

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

**Meeting of  
May 12, 2021  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, David Houlé, Richard Baldin, Dustin Hayden  
Administration: Assistant Law Director Daniel J. Kolick  
Assistant Building Commissioner: Brian Roenigk  
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) **BRIAN AND ALICYN KUCHERAK, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to install a 320 SF Concrete Patio; property located at 17486 Olde Surrey Court, PPN 397-20-010, zoned R1-75.

Mr. Evans explained that because the property is in High Point and he is a trustee on the Board, he will abstain from voting and the items would need a unanimous vote of approval. Mr. Houlé said the land slopes off and there's a sunroom so there's not much room. It's not an unreasonable request. Mr. Baldin and Mr. Hayden agreed. Mr. Hayden stated that the HOA approved of the project.

2) **CHANTHOU PHAY, OWNER/Ed Lechler with Rock Bottom Landscaping, Representative**

Requesting a 14' 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 490 SF Concrete Patio encroaching 14' beyond the main dwelling in the Side Yard Setback; property located at 21147 Cedar Creek Drive, PPN 391-14-111, zoned R1-75.

Mr. Baldin stated that the property wasn't staked when he went to the property and the property has a large fenced in yard. Mr. Houlé stated that there aren't a lot of options for where to put the patio. Mr. Evans stated that the Board received HOA approval.

3) **JAMES AND JULIE MONTEMARANO, OWNERS**

- a) Requesting a 16' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 4' Setback from the main dwelling is proposed in order to construct a 144 SF Accessory Structure Storage Shed;

- b) Requesting a 3' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any adjacent residential lot where a 17' Setback from the adjacent residential lot is proposed in order to construct a 144 SF Accessory Structure Storage Shed; property located at 10088 Rosalee Lane, PPN 398-10-188, zoned R1-75.

Mr. Roenigk stated that the applicant already poured that pad and two numbers were reversed on the agenda. Mr. Evans stated that the accessory structure would be much closer than anything they've ever considered and that, if approved, fire rated drywall would need to be installed. Mr. Baldin stated that the yard slopes and there's not a lot of room and the shed sight would be blocked by the house. Mr. Houlé said it's a small lot. Mr. Baldin stated the building could be smaller and if approved as is the Board would be setting a precedent. Mr. Evans agreed. Mr. Kolick stated the rear lot is 70' wide.

4) **ROY AND PAMELA STRANGE, OWNERS**

Requesting a 4.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 31.5' Rear Yard Setback is proposed in order to install a 480 SF Covered Patio; property located at 15041 Hartford Trail, PPN 399-24-015, zoned R1-75.

Mr. Baldin stated he is not opposed to the patio. Mr. Evans stated it would back up to common area and Mr. Houlé stated the HOA gave their approval.

5) **BRIAN KELLOG, OWNER/Jim Kennedy with Ohio Custom Pool and Patio, Representative**

Requesting a 38 SF variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 120 SF Floor Area Accessory Structure exists and the applicant is proposing a 110 SF Floor Area Addition to the existing Accessory Structure; property located at 14471 Pin Oak Drive, PPN 398-07-040, zoned R1-75.

Mr. Evans stated the HOA gave their approval. Mr. Baldin stated he would not be opposed to the accessory structure addition and there is plenty of room on the lot. Mr. Houlé stated that the back yard slopes.

6) **CVS 4200 OH LLC/Dan Bertke with Archer Sign, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits two (2) Wall Signs and where one (1) 19.25 SF additional Wall Sign is proposed;

- b) Requesting a variance from Zoning Code Section 1272.12 (c), which does not permit a sign, and where one (1) 19.25 SF North Elevation Wall Sign is proposed;
- c) Requesting a 55 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which permits an 81.0 SF Sign Face Area and where a 136.0 SF Sign Face Area is proposed along secondary frontage on the north elevation; property located at 13777 Pearl Road, PPN 396-17-023, zoned General Business (GB).

Mr. Roenigk stated there is a typo in item (a). Mr. Evans stated that an additional sign is being requested. Mr. Evans stated that Rite Aid asked for similar requests and the Board approved their variance after they changed the request to what the Board asked for. Mr. Evans stated City Council recently changed the Code to avoid these kinds of requests. Mr. Houlié stated that this illuminated sign will improve the chance of being seen. Mr. Baldin stated that the signs don't need to be so large and everyone knows where CVS is.

7) **CHRISTOPHER AND ISABELLA BARILE, OWNERS**

- a) Requesting a variance from Zoning Code Section 1252.29 (b) (1), which prohibits an In-Ground Swimming Pool to be located in the side yard and where an 810 SF In-Ground Swimming Pool in a Side Yard is proposed;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 0' Side Yard Setback is proposed in order to install an 810 SF In-Ground Swimming Pool; property located at 10758 W. 130<sup>th</sup>, PPN 398-21-014, zoned R1-75.

Mr. Baldin and Mr. Evans stated the yard is large and he is not opposed.

8) **NAEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative**

- a) Requesting a 30' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to install a 16' Round Concrete Patio;
- b) Requesting a 14' 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 16' Round Concrete Patio

encroaching 14' beyond the main dwelling into the Side Yard Setback;  
property located at 19342 Trillium Trail, PPN 392-20-052, zoned R1-75.

Mr. Evans stated that this is not part of Co-Moor Colony. Mr. Hayden stated he thinks the patio is too far back in the yard. Mr. Baldin agreed. Mr. Baldin stated it's too close to the property line. Mr. Roenigk stated that the project was started without a permit and the contractor was not registered. In addition, Mr. Roenigk stated a neighbor called to say the excavation for the patio is actually partially on her property.

There were no minutes to approve.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
May 12, 2021**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this May 12, 2021 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	ABSENT

Mr. Houlé – Mr. Chairman, I make a motion to excuse Mr. Rusnov for just cause.

Mr. Hayden – Second.

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

ROLL CALL:	ALL AYES:	MOTION GRANTED
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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. If you are here this evening and wish to speak as a presenter or wish to comment during one of the Public Hearings, 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) **BRIAN AND ALICYN KUCHERAK, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to install a 320 SF Concrete Patio; property located at 17486 Olde Surrey Court, PPN 397-20-010, zoned R1-75.

Mr. Evans – Thank you. Item number (1) on our agenda this evening is Brian Kucherak on Olde Surrey Court. If the representative would please come forward and state your name and address for the record?

Mr. Bella – Steve Bella, 12588 South Churchill Way, Strongsville.

Mr. Evans – Thank you, Mr. Bella. You are requesting a 17' rear yard setback to construct a patio. You may have heard some of the comments in caucus tonight. Give us a little background as to the patio, the need and the positioning in the yard where you are proposing it for the applicant.

Mr. Bella – They have an existing small deck perhaps six by ten. They're looking to go 16' off the house, 20' wide for an existing patio and get more seating room in the back yard.

Mr. Evans – It is a shallow lot, which is what necessitates the granting of the variance. Gentlemen, questions or comments?

Mr. Houlé – Mr. Chairman, we do have a homeowner's association approval for that. As Mr. Bella, said there's a sunroom there and it does slant off into the back and there really isn't room without a variance. I want to make note of that.

