

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

**Meeting of  
July 6, 2022**

Board of Appeals Members Present: Ken Evans, Rich Baldin, Dustin Hayden, David Houlié, John Rusnov

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

Mr. Evans – I'd like to call this caucus for the meeting of July 6, 2022 to order. Caucus is a time for the Board Members to discuss the items on the agenda. We have findings of Fact and Conclusions of Law for the BZA decision of June 22, 2022 for Malizia/Rector. When we vote on those, I will be abstaining because I was not at the June 22<sup>nd</sup> meeting. We have minutes from the meeting of June 22, 2022.

There were no changes to the minutes or Findings of Fact and Conclusions of Law.

The Board members discussed the following:

**1) JEFFREY UDVARDY, OWNER**

Requesting a 24' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 24' beyond the main dwelling into the Side Yard Setback; property located at 10118 Prospect Road, PPN 391-16-001, zoned R1-75.

Mr. Baldin stated that nothing was staked out. Mr. Houlié stated that it is a huge lot and that the side street was put in after they had moved in and that the yard is very shielded. Mr. Evans questioned the size of the request and what the intended use is.

**2) MICHAEL AND TRICIA KOBELAK, OWNERS**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to approve a Tiered Concrete Patio with Fire Pit; property located at 14317 East Hartford Drive, PPN 399-27-004, zoned R1-75.

Mr. Evans stated that the yard is very small. Mr. Rusnov stated that there is a topographical issue. Mr. Baldin stated that the yard is fenced. Mr. Evans stated that the homeowner has a letter from Chandler Commons stating the HOA approves of this request.

3) **MOHAMMADREZA ROWSHANBAKHTFARDIAN, OWNER**

Requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18192 Saratoga Trail, PPN 397-19-035, zoned R1-75.

Mr. Evans stated that there is a letter from High Point and that he will be abstaining because he is a trustee. Mr. Baldin stated that there is HOA property behind. He also questioned if there was a permit for the project. Mr. Roenigk stated that no permit was issued.

4) **PATRICK AND MARY MACGILLIS, OWNERS**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in the front yard and where a 4' Wrought Iron Fence in the front yard is proposed; property located at 16950 Hunting Meadows Drive, PPN 397-06-095, zoned R1-75.

Mr. Houlé stated that after viewing the property he has no objection. Mr. Evans agreed.

5) **THOMAS AND KATHLEEN WIRTZ, OWNERS**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18621 Saratoga Trail, PPN 397-20-027, zoned R1-75.

Mr. Evans stated that he will abstain from voting because he is a trustee for High Point HOA. He stated that this house sits up against a retaining wall. There is HOA approval for this project. Mr. Houlé stated that there is HOA land behind the property.

6) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative**

- a) Requesting a 45' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Patio encroaching 45' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 0' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 0' Rear Yard Setback is

proposed in order to install a Pool Concrete Patio; property located at 15660 Walnut Creek Drive, PPN 393-29-011, zoned PDA-2.

Mr. Evans stated that there is HOA approval on this request. There are also revised drawings and that the homeowner needs to clarify if they are still requesting a 0' setback or if they have changed it to a 1' setback. Mr. Rusnov asked if the Engineering Department had approved this request. Mr. Evans asked if they need a permit for the pool that was already installed. Mr. Roenigk reported that the Engineering Department has approved the proposed patio.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**July 6, 2022**

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

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

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

Mr. Evans – I would like to call this July 6, 2022 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

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

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. We have minutes from June 22, 2022. If there are no further comments, we will submit those as they were given to us for the record. We have Findings of Fact and Conclusions of Law regarding the decision for the Malizia/Rector denial on June 22, 2022. I would entertain a motion accept them.

Mr. Houlé – I would like to make a motion to approve the Findings of Fact and Conclusions of Law regarding the June 22, 2022 Malizia/Rector denial by the Board.

Mr. Baldin – Second.

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

ROLL CALL:	MR. EVANS	ABSTAIN	MOTION PASSED
	MR. HOULÉ	YES	
	MR. HAYDEN	YES	
	MR. BALDIN	YES	

MR. RUSNOV                      YES

Mr. Evans - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1)        **JEFFREY UDVARDY, OWNER**

Requesting a 24' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 24' beyond the main dwelling into the Side Yard Setback; property located at 10118 Prospect Road, PPN 391-16-001, zoned R1-75.

Mr. Evans – Item number one is Udvardy on Prospect Road. If you would come forward and please state your name and address for the record. The Board Members have been out and visited each of the properties so we are familiar with the situation that has been presented in your request.

Ms. Udvardy – Louwana Udvardy, 10118 Prospect Road.

Mr. Evans – Please give us a quick description of what it is you are requesting.

