

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
July 8, 2020

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this July 8, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL FIVE MEMBERS PRESENT

Mr. Evans - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have minutes from the June 10, 2020 meeting. If there are no corrections from the Board members then we will submit them as approved. If you are here this evening and wish to speak, we now ask you to stand and the Assistant Law Director will swear you in as well as our representative from the Building Department and our Secretary.

Mr. Kolick stated the oath to those standing.

1) PHILLIP AND CHARLENE SZUNYOG, OWNERS

- a) Requesting a 128 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to construct a Pavilion;
- b) Requesting a 4” Height variance from Zoning Code Section 1252.04 (g), which permits a 12’ Height and where a 12’ 4” Height is proposed in order to construct a 320 SF Pavilion; property located at 19429 Winding Trail, PPN 393-22-027, zoned R1-75.

Mr. Evans – Our first Public Hearing is Phillip and Charlene Szunyog. If you would please come forward to the microphone and state your name and address.

Mr. Szunyog – My name is Phillip Szunyog, and my wife and I live at 19429 Winding Trail.

1) **PHILLIP AND CHARLENE SZUNYOG, OWNERS, Cont'd**

Mr. Evans – Thank you. Mr. Szunyog. You are here for a size and height variance in order to construct a pavilion. Please tell us about the project and the variances that you are asking for.

Mr. Szunyog – Thank you. We are empty nesters now and trying to decide whether we would move or stay, and we have an old deck from 1990, and we decided that despite being empty nesters and having a basement and a 5,000 square foot house basement included, the house always seems to be full. We decided to live our retirement years here in that home. We had an old deck and my wife has some health issues and so unstable surfaces are hazardous for her. Our deck was thirty years old. We had two ten by ten things over an old hot tub so the short version of a longer story is that it was time to redo that, and so we met with people from the Home and Garden show and Klassic Decks, and originally we were thinking about replacing our existing deck with another deck and that turned out to be cost prohibited using trex so we were impressed by the fact from the contractor building the deck that said that may not be our best option. We're not that high off grade so we ended up with a plan for a smaller deck for coffee and so forth, and sitting and cooking, and then we are having a cement stamped patio poured tomorrow weather permitting, and on the southwestern corner of that would be a twenty by sixteen pavilion. We have a lot of family members that come over and a large wrought iron picnic table so that seemed like the right size pavilion to build. The reason that it's higher and we need the 4" variance is due to the pitch of the design.

Mr. Evans – I should mention for you and the others here tonight we all five members have been out to you property. Sometimes people are home and sometimes not but we all come out so we are familiar with the property.

Mr. Szunyog – My wife is an avid gardener and we think that this will be a significant enhancement to our property and to the neighborhood as well. Many of our neighbors frequent our property for clam bakes and 4th of July celebrations in honor of my deceased father. It will be tastefully done and it's a sufficient size to meet our needs.

Mr. Evans – Members of the Board, questions or comments?

Mr. Baldin – Mr. Chairman, I did go out there. It's a nice piece of property with nice flowers and is this going to go all the way out to the concrete pad?

Mr. Szunyog – It's going to go in about a foot from the edge of the concrete pad.

Mr. Baldin – That's going to be a very large pad, and I assume you took those plans to the Building Department and got approval. That pad is sticking out into the yard.

Mr. Roenigk – I did the approval and I also did the concrete inspection the other day. He has plenty of room in the back yard.

1) PHILLIP AND CHARLENE SZUNYOG, OWNERS, Cont'd

Mr. Baldin – Very good. It is a good sized yard.

Mr. Szunyog – Thank you for coming out. It's nice that you're looking at the plan. I work in the health care business, we sell ventilators. It's a crazy time. Certainly seeing something live enhances your ability to make an informed decision.

Mr. Evans – Other questions or comments?

Mr. Rusnov – Even if this thing was up I'd be hard pressed to figure out that it's four inches too high.

Mr. Szunyog – One of the neighbors actually came to me and said are you kidding me?

Mr. Rusnov – You're going over on the size of the pavilion by approximately 120 square feet.

Mr. Szunyog – 128 square feet.

Mr. Evans – Thank you.

Mr. Baldin – We do have a homeowner's association 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 who wishes against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and then entertain a motion.

Mr. Rusnov – I would like to make a motion to approve a 128 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to construct a Pavilion and (b) requesting a 4" Height variance from Zoning Code Section 1252.04 (g), which permits a 12' Height and where a 12' 4" Height is proposed in order to construct a 320 SF Pavilion; property located at 19429 Winding Trail, PPN 393-22-027, zoned R1-75.