Mr. Baldin – I have to agree. I don't think it's a real problem. I think that it'll add to the cute little place they have there.

Mr. Evans – Thank you. All right, anything else? 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? All right, Mr. Bella, if you'll take a seat there. Sir, you can speak first and come forward. If you would state your name and address please for the record.

Mr. Donahoe – Thomas Donahoe, 17467 Lexington Lane, Strongsville.

Mr. Evans – All right, Mr. Donohoe, go ahead.

Mr. Donohoe – My concern is that this could interfere with proper drainage of rain water. I've lived in my home for 21 years. I live directly north of the property. When we moved in there was

a rain problem. We hired a contractor who put in an additional storm drain in the swale and connected it to the City storm drain with proper approval. That cured the problem. The patio in question will be blocking the rain water flow to the drain that we put in. It'll take up 320 square feet of grass, which is a natural barrier. It's concrete so water will run off it. It's not a deck with slats where the water will run through.

Mr. Evans – The actual swale area is behind where they are proposing to put the patio.

Mr. Donahoe – The house in question is elevated higher than my house and the water runs down towards it.

Mr. Evans – All right. Brian, I'm going to ask and I already know the answer, that we probably did not have Engineering look at this.

Mr. Roenigk – Mr. Evans, I think you'll be surprised. I believe Mr. Donahoe called me and I believe I transferred him to the Engineering Department this afternoon. He did have questions about that so I took it back to the Engineering Department and they said the patio would not have an adverse effect.

Mr. Evans – Thank you. From my experience, Mr. Donahoe, I will be abstaining on the vote because I'm a trustee in High Point and I will not vote on this. From my experience this is a patio and it's concrete but it's replacing grass and it's not a really big one. We have must bigger patios in High Point than this one and again, these are shallow lots. They were designed by the developer back in the seventies and it was all platted out so at this point you're not going to change a whole lot back there because the sun room they have on the back of the house exists back there. It doesn't really allow it to be constructed anywhere else in the back yard. I think that one of the things that would happen is that if there is a water problem, should the variance be granted the Engineering Department would get involved but the construction of a patio doesn't necessarily mean there will be one. I think it's a point well taken that if it would change anything back in there, if the variance were granted, there would be a review by the City.

Mr. Donahoe – Okay.

Mr. Evans – Anything else?

Mr. Donahoe – Not at this time.

Mr. Evans – Okay. We appreciate you coming forward. Thank you. Did you wish to speak as well (indicating to audience member). Okay. The young lady in the teal blouse had put up her hand. Is there anybody else who wishes to speak against the granting of the variance? Any other thoughts from Board members?

Mr. Baldin – Mr. Chairman, Mr. Donahoe came up here and it's on record in case there's a problem and he can contact the City again and see what they can do about it since it's on record.

Mr. Evans – Okay. Anything else? If not, I will declare the Public Hearing closed and entertain a motion.

Mr. Hayden – Mr. Chairman, requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to install a 320 SF Concrete Patio; property located at 17486 Olde Surrey Court, PPN 397-20-010, zoned R1-75 be approved.

Mr. Baldin – Second.

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

ROLL CALL:

MR EVANS – ABSTAIN  
MR. HAYDEN - AYE  
MR. HOULÉ – AYE  
MR. BALDIN - AYE  
MOTION GRANTED

Mr. Evans – All right, the variance has been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. For now, you're all set. Mr. Donahoe, I'll say that the homeowner's association is on notice now. You may contact the homeowner's association or the City but hopefully that won't be necessary. Okay?

Mr. Donahoe – Okay.

2) **CHANTHOU PHAY, OWNER/Ed Lechler with Rock Bottom Landscaping, Representative**

Requesting a 14' 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 490 SF Concrete Patio encroaching 14' beyond the main dwelling in the Side Yard Setback; property located at 21147 Cedar Creek Drive, PPN 391-14-111, zoned R1-75.



Mr. Evans – Item number (2) on the agenda is Phay on Cedar Creek Drive. If the representative would come forward please and state your name and address for the record.

Mr. Lechler – My name is Ed Lechler, Rock Bottom Landscape. 12565 Prospect Road, Strongsville.

Mr. Evans – Thank you, Mr. Lechler. Give us an idea what is being proposed and why the particular location and what options may have been looked at. I will say we do have a letter from the homeowner's association. They have approved it as well. I don't know if you were in caucus. Mr. Baldin questioned a stake there.

Mr. Baldin – There was a stake there in the yard but I don't think that was a proper stake. I didn't see any stakes that would give us an idea where it would be going.

Mr. Evans – Mr. Lechler, take us through the project and what's involved.

Mr. Lechler – The swimming pool and the way the house sits, the pool takes up the entire footprint of the back of the house. When we asked for the patio to go in they said that they needed a variance because a patio can't stick out past the house. In this instance when you pull in the driveway, your driveway is 30' past the side of the house and we're only asking for 14' from the side of the house. The driveway is more of a hindrance or bad look to everybody than the pool decking will be. The way it fits is there's no way to have a pool deck more than 5' or 6' if we were to not get the variance so we made the pool smaller as a sacrifice and we're trying to get a patio with trees around it and everything. No one will even see it. For the record, I live on the street and it's not going to bother me one iota.

Mr. Baldin – It is a nice big yard and it's fenced it. From the design here, the landscaping will look very nice when it's all done.

Mr. Hayden – We do have the letter from the homeowner's association as well.

Mr. Evans – Thank you.

Mr. Houlé – Even if they tried to put it in on the other side of the house it would still require a variance and I think it would blend in very nicely. The driveway will shield it and blend in pretty well.

Mr. Lechler – The elevation will drop lower too.

Mr. Evans – It won't be seen from the street. Correct, I would agree.

Mr. Baldin – The yard next door has a lot of woods.

Mr. Lechler – I own it and I don't want another neighbor.

Mr. Baldin – Okay.

Mr. Lechler – Until you sell the lot.

Mr. Lechler – It has a lot of wet lands on it. We'll see. Who knows?

Mr. Evans – Thank you. All right, anything else? 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 14' 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 490 SF Concrete Patio encroaching 14' beyond the main dwelling in the Side Yard Setback; property located at 21147 Cedar Creek Drive, PPN 391-14-111, zoned R1-75 be approved.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, the variance has been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. For now, you're all set.

**3) JAMES AND JULIE MONTEMARANO, OWNERS**

- a) Requesting a 16' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 4' Setback from the main dwelling is proposed in order to construct a 144 SF Accessory Structure Storage Shed;
- b) Requesting a 3' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any adjacent residential lot where a 17' Setback from the adjacent residential lot is proposed in order to construct a 144 SF Accessory Structure Storage Shed; property located at 10088 Rosalee Lane, PPN 398-10-188, zoned R1-75.

Mr. Evans – Item number (3) is Montemarano. If the representative would come forward to the microphone and state your name and address for the record.

Mr. Montemarano – James Montemarano, 10088 Rosalee Lane, Strongsville.

Mr. Evans – Thank you. We talked about this in caucus. I don't know whether you were here or not.

Mr. Montemarano – Yes.