Ms. Udvardy – We want to add a little patio kind of behind our garage and to the side. The reason for the placement is because we have about 75 feet behind the garage. You can't see it, but our grandkids love to play there. Also, in 2011 we were burglarized, so keeping an eye on the house is extremely important to us. By the placement of that little patio there we can see the main house and we can also watch the kids play football or soccer or whatever. Kids are more important but when you have been burglarized keeping an eye on the house is important too.

Mr. Rusnov – In other words, it's a health and safety issue.

Ms. Udvardy – Yes.

Mr. Baldin – I think it's a little bit large. I understand you have a big yard. Is there any way you can cut that back?

Ms. Udvardy – It's only fourteen by sixteen feet.

Mr. Baldin – It's going outside of the house.

**1) JEFFREY UDVARDY, OWNER, Cont'd**

Ms. Udvardy – Going outside? No. Not in view of seeing the house. I purposely did it at an angle so that we could see the house and see the kids at the same time and give them enough room to run. Technically between the house and the side of our property we could just about build another house. So, there is a lot of the property that we're not even using. We cannot see the kids unless we're back there and we can't be in two places at once.

Mr. Rusnov – In other words the only way you can accomplish what you want to is the way that you have placed the patio. Correct?

Ms. Udvardy – Correct.

Mr. Evans – Are you intending on using it as a basketball court or as a sports court?

Ms. Udvardy – No. I have trouble with my knee and I would like to have a level area that I can get to and put my chair on and not worry.

Mr. Houlé – The lot is about 200 x 300 so it is a very large lot. Some of the members were asking if it could be moved over slightly so that it wouldn't be 24' outside of the house's footprint.

Ms. Udvardy – My side yard is bigger than most of the other yards.

Mr. Rusnov – The purpose of the placement is so they can see the house which is a safety issue.

Ms. Udvardy – Yes. The people behind us have offered to come tonight if we needed them, but I didn't think we would need them. They are excited about it because they will be able to use it too. They are a young family and are pretty awesome neighbors.

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

Mr. Rusnov – Mr. Chairman, requesting a 24' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 24' beyond the main dwelling into the Side Yard Setback; property located at 10118 Prospect Road, PPN 391-16-001, zoned R1-75.

Mr. Hayden – Second.

**1) JEFFREY UDVARDY, OWNER, Cont'd**

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Ms. Udvardy – Thank you.

**2) MICHAEL AND TRICIA KOBELAK, OWNERS**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to approve a Tiered Concrete Patio with Fire Pit; property located at 14317 East Hartford Drive, PPN 399-27-004, zoned R1-75.

Mr. Evans – Item number two on our agenda is Kobelak on East Hartford Drive. If you could come forward and state your name and address for the record.

Mr. Kobelak – Mike Kobelak, 14317 East Hartford Drive.

Mr. Evans – Give us a quick description of the project.

Mr. Kobelak – We previously had a small concrete pad in the back and it has begun to crack. It was there when we moved in. We decided on replacing it with a little bigger area. The main portion is around the lower tier of our split level and it goes up and around to our stairs to our kitchen. We have a smaller second tier at the bottom for a sitting area or possibly a fire pit. That's where the variance is coming into play.

Mr. Evans – The yard is fenced in. We understand that you have a communication from Chandler Commons.

Mr. Kobelak – Yes, I have a couple things here.

Mr. Evans – You can give them to our secretary.

Mr. Kobelak – Here is the Homeowner's Association approval letter and letters from our neighbors approving the project.

**2) MICHAEL AND TRICIA KOBELAK, OWNERS, Cont'd**

Mr. Evans – Excellent. We will go ahead and enter them into the record.

Mr. Kobelak – The last page on the art form has the approval from the HOA.

Mr. Houlé – There is a shallow backyard.

Mr. Kobelak – The first letter is from our neighbor that is directly behind us.

Mr. Evans – The letters all show favor for the application and we will enter those into the record.

Mr. Rusnov – No other questions.

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

Mr. Rusnov - Mr. Chairman, requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to approve a Tiered Concrete Patio with Fire Pit; property located at 14317 East Hartford Drive, PPN 399-27-004, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Kobelak – Thank you.



**3) MOHAMMADREZA ROWSHANBAKHTFARDIAN, OWNER**

Requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18192 Saratoga Trail, PPN 397-19-035, zoned R1-75.

Mr. Evans – Item number three on our agenda is Rowshanbakhtfardian on Saratoga Trail. If you would come forward and state your name and address for the record.

Mr. Rowshanbakhtfardian – My name is Mohammadreza Rowshanbakhtfardian, probably the longest name you ever heard. I live at 18192 Saratoga Trail.

Mr. Evans – You heard us talking in Caucus about the project. Explain it to us. As it is now, it's not that you're adding anything on to it. The project was done without getting a variance. Tell us about the project and why it is needed.