Mr. Houlé – Second.

Mr. Evans – Thank you, Mr. Rusnov, for the motion and Mr. Houlé for the second.

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project.

1) **PHILLIP AND CHARLENE SZUNYOG, OWNERS, Cont'd**

Mr. Evans continues - For tonight you're all set. You are welcome to stay for the rest of the meeting but it's not required. If you leave we won't hold that against you. Good luck with your project.

Mr. Szunyog – Thank you.

2) **JOHN AND MICHELE SNELL, OWNERS**

Requesting a 25' Rear Yard Setback variance from Zoning Code Section 1252.16(e), which requires a 36' Rear Yard Setback and where an 11' Rear Yard Setback is proposed in order to install a 780 SF Concrete Patio; property located at 9566 Pebble Brook Lane, PPN 391-04-130, zoned R1-75.

Mr. Evans – Item number (2) on our agenda is John and Michele Snell. If you would please come forward to the microphone and state your name and address for the record.

Mr. Snell – John Snell, 9566 Pebble Brook Lane.

Mr. Evans – Thank you, and tell us about your project. You're asking for a rear yard setback for the patio. Again, I think this is a topographical situation based on the lot but tell us what you're planning on doing.

Mr. Snell – We removed the old patio that was cracked and our intention is to just build another concrete patio in its place a little bigger than the previous one. That's it.

Mr. Evans – Questions?

Mr. Houlé – There is common land behind you that kind of buffers you and any neighbors?

Mr. Snell – Yes, sir.

Mr. Houlé – That helps.

Mr. Evans – We do have the Meadowood association letter as well.

Mr. Baldin – The yard is fenced in behind the trees?

Mr. Snell – Yes, the neighbor behind us has a fence.

Mr. Evans – Anything else? Questions? Comments? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone who wishes to

2) JOHN AND MICHELE SNELL, OWNERS, Cont'd

Mr. Evans continues - speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and then entertain a motion.

Mr. Hayden - Requesting a 25' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 11' Rear Yard Setback is proposed in order to install a 780 SF Concrete Patio; property located at 9566 Pebble Brook Lane, PPN 391-04-130, zoned R1-75 be approved.

Mr. Rusnov – Second.

Mr. Evans – Thank you, Mr. Hayden, for the motion and Mr. Rusnov for the second. Mr. Hayden, I do believe that being the newest member of the Board that is the first time that you have read a motion.

Mr. Rusnov – I didn't know he could talk.

Mr. Baldin – There's a first for everything.

Mr. Evans – All right. May we have a roll call please?

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans - The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project. For tonight you're all set. Good luck with your project. You may depart if you wish, you don't have to stay for the rest of the meeting.

Mr. Snell – Thank you.

Mr. Evans – Thank you.

3) MATTHEW AND ADRIA FISHER, OWNERS/Trace Baum with Tab Property Enhancement, Representative

- a) Requesting a 24' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 624 SF Deck;

3) **MATTHEW AND ADRIA FISHER, OWNERS/Trace Baum with Tab Property Enhancement, Representative, Cont'd**

- b) Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 624 SF Deck encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 18231 Wellington Court, PPN 397-19-125, zoned R1-75.

Mr. Evans – The next item is Matthew and Adria Fisher on Wellington Court and I do need to note that I will be abstaining from voting as I'm a trustee on the Board at High Point Homeowner's Association.

Mr. Fisher – My name is Matt Fisher. I live at 18231 Wellington Court. We are proposing to replace our existing deck because it is deteriorating and in the process we are trying to keep the same distance from the house and bring it to one level to get more usable space and we found out with our design that the deck as it currently stands is in violation. The back yard slopes pretty steep away from the house and there's pine trees, and so there's not a lot else we can do back there, and it also adjoins to common space so we aren't against someone else's property. The second item for the side setback, what we are hoping to do is on the lower level have a walk out door from our basement, and we want to put some chairs and seating down there and not obstruct the path outside the door so we have a small half circle carved out. That's what we are hoping to do.

Mr. Evans – Okay, it is an unusual shaped lot. High Point furnished a letter. I don't believe it was in the packets. The approval was done for the building but there's also a letter for the BZA for the record. Okay, questions, comments?

Mr. Rusnov – This falls under the hardship of topographical.

Mr. Evans – It does.

Mr. Rusnov – That takes care of that.

Mr. Baldin – What's the difference on the footage, did we get a notice on this or something? I thought it was on number (3).