Mr. Evans – The reason the 20' setback exists is because people will take a shed and put combustible materials in it and when it's by the house there is no fire distance to the house. It's too close and a fire could jump from the shed to the house. The City Code says 20' from the house. Why do you need 8' by 18'? Wouldn't it have been better to maybe add that on as an additional storage area to the house?

Mr. Montemarano – The air conditioning and the electrical are there. It wouldn't be cost effective. Everything that is going to be in there is stuff that is in the garage right now. I have a four-wheeler that is over 4' by 9'. That will take up most of it. I have lawn mowers, roto tillers, snow blowers and it is not a wooden shed. It's a lifetime shed. It's resin. I'm not an expert but it may be fire resistant. It's not wood.

Mr. Evans – It's not fire resistant. One of the options that we have used in the past is dry walling the interior walls with fire rated drywall, which then would contain a fire at least for some period of time. That's not necessarily a great option but we have exercised that option from time to time.

Mr. Montemarano – There is no room in my back yard. It's completely sloped and shallow. There's a drainage system back there. To get stuff out of my garage I have a 12-year-old and 5-year-old twins. I don't need to trip or get hurt with the stuff that's in the garage.

Mr. Evans – Thoughts or comments gentlemen?

Mr. Baldin – I agree with you, Mr. Evans. Was this put in without a permit? Was this a second thought? Did you want to do this and put it up without a permit?

Mr. Montemarano – No.

Mr. Evans – Brian, said that he was putting this in before the patio.

Mr. Roenigk – He had the application in. He did it properly. I should let the homeowner speak but I believe he told me that when they poured the patio they poured the shed pad, as well.

Mr. Baldin – You do have a good-sized concrete poured deck back there.

Mr. Montemarano – The cost for the contractor to do that slab for the shed and the stamped concrete patio wasn't much more. If I had him come back out they would have over charged me basically. Plus, the builder hasn't graded the property but hopefully they will do it this week or so. Now they can grade the dirt right up to the slabs and the patio and put the lawn in rather than tear up the lawn.

Mr. Baldin – It makes sense on the timing. Did you give it thought or did the builder say that he's been around and an approved builder in the City and he should have known that it's too close to the house. Did you know?

Mr. Montemarano – For the shed or the slab? I don't know if the contractor knows the Code for the shed. I could not tell you.

Mr. Baldin – Does it have to be 18' long?

Mr. Montemarano – My side by side is 4' and 9' long so that only leaves 9' behind it so everything will be behind that. I have a walk behind mower that is decent sized. It's a 36" wide by 4' or 5'; it would be tight if I didn't make it that size. Like I said I would like to get everything out of the garage. I don't know if I could get everything in there.

Mr. Baldin – It would be tight but it is too close to the house. Being a metal shed...

Mr. Evans – Resin.

Mr. Montemarano – I would have put it farther back if I could have but there is no where else to put it. I tried to make it symmetrical with the side and back of the house. I didn't want it to be an eyesore.

Mr. Baldin – Okay, thank you.

Mr. Evans – Other questions or comments?

Mr. Hayden – I think one of the concerns that I have with this being so close to the house is that although the current intended use may not involve combustible materials it doesn't mean that future use won't. Albeit with the current homeowner or a future homeowner and I think that...

Mr. Evans – You are going to have combustible materials because he said the mower will be in it.

Mr. Hayden – That's true too.

Mr. Evans – So, we know that. Yes, that is correct. Mr. Montemarano, I talked about doing the fire rated drywall. If we were to grant the variance would that be an issue to do that on all four sides. Brian, I guess we also have to ask for under the roof as well, correct?

Mr. Roenigk – That is under your purview to do that.

Mr. Montemarano – If I have to, if that is the difference between granting the variance or not.

Mr. Evans – You may have heard the comment in caucus, if we allow you to go 4' away from the house then the next neighbor is asking for 3' and the next neighbor wants it right against the next house. The purpose for the 20' is the fire break in there. That's really what it is. Unfortunately, experience has shown that anything less than the 20' puts it at risk. Doing the fire rated drywall helps but it's not a guarantee but a mitigation for the idea that it's that close to the house.

Mr. Montemarano – How is it different than what is in the garage?

Mr. Evans – The answer is that, Brian, do we have fire rated drywall inside the house, right?

Mr. Roenigk – Ohio Residential Code requires a garage to be sealed from the dwelling.

Mr. Kolick – If you have questions you can contact the Building Department, if this is approved, about what fire rated drywall is.

Mr. Evans – Basically, if we were to approve the variance and condition it on that you would need to submit the plan indicating that you're going to provide fire rated drywall and the Building Department could tell you what those specifications would be. Anything else, Board members? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances?

Mr. Baldin – Mr. Chairman, how much room do you have there? You can't put that further back in your yard? I know it slopes. You would have to build it up, which can be done to get it away from the house.

Mr. Montemarano – It slopes. I have drainage back there. Everything slopes to the drain pipe and sewer cap in the corner. I don't know what that would do to the drainage.

Mr. Baldin – You said you have a four-wheeler that you would be putting in there?

Mr. Montemarano – Yes., it's a side by side.

Mr. Baldin – Thank you.

Mr. Evans – Brian, if the homeowner were to consider moving it back with the drop-off back there, what kind of buildup or footing would need to be done to support something like that?

Mr. Roenigk – There are no requirements on an accessory structure for footings in the Residential Code of Ohio.

Mr. Baldin – But with the land sloping...

Mr. Roenigk – He would be allowed to block or brick. Any manner would be allowed. There are no requirements for securing the shed or bolting it down.

Mr. Evans – It would be a pretty significant build up.

Mr. Roenigk – We would want it to be safe and secure so it doesn't fall over or get blown over.

Mr. Montemarano – That would be more of an eyesore for my neighbors too. Where I have it, it's tucked away out of sight.

Mr. Evans – Tucking it away could be unsafe. We'll hope that it isn't. All right, so I will declare the Public Hearing closed and entertain a motion but before you do that, if we are going to condition an approval upon fire water drywall then that would need to be in the motion. Go ahead, Mr. Hayden.

Mr. Hayden - Requesting a 16' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 4' Setback from the main dwelling is proposed in order to construct a 144 SF Accessory Structure Storage Shed and (b) requesting a 3' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any adjacent residential lot where a 17' Setback from the adjacent residential lot is proposed in order to construct a 144 SF Accessory Structure Storage Shed; property located at 10088 Rosalee Lane, PPN 398-10-188, zoned R1-75 conditioned upon the installation of fire rated drywall to the interior of the accessory structure per the Building Department recommendation.

Mr. Houlé – Second.

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

ROLL CALL:

MR. BALDIN – AYE

MR. HOULÉ – AYE

MR. EVANS – AYE

MR. HAYDEN – NAY

MOTION GRANTED

Mr. Evans – All right, the variances have been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. You can work with the Building Department on what fire rated drywall to use. I hope it's the right choice. For now, you're all set.

Mr. Montemarano – Thank you.

4) **ROY AND PAMELA STRANGE, OWNERS**

Requesting a 4.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 31.5' Rear Yard Setback is proposed in order to install a 480 SF Covered Patio; property located at 15041 Hartford Trail, PPN 399-24-015, zoned R1-75.

Mr. Evans – Item number (4) on the agenda is Strange on Hartford Trail. If the representative would come forward please and we will need your name and address for the record, please.