Mr. Rowshanbakhtfardian – Actually a couple of years ago I walked in my backyard and because it is sloped down, I fell. I thought as I get older I should do something about it. I tried to do something when you can go to the backyard and not slipping down on the slope. I apologize. I didn't know I needed a permit for that.

Mr. Rusnov – He didn't apply for a permit, not a variance. Correct?

Mr. Evans – That's correct.

Mr. Rusnov – So it was the permit that was never issued.

Mr. Evans – Correct.

Mr. Rowshanbakhtfardian – Brian stopped by my home and said you cannot continue, you have to stop. I did. Therefore, I am here for that, forgiveness.

Mr. Evans – It does happen. That's why we're here.

Mr. Rowshanbakhtfardian – That's all I'm doing.

Mr. Houle – As we noted, the backyard is sloped and evidenced by you falling and there's common land back there so it shouldn't disturb anybody and we did receive the HOA approval letter.

Mr. Evans – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting

**3) MOHAMMADREZA ROWSHANBAKHTFARDIAN, OWNER**

**Mr. Evans continues** - of the variance? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion. Again, I will abstain from voting since I am a trustee in the High Point HOA.

Mr. Hayden - Mr. Chairman, requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18192 Saratoga Trail, PPN 397-19-035, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:	MR. EVANS	ABSTAIN	MOTION PASSED
	MR. HOULÉ	YES	
	MR. HAYDEN	YES	
	MR. BALDIN	YES	
	MR. RUSNOV	YES	

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Rowshanbakhtfardian – Thank you.

**4) PATRICK AND MARY MACGILLIS, OWNERS**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in the front yard and where a 4' Wrought Iron Fence in the front yard is proposed; property located at 16950 Hunting Meadows Drive, PPN 397-06-095, zoned R1-75.

Mr. Evans – Item number four on our agenda is MacGillis on Hunting Meadows. If you would come forward and state your name and address for the record.

Mr. MacGillis – Pat MacGillis, 16955 Shurmer Road. The project is going to be at 16950 Hunting Meadows Drive. We're proposing a four feet all wrought iron decorative fence across the front of

**4) PATRICK AND MARY MACGILLIS, OWNERS, Cont'd**

**Mr. Evans continues** - the property. This is just across the front. No leads going back. It's nothing to keep anybody in or out.

Mr. Rusnov – It's just strictly for decoration.

Mr. MacGillis – Yes.

Mr. Evans – We talked about it in Caucus and we agreed that coming out to see it was different than looking at the application. That's why we go out to the properties and take a look at what the situation is.

Mr. Houlé – Based on the records we have, it's about 22 feet long, so it's very short and it will tie in with the fence that is in the rear yard of their neighbors. There's also a fence going the opposite way that went to the old school. Actually, a double fence. They're used to fences in the front yards because both neighbors to the east have fences also.

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

Mr. Hayden – Mr. Chairman, requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in the front yard and where a 4' Wrought Iron Fence in the front yard is proposed; property located at 16950 Hunting Meadows Drive, PPN 397-06-095, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. MacGillis – Thank you.

5) **THOMAS AND KATHLEEN WIRTZ, OWNERS**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18621 Saratoga Trail, PPN 397-20-027, zoned R1-75.

Mr. Evans – Item number five on our agenda is Wirtz on Saratoga Trail. If you would come forward and state your name and address for the record.

Mr. Wirtz – Thomas Wirtz at 18621 Saratoga Trail.

Mr. Evans – Give us a quick description of what it is that you're proposing to do and why the variance is necessary.

Mr. Rusnov – Mr. Wirtz, before you start and before I forget. You have very old zoning on this property. You have the retaining wall in the backyard. The density is such that pretty much this is the only place this can go. Correct?

Mr. Wirtz – Correct. As my wife would say, it's trying to be pretty.

Mr. Rusnov – Mr. Kolick has been in the process of revising a lot of the zoning to come up to modern standards.

Mr. Houlé – We do have HOA approval.

Mr. Evans – This is a public hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion. I will abstain from voting since I am a trustee in the High Point HOA.

Mr. Baldin - Mr. Chairman, requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a Concrete Patio; property located at 18621 Saratoga Trail, PPN 397-20-027, zoned R1-75.

Mr. Houlé – Second.

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

**5) THOMAS AND KATHLEEN WIRTZ, OWNERS, Cont'd**

ROLL CALL:	MR. EVANS	ABSTAIN	MOTION PASSED
	MR. HOULÉ	YES	
	MR. HAYDEN	YES	
	MR. BALDIN	YES	
	MR. RUSNOV	YES	

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Wirtz – Thank you.

**6) PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative**

- a) Requesting a 45' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Patio encroaching 45' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 0' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 0' Rear Yard Setback is proposed in order to install a Pool Concrete Patio; property located at 15660 Walnut Creek Drive, PPN 393-29-011, zoned PDA-2.