Mr. Evans – 240 SF?

Mr. Rusnov – Is that correct, 240 SF?

Mr. Houlé – It was supposed to be 624 SF?

3) **MATTHEW AND ADRIA FISHER, OWNERS/Trace Baum with Tab Property Enhancement, Representative, Cont'd**

Mr. Baldin – Is that supposed to be 624 SF?

Mr. Fisher – I believe so, I don't have the exact numbers.

Mr. Roenigk – I'm working on figuring that out.

Mr. Rusnov – So, 240 is incorrect.

Mr. Houlé – Kathy had sent out a correction saying it was 624 SF.

Mr. Baldin – The numbers are off here.

Mr. Baldin – Are you going to do anything with the old deck? Are you replacing it or keeping it as it is?

Mr. Fisher – The old deck is being completely torn out and a new deck put in with new posts and new foundations.

Mr. Baldin – The lower patio plus the bigger deck. You have a huge deck there now. I could see it's old.

Mr. Fisher – When we bought the house the deck had been painted and we tried repainting it but by that point the wood was saturated and won't hold paint.

Mr. Baldin – It's a good size. You do have a problem with the topography.

Mr. Rusnov – It appeared to be non-treated wood.

Mr. Roenigk – What were the numbers that you said were changed? I didn't get a copy of any changes.

Mr. Baldin – 624 SF.

Mr. Roenigk – Oh, yes. 624 is correct.

Mr. Evans – I remember Kathy sending that email. I just didn't change it on my agenda. Any other questions? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and then entertain a motion.

3) **MATTHEW AND ADRIA FISHER, OWNERS/Trace Baum with Tab Property Enhancement, Representative, Cont'd**

Mr. Baldin – Mr. Chairman, I would like to request a 24' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 624 SF Deck and requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 624 SF Deck encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 18231 Wellington Court, PPN 397-19-125, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:	MR. HOULÉ	AYE
	MR. EVANS	ABSTAIN
	MR. HAYDEN	AYE
	MR. BALDIN	AYE
	MR. RUSNOV	AYE
	MOTION GRANTED	

Mr. Evans - The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project. For tonight you're all set. Good luck with your project. You may depart if you wish, you don't have to stay for the rest of the meeting.

Mr. Fisher – Thank you very much. I appreciate your time.

Mr. Evans – You're welcome.

4) **FRANCESCA FURFARI, OWNER**

Requesting a 12' variance from Zoning Code Section 1252.18, which prohibits a fence encroachment and where a 48 linear feet and 6' high Shadow Box Fence encroaching 12' onto PPN 393-17-004 is proposed; property located at 19192 Wheeler's Lane, PPN 393-18-337, zoned RT – C.

Mr. Evans – Item number (4) on our agenda is Francesca Furfari on Wheeler's Lane. If you would be so kind as to give us your name and address.

4) FRANCESCA FURFARI, OWNER, Cont'd

Ms. Furfari – My name is Francesca Furfari and I live at 19192 Wheeler's Lane in Strongsville.

Mr. Evans – Thank you. You are looking for a variance to build a shadowbox fence and it extends a little bit past where the code allows. Tell us about the project and why you want to do it.

Ms. Furfari – I want a 12' by 22' privacy fence and I only own the concrete slab, not where the fence would go. I want it for privacy and I have a dog too.

Mr. Roenigk – Mr. Evans?

Mr. Evans – Sir?

Mr. Roenigk – I met with Ms. Furfari and the HOA president, who has signed the application and the homeowner. The HOA has no problems with it. We had to do it per the Law Department. Everything is in order as far as the Building Department is concerned.

Mr. Evans – Thank you, sir. Other questions or comments?

Mr. Rusnov – The fence encroaches onto the HOA property. Was this their idea or your idea?

Ms. Furfari – Mine.

Mr. Rusnov – And they are on board with you encroaching onto their property? You kind of set a precedent by doing that.

Ms. Furfari – Right.

Mr. Roenigk – There are several existing ones that are up already. This is not new to that development.

Mr. Rusnov – It's encroaching onto the HOA property.

Mr. Roenigk – That is correct and many of them I don't even think a permit exists.

Mr. Baldin – I wondered about that.

Mr. Roenigk – This one is doing it the right way.

Mr. Kolick – Mr. Chairman, the problem is these are condos and the only thing she owns is the building, period. She doesn't own anything outside so anything built like a fence or patio is going to be on the condo association property.