Ms. Strange – Pam Strange, 15041 Hartford Trail, Strongsville.

Mr. Evans – Thank you. You are asking for a 4.5' rear yard setback variance to put a covered patio in at the back of the home. Tell us what is driving that or what the reason is that you are requesting a variance.

Ms. Strange – We already have a permit for the cover but the concrete patio, the reason is after noon we're wide open in the back, full sun. It even ruined our windows and everything over the years. I've had over 50 pre-cancer spots taken off my face and hands and whatnot so in order for this to be effective it has to be a little deeper so that the sun will not come under it. So, it's improving our property. It's making the neighborhood look better. As Dave said, we're in the middle of about six projects outside this house so hopefully someone will appreciate it.

Mr. Evans – Okay, we talked in caucus a little bit about it. We do have the homeowner's association approval. Other thoughts, gentlemen?

Mr. Baldin – It makes sense from what she is saying and I understand where you're coming from. I don't have a problem with it.

Mr. Houlé – They have it about as close to the house as they could start it and by putting it any closer they couldn't really do that. The lot doesn't really have that kind of depth to go back the extra 4'6" that is required. It's quite minimal.

Mr. Evans – Thank you. All right, anything else? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, I would like to make a motion to approve a request for a 4.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 31.5' Rear Yard Setback is proposed in order to install a 480 SF Covered Patio; property located at 15041 Hartford Trail, PPN 399-24-015, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, the variance has been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. I hope that you have lots of sunshine when the problem is complete. For now, you're all set.

Ms. Strange – Thank you.

5) **BRIAN KELLOGG, OWNER/Jim Kennedy with Ohio Custom Pool and Patio, Representative**

Requesting a 38 SF variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 120 SF Floor Area Accessory Structure exists and the applicant is proposing a 110 SF Floor Area Addition to the existing Accessory Structure; property located at 14471 Pin Oak Drive, PPN 398-07-040, zoned R1-75.

Mr. Evans – Item number (5) on our agenda is Kellogg on Pin Oak Drive. If you would come forward and state your name and address for the record please.

Mr. Kennedy – Jim Kennedy, I'm Director of Operations for Ohio Custom Pools, 14685 Ali Avenue, Middleburg Heights, Ohio. I'm representing Brian Kellogg.



Mr. Evans – Tell us about the project and why you need to position it where it would be and the need for a variance.

Mr. Kennedy – We're asking for 38 additional square feet. There an existing shed in the project and we're trying to sharpen it up I guess a little bit. Its an eyesore now and we can make it fit the project and it'll be an asset to the project.

Mr. Evans – I don't think we had any questions in caucus. We do have the homeowner's association approval from Pine Lakes. Any questions or comments, gentlemen? Compared to some of the recent pergolas and covered areas that we have approved this is a relatively small request.

Mr. Baldin – You're just adding a little to the existing shed?

Mr. Kennedy – It's going to be a covered area with pillars and an outside bar.

Mr. Evans – Okay. I think it'll be fine. It'll add to what you have with the pool. You have a nice spot. Here are some prints that you can have back.

Mr. Evans – Any other thoughts?

Mr. Hayden – No.

Mr. Evans – No.

Mr. Evans – Thank you. All right, anything else? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, I would like to make a motion to approve a request for a 38 SF variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 120 SF Floor Area Accessory Structure exists and the applicant is proposing a 110 SF Floor Area Addition to the existing Accessory Structure; property located at 14471 Pin Oak Drive, PPN 398-07-040, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, the variance has been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. For now, you're all set.

Mr. Kennedy – Thank you.

**6) CVS 4200 OH LLC/Dan Bertke with Archer Sign, Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits two (2) Wall Signs and where one (1) 15.75 SF additional Wall Sign is proposed;
- b) Requesting a variance from Zoning Code Section 1272.12 (c), which does not permit a sign, and where one (1) 19.25 SF North Elevation Wall Sign is proposed;
- c) Requesting a 55 SF Sign Face Area variance from Zoning Code Section 1272.10 (c), which permits an 81.0 SF Sign Face Area and where a 136.0 SF Sign Face Area is proposed along secondary frontage on the north elevation; property located at 13777 Pearl Road, PPN 396-17-023, zoned General Business (GB).

Mr. Evans – Item number (6) on our agenda is CVS on Pearl Road. If you would come forward please and state your name and address for the record.

Ms. Nichols – My name is Linda Nichols. My address is 1917 Henry Avenue SW in Canton.

Mr. Evans – Thank you, Ms. Nichols. Were you in caucus to hear our comments?

Ms. Nichols – I'm sorry, no.

Mr. Evans – Why don't you take us through the project, what it is that you need and why and we'll go from there.

Ms. Nichols – This is a rebranding of another CVS Pharmacy that is done by the sign company. What were learned through investigation of going through the process is the one elevation where there is an existing Minute Clinic sign, I believe, in the past that was not properly permitted. They're asking for that Health Hub cabinet to replace the Minute Clinic sign. That is part of the request. They are still wanting that sign even though the other sign was not properly permitted. The public is used to seeing the sign. It's part of their new branding and it's switching out of that particular sign and it's slightly smaller. Then the CVS Pharmacy letters on that side are also

slightly smaller than the existing and then on the right-hand side of the main doorway is a replacement sign to match the other elevation.

Mr. Evans – The signage now would be illuminated?

Ms. Nichols - Yes.

Mr. Evans – It has not been in the past. There was a communication that was submitted by Michele James on April 13 from Archer Sign. She indicated the customers were used to seeing the Health Department within the store and would be confusing if the letters were taken down and not replaced. I would seriously question that. The public, I think, given what has been going on know where CVS is. You have a prime location at the center of town. In caucus we talked about the fact that recently the City has revamped its signage Code and part of the reason they did that is that every business in Strongsville would like to have gargantuan signs like in Las Vegas and we don't do it that way. So, what we have allowed by changing the Code is that you can take the entire square footage that you are permitted and within that we have allowed applicants to break that up into packages or smaller areas so that they can have signage on different sides. I would suspect that if CVS went with a 1' by 6" sign, everybody would still know where CVS is. Same way that they know where McDonald's is. I don't know that that would work but the point is that everybody knows where CVS is. We want every business to be successful but our problem is that when we grant variances particularly for signage everybody sees it and they come in and say they want one too but bigger or flashier. So, our problem is that we've revamped the sign Code because we thought that that was the right way of doing it where we take the total square footage and divide it up in signage. Rite Aid, if you're familiar, recently redid their signs and they wanted bigger signage as well. We explained to them what the process was and we explained how we arrived at the conclusions that we did and they decided that that would work for them. At this point I think the Minute Clinic becoming the Health Hub, I don't think that that is necessarily a problem but going from 81 to 136 square foot, that is a problem. I think that that's not quite doubling but it's getting pretty close to going with additional signage and I don't know that we would be disposed to do that. In particular, again, when we look at the way the formula is set up, we were, sort of, guidance for the City Council in terms of using that formula, taking the entire square footage and allowing it to be broken up there have been probably between 20 and 30 commercial establishments that have used that as a guideline and been able to get it in and have been very successful once they have repositioned signage and went within what was then permitted by variance and now as part of our Code.