Mr. Evans – Item number six on the agenda is Kempton on Walnut Creek. If you would come forward and state your name and address for the record.

Mr. Gibson – Chris Gibson with RA Kalfas Construction, 12001 Prospect Road, 44149.

Mr. Evans – You were here last month. You have given us a revised drawing. We have the approval from Walnut Creek. Tell us where we're at.

Mr. Gibson – Just to touch on a topic brought up in Caucus. B will be changed to one foot. I'd like to put a twelve inch perimeter of rock or decorative stone around where the concrete ends. If you look at the picture of the revised copy I gave you, the hashtag R new concrete, there's a lot of existing concrete wrapping around the pool. I did remove a pad that will be for shed purposes. We will have the homeowner pull a permit and we will pour that when ready.

6) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**  
**Cont'd**

Mr. Rusnov – For the record, the Engineering Department has given its blessing?

Mr. Roenigk – That's correct, the Engineering Department did not see a drainage problem.

Mr. Rusnov – The property is surrounded by fence.

Mr. Kolick – So there will be a foot of stone between the pool and the fence?

Mr. Gibson - You'll have the fence, a foot of stone, and then concrete.

Mr. Baldin – So overall from the pool to the fence, roughly how many feet would that be?

Mr. Gibson – From the fence to the pool I think you're at ten feet right now. Nine feet of concrete before the stone.

Mr. Kolick – We'll have to change B and the A would be 44 feet.

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

Mr. Baldin – Mr. Chairman, requesting a 44' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Patio encroaching 44' beyond the main dwelling into the Side Yard Setback; (b) requesting a 35' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 1' Rear Yard Setback is proposed in order to install a Pool Concrete Patio; property located at 15660 Walnut Creek Drive, PPN 393-29-011, zoned PDA-2.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses

**6) PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**  
**Cont'd**

**Mr. Evans continues** - not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Gibson – Thank you.

Mr. Evans – Is there anything else to come before the Board?

Mr. Kolick – I do have something. It appears that we keep getting and granting variances for concrete patios much closer to property lines than the Code permits. If we're going to keep granting them, maybe it would be in order to look at a Code change to permit concrete patios, not structures, but concrete patios be closer to the property line. Currently it's basically fourteen feet beyond the house. I just wonder if the Board had any thoughts. I will give it to our City Planner and he will take a look at it, but if the Board has any thoughts I would convey them.

Mr. Evans – I don't know if I agree with that, because I think that it is much more dependent on the individual circumstances.

Mr. Rusnov – Topography.

Mr. Evans – Yes. I would not want to have a blanket on that one because I can think of a lot that we might not grant. I would hate to have that go through that process and part of what I'm looking at is that we said they shouldn't have storage containers and Council has come back and dictated that our Law Department come up with a whole bunch of requirements on it. They want storage containers and I'm thinking if they are going to argue on that, I don't want to go down that road.

Mr. Hayden – I go back to when I had to come and get a variance and right now the edge of my patio is about fifteen feet from my property line. Are we thinking of not approving shorter than that?

Mr. Evans – I'm thinking in proximity of you have a house that's close by, just because of the way they're built or whatever, the ability to put one right up to the property line could be an issue.

Mr. Kolick – I'm not talking about putting it up to the property line. I'm talking about just modifying the Code whereby you go further than fourteen feet beyond the rear setback. I'm just throwing out a number. Maybe it should be fifteen feet off the rear line or something like that. I'm not talking about building it up to the property line.

Mr. Rusnov – We should handle these on an individual basis based on topography, the age of the subdivision, the lot size, and all the other factors.

6) **PETER, JR. AND KATHRYN KEMPTON, OWNERS/RA Kalfas, Representative,**  
**Cont'd**

Mr. Evans – I realize we're granting a lot but I think we look at them carefully.

Mr. Kolick – Sometimes we get push back from residents saying that we granted ten of them within the last two meetings and yet I'm here and I've got to wait to get on the agenda, I have to pay a fee and then I have to wait twenty days after that to do it. I'm just throwing it out. Maybe it's got to be twenty feet off the property line.

Mr. Hayden – Do you know how many we have denied in the last two years?

Mr. Kolick – I don't remember denying any.

Mr. Evans – I don't think we denied any but I do think that we have modified some based on circumstances.

Mr. Evans – But it's based on the circumstances.

Mr. Kolick – We can leave it there and send them here. Especially since COVID we have more and more people putting flat concrete work out in the backyards.

Mr. Evans – I would say talk to the Building Department.

Mr. Kolick – I'll pass it by the City Planner and see what ideas he might have and get back to the Board. It doesn't mean you can't grant variances in a particular case, but it will lessen by far the number of variances requested.

Mr. Evans – Then let me conclude the meeting and we will be adjourned.