4) FRANCESCA FURFARI, OWNER, Cont'd

Mr. Rusnov – So, in other words, the footprint of the property or the cluster home or the condo is the property they own.

Mr. Kolick – Just the building and the land underneath it. Everything else is owned by the condo association.

Mr. Rusnov – Wouldn't this set a precedent though? The Building Department alluded to the fact that there are similar fences and they weren't aware of a permit even issued. This lady is going through this the right way by going through the process.

Mr. Kolick – If you find others that are situated in the same manner, if you are going to come to a different decision then you're going to have to have a reason for it. If anybody wants to do the same type of thing I don't know why it would be okay in her case but not okay in anyone else's instance so you probably have to act consistently but you could get other requests because everything in Settler's Landing the only thing the property owners own is the building and the land under the building. The patios are what they call limited common area so they are actually owned by the condominium association but the property owners have exclusive use to the common areas.

Mr. Rusnov – The 48' fence encroaches well beyond.

Ms. Furfari – It is 22'. It's only 2' from the concrete slab. The 48' is added all together.

Mr. Roenigk – That is correct.

Mr. Furfari – It's not huge.

Mr. Baldin – That brings up an issue here. We're seeing here in the paperwork 48' long by 6' high. Your print says 28' by 12' and if you add 12' and 12' and 28' you come up with 52'.

Mr. Rusnov – There was a new one submitted.

Mr. Baldin – I didn't get the new one.

Mr. Rusnov – We aren't so much concerned about the linear feet as we are putting it onto the HOA property. It's an encroachment issue.

Mr. Baldin – I can understand that the way those condominiums are built there.

Mr. Rusnov – The approval letter will be written accordingly if it's approved.

4) FRANCESCA FURFARI, OWNER, Cont'd

Mr. Evans – This is a different situation than most of our condo associations. Some of them have actual plots of land. In this particular case it is only the building and the land under it. The rest is common area. It is unusual. In theory the HOA should be a joint applicant on this and we do have their approval letter. In this particular case the applicant is the one doing this with the approval of the HOA.

Mr. Kolick – Everyone signed it, the HOA and the owner. It's on their property. The agenda should read 48 linear feet.

Mr. Evans – Okay. Any other questions or comments? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Now would be the time to swear you in. Please come up to the microphone and Ms. Furfari, please have a seat nearby.

Mr. Kolick stated the oath to the next speaker.

Mr. Evans – Please state your name and address for the record.

Mr. Verdi – Michael Verdi. 14605 Settler's Way.

Mr. Evans – Okay.

Mr. Verdi – I am the President of the association. I just wanted to confirm that we received the plan and approved it.

Mr. Evans – We have a letter from Susan Hoisington and it shows that it approves everything. The letter has your signature, Mr. Verdi.

Mr. Kolick – Sir, if you could come back up. It would probably be to the benefit of the condo association to get some type of written agreement with the property owner. It's not something that we demand as a City but I'm saying for your own protection because once it's granted and fenced in she will have certain rights after 21 years by adverse possession. You may have some difficulty with it. You should have something in writing between yourself as the association and the property owner. This would be true with any property owner that wants to do this to protect yourself in the future. You don't know what may come up. The next one may want a sheet metal fence to go on there and you've already granted permission for a fence so I'm just saying it's a private matter. Again, it's not something the city needs but you've signed the application but I think it's probably good idea if you talk to your legal counsel to have this written up in a manner that will protect the condo association in the future. As Mr. Rusnov said that if this one is granted and we may get other requests too. You could end up with a lot of owners in there wanting to do the same thing.

4) FRANCESCA FURFARI, OWNER, Cont'd

Mr. Evans – And the question could come up with the maintenance of it. That could be a bigger issue.

Mr. Verdi – According to our rules the owner has to maintain the fence.

Mr. Evans – I would put that into a separate agreement.

Mr. Kolick – And insuring it. You have a lot of issues with it if it hits a sprinkler system going in. Any attorney will tell you that there is a number of issues that could come up, like if someone gets hurt by the fence, it's on your land. So, I'm not saying you can't do it but I'm saying it would behoove you to get with your legal counsel to talk about these going forward.

Mr. Rusnov – Mr. Kolick? Is the adverse possession 21 years or 25 years? I was under the impression it was 25 years.

Mr. Kolick – 21 years.

Mr. Rusnov – That means that she would own the property.

Mr. Kolick – It could be more complicated in her case because there is limited common area. I'm not as concerned with the adverse possession as I am with the other issues, like if someone gets hurt or they want to change it, they hit a utility line or a sprinkler system, who is going to take care of it. I'm just saying.