Ms. Nichols – May I ask, the way they have the drawings laid out is that the new signage is slightly smaller than what is currently on the building but you're still saying that that is over the total allowed?

Mr. Evans – Yes, because what we discovered is that CVS didn't get a variance to do that for the Minute Clinic and the size of the signs. I think if I were being honest, I'd say at the time we were thrilled that CVS was coming into town and the signs appeared and I think we probably didn't

make them take them down but now that you're changing the signs it's like we can't ignore it. We have to look at it and understand and the other example that I would give is that when McDonald's did their new signage about a year and a half ago they had, sort of, the same situation that they were asking for what they had which was much more than what was permitted and we found that it needed to be downsized. They've done that and they still seem to be successful despite the pandemic. Again, the example I'm trying to allude to is that we want every business to be successful but we don't feel that the size of the sign always dictates the success and some many other have been able to make it work we're, sort of, tending to say that we're hoping that CVS would hopefully consider.

Ms. Nichols – Forgive me, I don't know if Michelle that was heading up this realized that the current CVS signs were over-sized. I think she was only thinking that the Minute Clinic was not. Not the existing CVS letters so would you tell me what the total allowable is and they'll have to split that up?

Mr. Evans – Brian?

Mr. Roenigk – Total allowable is 202.5 square feet.

Ms. Nichols – For all three signs?

Mr. Roenigk – Yes.

Mr. Evans – The two would take up the bulk of that and the Health Club would be much smaller.

Ms. Nichols – Okay, they will have to redo their drawings.

Mr. Evans – My question is going to be that we can act on what is presented tonight. You can hear from us that we will act on anything and while we want businesses to be successful we would be probably reticent to approve the variance as it stands right now. So, I don't know whether you have the authority to make decisions for them or you need to go back to them. If it's the case of going back to them to look at it and work with the Building Department to come up with a better solution, this can be tabled and reconsidered at the next meeting. How do you want to proceed?

Ms. Nichols – I can make the decision to table and ask them to rework the drawings then that would give us another chance to come back and then we may not need a variance. If we decide to have you go forward and vote on the variance today and it's denied then they would have to start over, correct?

Mr. Evans – Yes.

Ms. Nichols – If we table is that another month?

Mr. Evans – Another two weeks.

Mr. Kolick – We'll have the Public Hearing tonight. We won't need to re-advertise so they can get on the next agenda as long as the drawings are received in sufficient time.

Ms. Nichols – What is that date?

Mr. Kolick – Kathy, when would you need the drawings by?

Ms. Zamrzla – Are you talking about re-advertising?

Mr. Kolick – No, we'll hold the Public Hearing tonight. When do your packets go out, the Thursday before?

Ms. Zamrzla – You already have them.

Mr. Kolick – Okay, but when could they go out? The Friday before the Wednesday meeting?

Ms. Zamrzla – I can email the plans to all of you whenever I receive them.

Mr. Evans – That's exactly what I was going to say.

Mr. Kolick – We'll want to post it so the Friday before the next meeting. The next meeting is May 26 so the 21<sup>st</sup>. You have to have the paperwork in to Kathy by the 21<sup>st</sup> so you can get on the next agenda.

Mr. Evans – We would probably want her to submit an electronic copy then so that it could be sent out to the board.

Ms. Zamrzla – Or I would scan it.

Mr. Evans – It would be easier if Ms. Nichols prepared an electronic one. In other words, we already have our agenda for the next meeting. If you send them electronically to Kathy by the 21<sup>st</sup> she can send it to us and we'll review it.

Ms. Nichols – We'll watch the dates closely to make sure. We would like to table it for now.

Mr. Evans – Don't table it just yet. We want to do the Public Hearing first so we don't have to re-advertise. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? Hearing none and seeing none I will declare the Public Hearing closed and entertain the request to table. So, now we will wait for you to get that information to Kathy. If you

have questions I would suggest that you call the Building Department to say this is where we're at and what we're thinking. The idea is within the 202 square feet.

Mr. Roenigk – Mr. Chairman, may I make a suggestion?

Mr. Evans – Yes.

Mr. Roenigk – Mike Miller is the Building Commission and I would suggest calling him to get all the numbers verified and your second sign has to be 40% of the main sign so you probably want to go over that with him before redrawing.

Mr. Kolick – You may not even need a variance if you get within the square footage.

Mr. Roenigk – Thank you and he is the one who determines that.

Mr. Evans – And again, we've done that because we did many, many variances. We, sort of, fell into that formula, if you will, and it has worked for businesses and that's why City Council has adopted it as the sign standard and if we can work within that it would take away the need for you to be here on the 26<sup>th</sup>. You are all set for tonight.

Ms. Nichols – Thank you.

7) **CHRISTOPHER AND ISABELLA BARILE, OWNERS**

- a) Requesting a variance from Zoning Code Section 1252.29 (b) (1), which prohibits an In-Ground Swimming Pool to be located in the side yard and where an 810 SF In-Ground Swimming Pool in a Side Yard is proposed;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 0' Side Yard Setback is proposed in order to install an 810 SF In-Ground Swimming Pool; property located at 10758 W. 130<sup>th</sup>, PPN 398-21-014, zoned R1-75.

Mr. Evans – Item number (7) on our agenda is Barile on West 130. If you would come forward and give us your name and address for the record.

Mr. Barile – Chris Barile, 10758 West 130 Street in Strongsville.

Mr. Evans – Thank you, Mr. Barile. You have a request for two variances here tonight. One is for the side yard and the other is for a zero-yard setback. Tell us about the project and why you need it on the property line.

Mr. Barile – Okay, well, I know it's a side yard but it's kind of not a side yard. It's behind the back patio.

Mr. Evans – It's a technical term and we understand that.

Mr. Barile – The building that I put up and had to get a variance for is hindering where I could place the pool. The water problem, the river I have coming through the back yard is also not letting me put the pool setback further. Everybody would have to walk through all that every time we have to go to the pool. Another thing is it would be nice to have it closer to the raised patio so me and my wife and family could sit and watch the kids. It is 10' off the fence. The property is all fenced in on that side by the fence is going to be 18" coping and the rest is going to be artificial grass so there's not going to be concrete all the way to the fence.

Mr. Evans – Say that again because the drawing seems to indicate that that was all going to be concrete up against the property line.

Mr. Barile – No, I'm going to do a scratch pad of concrete and I do concrete every day so I don't want to look at it so we're doing pavers on top and that side is going to have an 18" coping and the rest is going to be artificial grass. I have a drawing on my phone.

Mr. Kolick – Brian, if he has artificial grass would you consider that as part of the structure that goes to the fence?

Mr. Roenigk – I would not.

Mr. Kolick – Okay, what I'm concerned about is this artificial grass, how does the water drain off? Is it like a football field type of grass?

Mr. Barile – Correct, they are installing it with stone along the property line and it's in the plans too. I have a 6" pipe running all the way on the side property that is going to connect into the swale to catch the water. It's like a regular grass, maybe better with a stone base underneath.

Mr. Kolick – You're going to be 1 ½' off the property line, is that correct? Not with the grass but with the pavers?

Mr. Barile – No, 9' away from the property line.

Mr. Evans – The pavers are 18" right?

