

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

**Meeting of
October 5, 2016
7:30 p.m.**

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

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Mike Miller

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) JOSEPH WILSON AND MICHELLE ZIERNICKI, OWNERS

Requesting a 6' variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 1,350 SF Deck 6' into the side yard; property located at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

The Board saw no issue with this variance request for a handicapped entrance. They noted an HOA letter will be available at the next meeting.

2) JANE AND LESTER CHIDSEY, OWNERS/Moscarino Outdoor Creations, Inc., Representative

Requesting a 9.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 26.5' Rear Yard Setback is proposed in order to install a 112 SF concrete Patio; property located at 9707 Huntington Park Drive, PPN 39521-065, zoned R1-75.

The Board saw no issue with this variance request.

PUBLIC HEARINGS

3) HARDIP SINGH, OWNER/Jim Randall with NEO Fence, Representative

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 construct a 465 SF Deck; property located at 16873 Rabbit Run Drive, PPN 397-10-076, zoned R1-75.

The Board saw no issue with this variance request.

4) ALBION WEBSTER DEVELOPMENT CO, LLC /Michelle Sorenson, Representative

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' Rear Yard Setback and where a 31' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 14121 Glenbrook Drive subplot 43, PPN 398-19-115, zoned R1-75.

The Board saw no issue with this variance request.

5) DIANE WOLF- HERZING AND KEITH HERZING, OWNERS

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 35' Rear Yard Setback and where a 18' Rear Yard Setback is proposed in order to construct a 243 SF Addition; property located at 17101 Ridge Point Circle, PPN 396-06-011, zoned PDA-2.

The Board saw no issue with this variance request.

6) BRYAN AND JENNIFER COWAN, OWNERS

- a) Requesting a 39' Side Yard Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Side Yard Setback and where an 11' Side Yard Setback is proposed in order to construct a 128 SF Chicken Coop;
- b) Requesting a 43' Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Setback from all adjoining residential lot lines or any residence and where a 7' Setback from the nearest dwelling is proposed in order to construct a 128 SF Chicken Coop; property located at 19293 Lunn Road, PPN 393-27-003, zoned R1-75.

The Board noted that they had the Fire Department check on this request. They also noted that they received a letter from the County Board of Health. They stated that it comes down to their approval on this request. The Board commented that they did not think that the property in this residential setting is an appropriate place for a chicken farm due to odor, other animals, proximity to this dwelling and other houses, and the precedent that this would set for the future.

7) WESLEY AND SHARON CRABIEL, OWNERS/Bruce Stone with Yard Smart, Inc., Representative

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 208 SF Unenclosed Patio 7' into the side yard; property located at 14626 Windsor Castle Lane, PPN 393-20-085, zoned R1-75.

The Board commented that they thought this would be a nice improvement to this property. The Board saw no issue with this variance request.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative

- a) Requesting a 644 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,644 SF Floor Area is proposed in order to construct a Garage Addition;
- b) Requesting a 7' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 50' Front Yard Setback and where a 43' Front Yard Setback is proposed in order to construct a Garage Addition; property located at 10306 Pamela Drive, PPN 391-27-020, zoned R1-75.

The Board specified that these are alternative plans from the previous variance requests. The applicant has cut the square footage approximately in half, and they discussed the specifications on the drawings. It was commented that this is still a huge garage proposed by the applicant. The Board also noted that the neighbors have been contacted about these changes. The Board indicated that a public hearing is not needed since it was already done at the last meeting, but they could choose to do another hearing since there are major changes to this request.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

October 5, 2016

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Miller, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this October 5, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL AYES

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. Thank you, this evening we have minutes from our September 21st meeting. There was one minor change on page 8, and if there are no others I will submit them as presented. Our meetings are divided into two portions; first is new applications and then the public hearings. We will ask that each of those individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

NEW APPLICATIONS

1) JOSEPH WILSON AND MICHELLE ZIERNICKI, OWNERS

Requesting a 6' variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 1,350 SF Deck 6' into the side yard; property located at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

Mr. Evans – First on our agenda is Joseph Wilson and Michelle Ziernicki. Please come up to the microphone and give us your name and address for the record.

Ms. Ziernicki – My name is Michelle Ziernicki. Would you like our current address or this property?

Mr. Evans – Current address would be fine.

Ms. Ziernicki – 14382 Hastings Court, Strongsville.

Mr. Evans – Thank you.

Mr. Wilson – Joseph Wilson, 14382 Hastings Court, Strongsville.

Mr. Evans – Please give us a description of your project, what you are requesting, and why it needs to be done.

Ms. Ziernicki – What we are requesting is a 6' side yard variance for access to the rear yard. It will include steps and a deck. This is for handicap access because we don't have any access otherwise. We have already widened our sidewalk to give us access to the backyard. I'm going to show you pictures of the existing ramps that we have. This is for family members; my parents as well as Joe's sister.

Mr. Evans – If you want to submit those pictures to us you can, but I don't know that it's necessary. I think we're all pretty familiar with what a handicapped access is. As I understand it, some of our members have already been out there. The rest of us will be out prior to the next meeting. This is a cul-de-sac lot, and there's a drop off in the back as I understand it. I also understand that you have gotten an approval letter from the HOA which will be emailed to Kathy tomorrow. Are there any questions or comments from the Board members?

Mr. Rusnov – No questions.

Mr. Baldin – No.