Mr. Baldin – Did your association spell out what type of material can be used? Wooden, metal, plastic?

Mr. Evans – Hang on, please come back to the microphone.

Mr. Verdi – Right now, according to the rules it is wooden. I'm trying to get that changed just because of the maintenance issue. We have a lot of senior citizens and it's a continuing problem with them trying to maintain the wood fences and decks. I'm looking to try to change that. That's where we're at right now.

Mr. Evan – All right, thank you. Is there anyone else who wishes to speak for the granting of the variance? Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed. You understand what we have talked to the president of the homeowner's association about, just so you are aware?

Ms. Furfari – Yes.

4) FRANCESCA FURFARI, OWNER, Cont'd

Mr. Evans – We have nothing to do with that. That is an agreement between you and the homeowner's association but we suggest that for your protection and theirs. I will entertain a motion.

Mr. Houlé – Mr. Chairman, I make a request to approve a 12' variance from Zoning Code Section 1252.18, which prohibits a fence encroachment and where a 48 linear feet and 6' high Shadow Box Fence encroaching 12' onto PPN 393-17-004 is proposed; property located at 19192 Wheeler's Lane, PPN 393-18-337, zoned RT – C.

Mr. Rusnov – Second.

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

ROLL CALL:	MR. EVANS	AYE
	MR. HAYDEN	AYE
	MR. BALDIN	AYE
	MR. RUSNOV	NAY
	MR. HOULÉ	AYE

Mr. Evans – Okay, your variance has been approved by us. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project. For tonight you're all set. Good luck with your project. We appreciate you coming and representing the association.

Ms. Furfari – Thank you.

5) STEVEN AND MOIRA LUSKY, OWNERS

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 28' Rear Yard Setback is proposed in order to install a 375 SF Patio; property located at 14089 Pine Lakes Drive, PPN 398-10-021, zoned R1-75.

Mr. Evans – Item number (5) on our agenda is Steven and Moira Lusky on Pine Lakes Drive. If you will come forward please. We will need your name and address for the record please.

Mr. Lusky – Good evening, Steve Lusky, 14089 Pine Lakes Drive.

5) STEVEN AND MOIRA LUSKY, OWNERS, Cont'd

Mr. Evans – You are looking for a rear yard setback variance for a patio. Again, we have all been out to look at it. Please give us a little bit of background as to why it needs to be in that particular location.

Mr. Lusky – Yes, a couple of things. First of all, the decision to do the patio was something that we have waited on twenty years. We decided to finally do it and the reason why we're pushed out on the one side is to accommodate a fire pit and we wanted to be able to provide seating around the fire pit. We did a little bit of pushing that out on one side because it happens to be further away from the playground area on the one side of our property and so we wanted to have a little bit of privacy. The majority of the area to be on the other side of that. In addition, we have some elderly family members that we would like to be able to have sit around the fire pit at some point when they visit. Understanding the nature of where we are with social distancing to be able to keep them away from being on top of each other.

Mr. Evans – Okay. We do have a letter from Pine Lakes Association. Do you want to make a comment about it being an odd shaped trapezoid lot?

Mr. Rusnov – It's an odd shaped trapezoid lot.

Mr. Lusky – We're odd shaped people as well.

Mr. Evans – Any other questions, comments or observations from Board members?

Mr. Kolick – Mr. Chairman, just one item, if this is approved, Mr. Lusky, get with our Engineering Department because you look like you're coming awfully close to the swale there.

Mr. Lusky – I believe we have discussed redeveloping that swale.

Mr. Roenigk – Yes, I've talked with the contractor and the owner and it will be addressed with the Engineering Department.

Mr. Kolick – Right, you just don't want to see a water problem or create a water problem for the neighbors.

Mr. Lusky – Thank you.

Mr. Evans – Thank you, Mr. Kolick. Thank you, Brian. 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.

5) STEVEN AND MOIRA LUSKY, OWNERS, Cont'd

Mr. Houlé – Mr. Chairman, I make a request to approve an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 28' Rear Yard Setback is proposed in order to install a 375 SF Patio; property located at 14089 Pine Lakes Drive, PPN 398-10-021, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES

MOTION GRANTED

Mr. Evans – Again, there is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project. Good luck with it. You're all set.

Mr. Lusky - Thank you.

Mr. Evans – Thank you. Is there any other business to come before the Board? If not, we are adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>August 26, 2020</u>
Mr. Evans, Chairman	Kathy Zamrzla, Sec'y	Approval date