – The neighbors on the other side of us already know.

Mr. Evans – Right, but it'll go to everyone within 500'.

Ms. Urban – Okay. Thank you.

Mr. Evans – Thank you.

6) SOMERA ROAD/Matt Viola with Kohrman, Jackson & Krantz LLP, Representative

- a) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 1 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned General Business (GB);
- b) Requesting a 5' Parking Setback variance from Zoning Code Section 1260.05, which requires a 5' Parking Setback and where a 0' Parking Setback (South) is proposed on Lot 2 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Office Building (OB);
- c) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 3 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Restaurant - Recreational Services (R-RS).

Mr. Evans – Item number six on our agenda is Somera Road on Royalton. Please come up to the microphone and give us your name and address for the record.

Ms. Lauer – I'm Amanda Lauer, 1375 E. 9th St. 29th Floor, Cleveland, Ohio 44114.

Mr. Evans – Thank you.

Mr. Dempsey – Chris Dempsey, 12815 Detroit Ave, Lakewood. I'm the Surveyor.

Mr. Evans – Thank you both. We're looking at three variances here. I will make the statement first just to get you guys off the ground that what is proposed here was described in an internal memo from the City of Strongsville from George Smerigan who is our City Planner. According

6) **SOMERA ROAD/Matt Viola with Kohrman, Jackson & Krantz LLP,
Representative, Cont'd**

Mr. Evans continues - to what he has said, and according to what we understand this is not changing the overall master plan that was approved by the Planning Commission. It is not making any changes in terms of developing the properties or anything like that. This is all internal based on the designations of the property boundaries. It is going to be contingent as well on several of the easements like the cross easements and so forth that have to be approved for it. So with that in mind, tell us about the three and why it is that these need to be done in terms of the property development.

Ms. Lauer – Sure. So we have this property that we are proposing to split into three lots. Lot number two we have a proposed office use. They are a technology company that will bring about 400 jobs to the City of Strongsville. We're going to retain lots one and three, which is the frontage of the lot. In retaining those lots we're going to need financing for the construction. We need to split these lots into three so we can get financing on the front two lots, and our buyer is going to take the third lot in the back.

Mr. Evans – The easements for the parking setbacks are because these will butt up against each other so the parking easements are not on the outside of the property, but on the internal areas of the three parcels that you're describing.

Ms. Lauer – That's correct.

Mr. Rusnov – Basically this will have no negative impact upon the surrounding properties. This is all an internal adjustment to facilitate financing and the sale for redevelopment of this property.

Ms. Lauer – That's correct, and we already have a Declaration of Covenants and Restrictions in place which protects the residents around the property. It includes a no-build zone and buffer zones. This is just an internal formality.

Mr. Rusnov – I understand, thank you.

Mr. Baldin – Do you have a plot there? Maybe you could hold that up and explain this a little bit better about your buffer zones?

Mr. Dempsey – On this side I have the lot split which I'm sure you all have a copy of. It's just showing the division of the property into three lots. The reason we took this configuration is because this line right here conforms to the rezoning line. This line in the middle allows frontage for lot two, and follows the edge of the new roadway which will be shared between the three lots. To try and understand it a little better, I went ahead and super-imposed the three lots on the proposed building plan. It shows in green the proposed building footprints. In blue it has the

6) **SOMERA ROAD/Matt Viola with Kohrman, Jackson & Krantz LLP,
Representative, Cont'd**

Mr. Dempsey continues - proposed parking layout. So looking at the drawing, you can see how the parking crosses the property line and there's no setback on it. Basically there's a zero setback on the three lots.

Mr. Evans – Okay, thank you Mr. Dempsey.

Mr. Baldin – In the buffer zones it's just natural terrain that is already there, correct?

Mr. Dempsey – That's correct.

Mr. Baldin – Thank you.

Mr. Kolick – They also added to it. There were trees that were added to that buffer zone that was already there so they did do some supplementation against the homeowner's parcels there as well.

Mr. Evans – Thank you, Mr. Kolick. Anything else?

Mr. Smeader – Do you know approximately how many vehicles could be parked there right now?

Mr. Dempsey – The present parking?

Mr. Smeader – Yes, do you know what that is?

Mr. Dempsey – I don't have the number off-hand, but I know that it's been a total demolition. All the parking that is there now is being replaced.

Mr. Smeader – The point being is that if they bring in 400 new jobs, will this variance have any impact on parking for 400 employees?

Mr. Dempsey – I had a meeting with George Smerigan, and he said that when you utilize the three lots collectively as one unit it will meet the parking requirement.

Mr. Kolick – I can add that our parking goes by square footage of the office building. So the square footage is remaining the same. They aren't changing the size of the office building or anything. It complies with our Ordinances.