Mr. Barile – Yes, the pool is about 10'.

Mr. Roenigk – 9.56.

Mr. Barile – I'm going to push it so it's 10'. So, with the coping I might be 1' or 18" and the remainder 8 ½ or 9' is going to be the artificial turf.

Mr. Kolick – The pavers will be how far from the property line?

Mr. Barile – 8 ½ or 9'.

Mr. Kolick – Okay, that changes the variance. It requires 15'.

Mr. Evans – You're talking 6 ½' variance then.

Mr. Kolick – Brian, is that the way that you would interpret that?

Mr. Roenigk – Correct.

Mr. Evans – Okay, that is a lot better. Frankly that is one of the concerns that we had.

Mr. Baldin – Why couldn't you move the pool over?

Mr. Barile – I have the raised patio and that is where the steps come down so you walk down the steps and if I moved the pool over you're, kind of, walking down the steps into the pool. For the placement of the pool it's going to be for people walking in the back yard to get to the raised patio and the far back yard, if that makes sense.

Mr. Baldin – You have a big yard there. I think right now you're showing you're 12' from the pool to the deck?

Mr. Barile – Correct, from my raised patio to the pool.

Mr. Baldin – You're 10' from the pool to the other building?

Mr. Barile – Yes, and I am going to move that over 6" because it was like 10' 6". I have the drawing and that's what my buddy the landscaper came up with where it's going to be part of people walking through my back yard. He made it nice not all concrete so it will not look gawdy. A lot of bushes, trees, landscaping. That is why I don't want to go tighter on that side.

Mr. Baldin – The fence that you have on that side of the house do you plan to extend that further back?

Mr. Barile – The privacy fence? Yes. We're going to take that all the way past my neighbor's shed. So, I believe it's six sections. It's a DeFazio fence, that's my buddy.



Mr. Baldin – It's not going to be noticeable by the neighbor's next door and on the other side you have whatever that other building is. What is that size?

Mr. Barile – Sixty by thirty.

Mr. Evans – All right. Other questions?

Mr. Baldin – Not really.

Mr. Houlé – No.

Mr. Evans – All right, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? If you will come forward please and Mr. Barile you can have a seat here. We will need your name and address for the record.

Ms. Novak – My name is Christine Novak. I live at 10806 West 130 Street. We're two houses away from Chris and we already get a lot of water. I know you're going to do something about that eventually, right?

Mr. Barile – The one neighbor sends his water to my house and the next neighbor sends it to you.

Ms. Novak – Exactly and we're the last before it goes into the creek and our yard is eroding since he built that house and he built the property up 12" or something. We're getting way more water than we've ever had. We've had a lot of rain this spring. It's very wet back there but I think he needs to put a pipe in all the way to the creek so that the water is draining underground instead of going over the top.

Mr. Evans – Okay, so Ms. Novak, the request here for the patio and surrounding the pool and the reason for the variance is because they're going closer to the property line than what the Code permits. Have you ever talked with our City Engineering Department about the problem?

Ms. Novak – They were there last year and we got a letter saying what he was going to do. Nothing has been done yet, probably because of the pool going in. It's just that I think you were going to put a pipe across Ray's yard next door.

Mr. Barile – I am working on the pool and the drainage.

Ms. Novak – My thing is with more concrete being there, there is no place for the water to go. It's not going in the ground. It's going to be running off and I have no objection to the pool but it's a lot of concrete and it's going to make a difference with the water situation on my lot.

Mr. Evans – All right, the concrete the way that it's been described by the applicant isn't going to go along the property side towards you. It's going to be pavers, which are a solid surface that would be 18" wide from the pool. The other distance to the fence is going to be artificial turf which is a mesh woven type of material which allows water to saturate through it. I don't know what the ground is going to be like. He indicated there is going to be stone under that so the water gets under the ground rather than running off. It's not that the whole area is going to be concrete. That isn't to say that the concrete between the building and the pool is going to be there but I don't think that water it going to go over the pool to get anywhere. It might come off the back end.

Ms. Novak – It'll go around it though.

Mr. Evans – It most likely would, yes. Brian?

Mr. Roenigk – Thank you, sir. The drawings that everyone has shows new drainage put in by the owner. The Engineering Department has looked at this and has no problems with what he is going to do. There is drainage piping being put in. Drainage in the concrete, a new pipe tied to an existing French drain. If he follows this drawing exactly, the Engineering Department doesn't have a problem with it but if he does anything even remotely different from what is on here, he has to go back to the Engineering Department. This drawing shows a pipe on the border of the owner's house and Mr. Milia, which this drawing will need to be signed off by the neighbor for putting this pipe down the middle of the property. As I stated the Engineering Department is aware of the water issues. They have no issues with this drawing as long as it's done completely and exactly as this drawing shows. The Engineering Department would have to approve any changes.

Mr. Evans – Ms. Novak, I'm guessing you haven't seen any plans?

Ms. Novak – I have not.

Mr. Evans – The Engineering Department is aware that there's a water problem. They have approved drainage, which is part of the permanent application and for the variance that they believe will mitigate, if not all, most of the water that's going to be created from runoff in the area here. So, if the Engineering Department has signed off on that as a part of this proposal then at that point he has to do that in order for it to receive final approval from the City. I can't guarantee at this point that it's going to solve a water problem that may be there now but it should not create any additional problem and if in fact it does create a problem then the Engineering Department is going to be there and if what is proposed doesn't work then the Engineering Department will work with Mr. Barile to figure out what would work then. By their estimation this plan includes putting in drainage as part of the project and would be part of the variance approval should that be granted. Okay. What I'll do, is this is a public document? I'll give you mine so that you'll have it. I don't know that that will necessarily answer any questions for you but that is part of the plan that has been submitted to the City. Okay? All right, if that is the case does that at least begin to answer your objection.

Mr. Baldin – You made a comment that you feel that the home is so much higher than the rest of the property in the area. Do you know that for a fact?

Ms. Novak – Oh, yes.

Mr. Baldin – Brian, as an individual I assume it was an empty lot.

Ms. Zamrzla – Mr. Chairman, would you ask Mr. Barile to come to the microphone.

Mr. Evans – Yes, the rest of the comments he made that weren't picked up I'm not worried about but we want to get this response on the record.

Mr. Barile – Yes, so before we built it was a wet land so everyone in the neighborhood threw grass clippings and wire and so on on my empty lot and the water was sitting in there. When I built it changed where the water was going. My yard and my property drains where I was approved from the City. It goes in the swale and just like the neighbor's water it goes into the swale. The problem is my neighbor on the north side spent his money, put the pipe in with my loaned equipment, put the stone in 6" and then my one neighbor thinks no water should be in his property. So, he wouldn't pay so the City proposed why don't I pay and I have an Italian 100% wife and she said we're not paying one cent. So, we spent all this money, our property is beautiful, he hasn't touched his in what looks like twenty years so why should we pay. I was going to let my neighbor to the north use my machine and use his time to dig it. If that homeowner has spent the money for the pipe and the stone and we could have continued it to that drain. I don't know why I move in there and everyone thinks I should solve everyone's water problems.

Mr. Evans – Brian, it is not unusual that a house would be elevated when it's constructed, that is not something that is not uncommon in our City.