Mr. Smeader – That's regardless of the number of employees? It's just the square footage of the building.

Mr. Kolick – It goes by square footage of the building, yes.

6) **SOMERA ROAD/Matt Viola with Kohrman, Jackson & Krantz LLP,
Representative, Cont'd**

Mr. Evans – We also have the retail development, and I think maybe what Mr. Smeader was asking was are we looking at variances down the road for parking based on retail development.

Mr. Kolick – No, they are required under the Covenants and Deeds that are imposed during the rezoning that they cannot even build it out to maximum size. They are limited. There is a limited size as to what they can do because we had them limit underneath what our Ordinances actually would allow.

Mr. Evans – Right, Okay. I just wanted to make sure that was clear. Is there anything else?

Mr. Rusnov – No.

Mr. Evans – Public hearing for this one will as well be September 26th. I'm assuming that you've made contact with Ledgewood Homeowners Association to let them know that you are here appearing before us for variances. If I were them I would be very skeptical and concerned. If you get to them. That would mean that we will probably not fill the chambers during the public hearing with questions and comments.

Ms. Lauer – Understood.

Mr. Rusnov – Very good idea.

Mr. Evans – Okay, thank you. We'll see you back here on September 26th then.

PUBLIC HEARINGS

7) **VACLAV BERANEK, OWNER**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where a 24' Solid 6' high privacy Fence on the South property line in the front yard and a 48' Solid 6' high privacy Fence along the North property line in the front yard are proposed; property located at 8313 Big Creek Parkway, PPN 395-05-008, zoned R1-75.

Mr. Evans – That moves us onto our public hearings. Item number seven on our agenda tonight is Vaclav Beranek. Please come up to the microphone and give us your name and address for the record. While you're walking up I'm just going to hand you a copy of a letter we received today which we'll be talking about.

Mr. Beranek – Vaclav Beranek, 8313 Big Creek Pkwy, Strongsville.

7) **VACLAV BERANEK, OWNER, Cont'd**

Mr. Evans – Thank you. Mr. Beranek, you're asking for a variance to bring a fence up in front of the house. We talked about that at the last meeting. As a part of the process on this, the Metroparks who is a neighbor of yours received a letter from us along with everyone else in the 500'. What they have indicated in the letter that you'll notice in the highlighted section their comment that fences are prohibited within 60' of the Metroparks property line. As we've looked at that this evening in caucus that would mean that the Metroparks is saying that the fence cannot go in front of the house because it'll be within that area within the 60' of the property line. So even though the letter does not say that they object to the variance request, they are identifying for us the objection they would have to the fence coming up in front of the house. It might be that the fence that is existing could be in violation of what they consider to be their rules and regulations in place. That's not something we're looking at. We're simply looking at your request for the variance to come up in front of the house tonight. So I wanted to give you a copy of that letter because I don't think you received that. It was sent to the City, but obviously it has an impact on our decision basis this evening. Okay? Questions?

Mr. Smeader – My concern is that if the variance is granted and you proceed with the fence and the Metroparks object to it, it could be a very costly endeavor for you.

Mr. Rusnov – And precedent.

Mr. Smeader – Also setting more of a precedent for granting the extension of fencing into front yards.

Mr. Evans – Part of our process is that in the City Code we have four reasons in which we can grant variances. One of those reasons is that it would not be detrimental to the public interest and that at this point, and with the Metroparks submitting the letter to us indicating the Covenants that were done with allowing you the right to have access across their property for the driveway and things, it would present us with a situation where they would be in effect objecting to us granting the variance. We're not required to follow that, but as Mr. Smeader is saying is that it would be in our best interest to follow that because otherwise we're setting you up for failure if we approve the variance. Certainly Council who reviews all our variance approvals would look at it and ask why we'd grant a variance when it's diametrically opposed to what the Metroparks has advised. We're not bound by it, but we certainly take it into consideration.

Mr. Berenak – I understand.

Mr. Baldin – Have you had any dialogue with the Metroparks at all?

Mr. Berenak – No, I didn't. Last time I dealt with them was when I was applying for the permit to put in a driveway. That was about 21 or 22 years ago.

7) VACLAV BERANEK, OWNER, Cont'd

Mr. Evans – Again, we're not going back to them to discuss anything about the existing fence, we're simply looking at the extension up in front of the house. That's the only thing they were advised of. They don't know about the existing fence or whether or not that has any bearing on their discussion, but they were simply talking about the extension and the reason for the variance that you've applied for.

Mr. Berenak – I have a question for Mr. Smeader. What did you mean when you said it could be costly on my side?

Mr. Kolick – I think what Mr. Smeader is alluding to is that regardless of whether or not we gave you a variance, the Metroparks if they truly have that Covenant that they're mentioning, could make you take that fence down. So why have you install it?