Mr. Roenigk – That is correct. The Engineering Department would have addressed that during the build. It would have to have been approved.

Mr. Baldin – The grade may have been lifted up and so forth because it was a wet land before. You being a contractor and having equipment and concrete, how big is the house?

Mr. Barile – 3,900 square feet.

Mr. Baldin - I can understand where people are coming from but the City approved it.

Mr. Barile – I put pipe going down the one neighbor's side then the other neighbor and two trench drains and I've spent tons of money on pipes and drains and for some reason no one understands and I see all their yards. I take video's and pictures. I'm not happy with mine either with the river going through it but the City told me it comes from Albion and runs through and that's how it was planned and we're going to work around them and put stone and plants there.

Mr. Baldin – By the time you're all done and grade it and shrubbery and so forth you probably won't notice the water.

Mr. Barile – You know what, all of that area over there, I'll have a thousand bushes and trees in that area and it's going to soak up the water. I'm trying to do the right thing. I don't know. For me to pay for everyone's stuff I don't think is fair either. When they never had dry back yards even before I built my home.

Mr. Kolick – Mr. Chairman, what the City Engineering Department is going to be concerned about for the applicant is that whatever you do there it neither increases the volume of the water going across your neighbor's yard or increases the quantity across, they're going to want you to design your drainage system in such a manner that it's not making the problem worse. Understand you can't fix everybody's problems and the water will continue to drain back there but they will require that you don't add to the problem that's back there either by the force of the water or the quantity of the water going in. Keep that in mind and my suggestion with this Board is that that you make any approval subject to the Engineering Department approval of any drainage of this additional area and we'll bring it to the City's attention and the other thing is you do have to get to the Building Department and redo your drawing to show them where the pavers are going to stop, where the artificial grass is going to go in because we have to have a correct document on file reflecting what you're saying here. This looks like, according to the drawing you gave us, you're taking the pavers all the way to the property line. That's what it looks like.

Mr. Barile – I have the big sheets that the guy that drew up had ten different angles and showed what the back yard is going to look like when it's done.

Mr. Kolick – If this variance is granted, you need to get up to the Building Department to share the drawings because I do know and we know as a City there is a problem with drainage in this area behind your house and other houses in the area and the other individuals. We don't expect you to fix the problems but we don't expect you to add to the problems either. You may have to supersize certain things or install French drains or whatever the Engineering Department is requiring. The other thing is I heard the pipe going on the property line, is the property owner on that side in agreement with the pipe going on their property?

Mr. Barile – Yes, he used my machine and dug it himself. We did have the pipe and mine and his and even that helped her and my other neighbor and then all this was going on and they made us take the pipe out and it's the same if not worse without or with the pipe. You get that heavy rain it's bad.

Mr. Kolick – We understand heavy rain is going to cause problems that we can't stop but we try to alleviate problems where we can. If we're going to approve this you can make it subject to the Engineering Department approving any drainage on the property.

Mr. Evans – You understand what we’re saying is that we don’t expect you to solve everyone’s problems but you can’t add to it. If we were to approve this we would condition it that the Engineering Department would have to approve the plans.

Mr. Barile – I want to put on record if he would pay for it we would put that pipe in and connect it to mine and run it to that thing but I’m not paying for the pipe and stone in his yard. If I wasn’t putting a pool in and doing the concrete I would have done that whole area and outside and now my raised patio is covered. I probably would have done a lower concrete patio because my neighbor got approved for two feet off the property line. Something was going to go there. I’m trying. Whatever you guys tell me to do I’ll do as far as drainage goes.

Mr. Evans – All right, Mr. Barile. Thank you. Ms. Novak, is that agreeable to you?

Ms. Novak – Yes.

Mr. Evans – Thank you. All right, with that conditioning then, was there anybody else who wanted to speak against the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Baldin – Mr. Chairman, I’d like to request a variance from Zoning Code Section 1252.29 (b) (1), which prohibits an In-Ground Swimming Pool to be located in the side yard and where an 810 SF In-Ground Swimming Pool in a Side Yard is proposed and b) request a 6.5’ Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15’ Side Yard Setback and where an 8.5’ Side Yard Setback is proposed in order to install an 810 SF In-Ground Swimming Pool; property located at 10758 W. 130<sup>th</sup>, PPN 398-21-014, zoned R1-75 be approved subject to the Engineering Department approving all drainage on the property.

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:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, the variances have been granted subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. In the meantime, get your revised plans to the Engineering and Building Department. You’ll be notified by the Building Department at the conclusion of the twenty days if City Council does not object and then you can move forward with the project. For now, you’re all set.

Mr. Barile – Can I order the pool? They’re like 90 to 110 days out and we’re not planning....

Mr. Kolick – Mr. Barile, we can't guarantee whether City Council will review this or not so we can't tell you whether this variance is going to be final until the twenty days is up. At the time the twenty days is up then the variance request would be final and you can get with the Building and Engineering Department to see how you can proceed forward. Okay? If you want to take the chance it's up to you.

Mr. Barile – Once I order it, it is mine. So, either I have to move or...

Mr. Kolick – We can't guarantee what will happen for at least twenty days.

Mr. Barile – Okay, I'll wait the twenty days.

Mr. Evans – City Council does not necessarily overturn a lot of decisions but I wouldn't want yours to be the one and then you would have a pool that you couldn't do anything with. The obvious answer is to wait.

Mr. Barile – Okay, I'll just wait.

Mr. Evans – Okay, thank you.

8) **AEL HANNOUSH AND RAMIA ALHANNA, OWNERS, Heather Fry with Debo's Paving, Representative**

- a) Requesting a 30' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to install a 16' Round Concrete Patio;
- b) Requesting a 14' 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 16' Round Concrete Patio encroaching 14' beyond the main dwelling into the Side yard Setback; property located at 19342 Trillium Trail, PPN 392-20-052, zoned R1-75.

Mr. Evans – Item number (8) on our agenda then is Hannoush on Trillium Trail. Would the representatives come forward please and we'll need your name and address for the record?

Ms. Fry - Heather Fry, 3106 West 101 Street.

Mr. Evans – Thank you and why don't you go ahead and start and if anyone else needs to speak we'll have them add their name and address as we go through it. Why don't you tell us about the project? We talked in caucus about the positioning and why it's a problem.

Ms. Fry - All right, so the property line now that it's laid out like that is about 5' different so we will follow whatever guidelines to shorten the walkway and pull that in. The reason that area in the yard is used is because the rest of it is sloped and there's a lot of trees and they have spent money removing trees and flattening that area just to increase the usability of their yard. We clearly need to move it and follow the guidelines set forth.

Mr. Evans – We have all been out to visit the property. We visit all the applications that are on the agenda. Sometimes people are home; sometimes they aren't. The question that I would have is yes, I know they want to utilize as much of their yard as they could. We already know that you have to move it at least 5' because the property line was incorrect. Could it be moved another couple of feet off so it's not as close to the property line to reduce the variance rather than being a 14' variance or, I'm sure, the rear yard setback is 30' that could be brought in maybe another 10' or something like that. I understand from my memory where the trees are back there but our job is to try and minimize the variances. The bigger the variances the more likely that City Council will look at it or people will call. You already know that you have to move it in some. Could that be adjusted more, say another 10'? Realizing that the applicant can ask whatever they want but part of our job is to take a look at how it impacts the neighbors and try to figure out what the right thing is.