Mr. Evans – Not just the new fence, but perhaps the old fence as well.

Mr. Smeader – So why spend the money to put up a new fence, and then perhaps have to take it down?

Mr. Evans – As well as maybe what you already have.

Mr. Baldin – It's a crapshoot. We don't know that. It could or could not happen.

Mr. Evans – If we approve the variance, they will be notified of it, and that would lead them to the conclusion that they have to send surveyors out to look at it, and determine whether or not it's in violation of that, and if it is they will probably come after you about it. That's why they're saying it may be costly to you. Even just removing the fence is a cost. So again, we're saying if we turn down the variance that you've requested, then everything goes away. If we approve it then that may bring the Metroparks to look at it.

Mr. Berenak – I understand. Even though some of the members were physically on my property you can see that I'm set way back.

Mr. Evans – We all came out to look at it.

Mr. Berenak – I understand.

Mr. Kolick – Understand that regardless how far back you're set, if those Covenants and Deeds are in place that they refer to, and we have no reason to believe that they aren't, then that will be on your title as well. It'll show up in your title documents and it could cause you a problem in the future. You have three choices. One is that you can withdraw the variance tonight. Two is that you can table this variance and go talk to the Metroparks yourself. You do maybe have a problem

7) **VACLAV BERANEK, OWNER, Cont'd**

Mr. Kolick continues - with your existing fence though if you do. Or the third is that we can act on this variance request tonight if you so desire. Those are your three choices. You tell us what you'd like to do.

Mr. Berenak – So how quickly do you have to make a decision?

Mr. Evans – If you table it then you can wait until the next meeting on September 26th to tell us what you plan to do. Whether or not you go to the Metroparks or just sit down and think about it, but if you table it tonight it pushes the decision out to then. If on September 26th you decide to withdraw the variance because you've decided not to go forward, then you'd tell us at that time to withdraw. If you decide that you want to go ahead with the variance request on September 26th, we would then vote on it to determine our decision. If you determine that at this point you want to go talk to the Metroparks you can, but as Mr. Kolick suggested that means that they will become aware that you already have an existing fence that they may not be aware of right now.

Mr. Berenak – I understand.

Mr. Kolick – If you need more time to think about it, then it would be best to just ask to table it for now. Then you can just decide before the next meeting if you want to go forward with the request.

Mr. Evan – If you decide to withdraw it, then you can contact the Building Department to let them know. Then you would not have to come back to the next meeting. The suggestion is that you table it for tonight.

Mr. Berenak – I will take your suggestion.

Mr. Kolick – Let us know at City Hall what you plan to do, and we'll act accordingly.

Mr. Evans – You have the letter so you have the people you need to talk to if you want to do that. Okay? So we'll table it until September 26th, and you'll let us know then.

Mr. Berenak – Thank you.

Mr. Evans – One more thing before you leave Mr. Berenak. We did advertise that this is a public hearing so we will ask if there is anyone in the audience who wishes to speak for the granting of the variance. You don't need to speak, but do you wish to speak? Please come forward. Mr. Kolick will swear you in.

Mr. Kolick then stated the oath to those standing.

7) VACLAV BERANEK, OWNER, Cont'd

Ms. Biro – Corrine Biro, 18096 Strongsville Blvd. Strongsville. The side of my property butts up to the back of the fence. It's a beautiful fence and I have no problems with it. I think he should get the variance, but like you said he needs to talk with the Park Rangers over there.

Mr. Kolick – Good.

Mr. Evans – Thank you.

Ms. Biro – I have no problems with it at all.

Mr. Evans – I appreciate it. Is there anyone who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Then I declare the public hearing closed. So that is out of the way, and we'll table it, and speak to you about it at the next meeting. Okay. That takes care of things.

Mr. Berenak – Thank you.

8) HUNG TRAN, OWNER

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 120 SF Accessory Structure exists and a second 192 SF Accessory Structure is proposed; property located at 19072 Turkey Meadow Lane, PPN 397-14-075, zoned R1-75.

Mr. Evans – Item number eight on our agenda is Tran on Turkey Meadow. Please come up to the microphone and give us your name and address for the record.

Mr. Tran – Good evening, my name is Hung Tran. I live at 19072 Turkey Meadow Lane.

Mr. Evans – Thank you. We spoke to you at the last meeting. You have a gazebo back there now, and you're asking to put a shed back there to store documents. All of us have been out to look at it. You do have a big lot. You have plenty of room back there. Are there questions or comments from the Board? Okay. So we know you wanted to put the shed in to store documents. That's immaterial to us. Whether you use it for lawn equipment or lawn furniture it doesn't matter to us. You're not running a business out of the house, you're simply storing business documents.

Mr. Tran – No definitely not. I'm done with that now.