Ms. Fry - The walkway right now is about 35 1/2' so if we shorten that to more like 20' and still do the 16' diameter patio with the fire pit and that should bring it in.

Mr. Evans – Another 10' at least.

Mr. Baldin – We'll need another print so we know exactly where it would be going.

Mr. Roenigk – Yes, they will have to resubmit.

Mr. Evans – They will have to resubmit. I think, Rich, if we know what to grant as a variance yes. I'm thinking that would be okay because the Building Department is well aware of what we're doing so they know that there has to be changes and that we're requiring more of a change.

Ms. Fry - We will have to look at it and redo the plan. From the property line, really it should be 15' from the neighbor's property line, correct?

Mr. Evans – Correct.

Mr. Kolick – Mr. Chairman, I think they need to go back and we can complete the Public Hearing but maybe they need to go back and find out where the property lines are and resubmit the drawings so that we have the correct numbers for the variance rather than trying to guess at this. It's too much. Let's have the Public Hearing.

Mr. Evans – This is like the CVS one. You need to do some homework to figure out what the right way is. We can go ahead with the Public Hearing and then table it until the next meeting or however long it takes for you to negotiate the plans and whatever based on where we're at now.

Ms. Fry - Okay, the next meeting is May 26 and we have to get the plans to you by May 21?

Mr. Kolick – Correct.

Mr. Evans – Yes.

Mr. Baldin – I'm sure you can understand. All of us that looked at that property we all saw and thought the same thing that something is wrong here. I saw that automatically. I'm glad this came up that the measurements are off. I felt that right away when I was there.

Mr. Kirallah – That's my fault. To my knowledge my line was way out.

Mr. Baldin – But you started without a permit.

Mr. Kirallah – I didn't know I needed a permit.

Mr. Baldin – That's another reason why it's off too.

Mr. Evans – So, why don't you have a seat and we'll do the Public Hearing. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? Come on up to the podium and state your name and address for the record please.

Ms. Fannin – Diane Fannin, 19324 Trillium Trail. This is such an uncomfortable position. After we received the letter I did call the Building Department and Nicole sent us a copy of the plot map and we went out and measured and saw that everything was on our property and as it is I love the zoning ordinance the way it is because it helps to keep our privacy. So, I would hope that that would be upheld so that our privacy could be maintained in our back yard.

Mr. Evans – You are an immediate neighbor?

Ms. Fannin – Yes, the patio that was started is partially on our property right now.

Mr. Evans – So, we have already determined that was done incorrectly and what they're talking about now is that it should be 15' off the property line. So, what we talked about tonight is them redoing the plans so that it moves to 15' off the property line, which the requirement is. Technically, if they're moving 15' off the property line, it won't require a variance. Part of it is getting straightened out where the property line is. If they come off the property line the 15' the only thing that is going to be needed is a rear yard setback variance because it requires a certain



setback in the back and we're saying maybe that can be reduced but it would still be 15' off the property line.

Ms. Fannin – Thank you.

Mr. Evans – Does that then respond to your complaint? It doesn't make the patio go away.

Ms. Fannin – I don't want to stop them from getting their patio. I just want to maintain our privacy there and I suppose putting it back very far would also compromise our privacy but definitely keeping it away 15' from the property line would help.

Mr. Evans – Okay. All right, very good, thank you.

Ms. Fannin – Thank you everyone.

Mr. Evans – Is there anyone else who wishes to speak against the variance? Hearing none and seeing none I will declare the Public Hearing closed. Ms. Fry we can have you back up to the podium and with the conclusion of the Public Hearing...

Mr. Kolick – Mr. Chairman, with this one since we don't know what their plan will look like my suggestion is to leave the Public Hearing open and move it to the next meeting so when they do submit their plans if they still need variances anybody else who may can check the City records to see the changes and come to the meeting in case they're seeking other variances. So, with your permission we will table the Public Hearing until you submit your plans which will hopefully be by the 21<sup>st</sup>. If you don't need variances you can withdraw your application. If you do need variances we will know the new numbers and anybody can come up to the City on the 21<sup>st</sup> and look at the plan or come back to the next hearing here and we'll conclude the Public Hearing then.

Mr. Evans – So, what we're saying is there are two variances that you're asking for today, the side yard, which we have determined we're going to make that one go away because you're going to be 15' off the property line if I understood this conversation correctly.

Mr. Kirallah – I don't think I'm going to be able to move that far.

Mr. Evans – Well, that's what you're going to go back and work on. If it doesn't work and there has to be a variance then that's what we'll have to discuss at the meeting on the 26<sup>th</sup> which is why we don't want to close the Public Hearing. We don't know if there will be variances or not. You say you're going to try to do that but if not, we'll have to figure out what to do then. The rear yard setback is the other piece. Right now, you're asking for a 30' variance. Common sense would say that you would probably want to come in off that as well so that the variance isn't 30' from a 36' requirement. That's a pretty steep variance request. Okay?

Ms. Fry- It definitely can not be as far back on the property because there's a huge tree. It's very limited in area.

Mr. Evans – Okay. You need to go back and do your work and get it to the Building Department by the 21<sup>st</sup> and we'll take it up on the 26<sup>th</sup>. Okay? I need your name and address.

Mr. Kirallah – My name is Deeb Kirallah. I live at 28080 Bassett Road in Westlake. I thought you needed it to be 36" from the property line.

Mr. Roenigk – The side yard property line?

Mr. Evans – Yes, for a patio.

Mr. Roenigk – There is no requirement for a patio off the side property line. The patio has to be behind the house as established by the building itself. It's actually 14 ½' off the property line. That puts the patio behind the house. There are no requirements for off the property line for a patio. That is not how the Zoning Code is written.

Mr. Evans – I stated that wrong so what you're saying is it has to stay behind the line of the house?

Mr. Roenigk – The side of the house as established by the building, which would be the garage wall to the east. That is 14 ½'. If they're 14 ½' off the property line they are behind the house.

Mr. Evans – So, I said that wrong. I apologize but it's the line of the house, not the setback off the sideline. They are virtually the same, 14 ½' versus 15'. Does that make sense?

Ms. Fry- Yes. The variance we're asking for is because it goes beyond the side of the house.

Mr. Kolick – Correct.

Mr. Evans – Yes.

Mr. Kolick – That's the one variance.

Mr. Kirallah – Thank you.

Mr. Kolick – Do agree to table it then until you're ready and then you will return for another meeting.

Ms. Fry- Yes.

Mr. Kolick – For anyone in the audience regarding this they'll have the paperwork back into the Building Department and you can see what the plan is and you could come up to future the meetings then.

Ms. Evans – Ms. Fannin, do you understand that they're going to resubmit drawings by the 21<sup>st</sup> and after that date you could come up to City Hall to look at the plans and see whether you would want to speak about this again?

Ms. Fannin – Yes.

Mr. Evans – Thank you. Is there anything else to come before the Board tonight? If not, then this matter is table and we will stand adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathy Zamrzla, Sec'y

July 7, 2021

Approval date