1) **JOSEPH WILSON AND MICHELLE ZIERNICKI, OWNERS, Cont'd**

Mr. Smeader – No questions.

Mr. Evans – There will be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on October 19th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Ms. Ziernicki – Thank you.

2) **JANE AND LESTER CHIDSEY, OWNERS/Moscarino Outdoor Creations, Inc., Representative**

Requesting a 9.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 26.5' Rear Yard Setback is proposed in order to install a 112 SF concrete Patio; property located at 9707 Huntington Park Drive, PPN 39521-065, zoned R1-75.

Mr. Evans – Item number two on our agenda tonight is Jane and Lester Chidsey with Moscarino Outdoor Creations, Inc. representing. Please come up to the microphone and give us your name and address for the record.

Mr. Chidsey – My name is Lester Chidsey, 9707 Huntington Park Drive, Strongsville.

Mr. Evans - Please give us a description of your project, what you are requesting, and why it needs to be done.

Mr. Chidsey – We are requesting a 9.5' rear yard setback. We have an existing patio that needs to be replaced. I'm told that we couldn't even replace that. So we are going just 3' beyond that.

Mr. Evans – So right now it's 6.5' and that's existing, but you need to replace that and you want to do an additional 3' so that has caused the need for the 9.5' variance. OK. Again some of our members have been out to look at it, and the rest will be out before the next meeting. Are there any questions or comments from the Board members?

Mr. Baldin – No questions we have for the homeowners we're satisfied with the location.

2) **JANE AND LESTER CHIDSEY, OWNERS/Moscarino Outdoor Creations, Inc., Representative, Cont'd**

Mr. Evans - All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on October 19th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Chidsey – Thank you sir.

PUBLIC HEARINGS

3) **HARDIP SINGH, OWNER/Jim Randall with NEO Fence, Representative**

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 construct a 465 SF Deck; property located at 16873 Rabbit Run Drive, PPN 397-10-076, zoned R1-75.

Mr. Evans – That takes us into our public hearings and item number three is Hardip Singh with Jim Randall and NEO Fence representing. Please come up to the microphone and give us your name and address for the record.

Mr. Portzer – Hank Portzer, 14855 Broadway Ave., Maple Heights, Ohio. I'm representing NEO Fence and Deck.

Mr. Evans – This is a rear yard setback variance. We've approved a variance for this particular property in the past. This is to do a new, larger deck that they are putting in. Are there any questions or comments from the Board?

Mr. Rusnov – No questions.

Mr. Baldin – No questions.

Mr. Evans – OK. Is there anything you need to tell us about it?

Mr. Portzer – No, I mean obviously we're taking the proper steps getting the variance and filling out permit applications. I'm not sure if it matter to you guys, but the decking is going to run two ways. On the sides of the sunroom it's going to run outward and on the rear it's going to run back. So there will be a boarder. He has vinyl railings which I sent pictures of over to Mr. Miller.

3) HARDIP SINGH, OWNER/Jim Randall with NEO Fence, Representative, Cont'd

Mr. Evans – OK. Very good. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I would like to make a motion that we approve a request for 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 construct a 465 SF Deck; property located at 16873 Rabbit Run Drive, PPN 397-10-076, zoned R1-75.

Mr. Baldin – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Portzer – After the 20 days will you guys contact my office or email me directly?

Mr. Evans – After 20 days you should email the office and let them know that the waiting period has passed and then you can pull the permit and go to work.

Mr. Portzer – Thank you very much.

Mr. Evans – Thank you.

4) ALBION WEBSTER DEVELOPMENT CO, LLC /Michelle Sorenson, Representative

Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' Rear Yard Setback and where a 31' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 14121 Glenbrook Drive subplot 43, PPN 398-19-115, zoned R1-75.

Mr. Evans – Item number four on our agenda is Albion Webster Development. Please come up to the microphone and give us your name and address for the record.

Ms. Sorenson – My name is Michelle Sorenson, 31150 Emery Road, Orange Village, Ohio 44022.

4) **ALBION WEBSTER DEVELOPMENT CO, LLC** **/Michelle Sorenson,**
Representative, Cont'd

Mr. Goldberg – Scott Goldberg, 5866 Broadview Road, Cleveland, Ohio 44134.

Mr. Evans – Thank you. Ms. Sorenson please give us a description of your project, what you are requesting, and why it needs to be done.

Ms. Sorenson – OK. We're seeking a variance of 19' from the rear house to rear house requirement of 50' to seek a distance of 31'. Sublot 43 for which we seek a variance was developed in 2006 and it backs up to two other vacant lots developed in 2005. Those two lots have building permits pending. None of the three homes to be built on the lots have been sold, and any future buyer will be able to see the configuration for themselves. Without the variance we are unable to build a like-cluster house comparable to others in the neighborhood because of the irregular shape of the lot and the curvature of the street. In fact, building any marketable home on the lot without a variance would be impractical in our opinion.

Mr. Evans – OK. We talked at the last meeting about the way that the variances are being required. There are other empty lots that are in the development there. Is it likely that the other lots when they are built on will require variances as well or is this one sort of unique in the way that it is situated?

Ms. Sorenson – This one is unique because of the confinement of the curvature of the street. The other remaining lots in phase three that are on Laurel Brook Oval, I've been building them adapting to conform to the ordinances. As well any of the other houses that have been built in phase three. Right now after these three there are only five lots left on Laurel Brook Oval in that older phase, and I've been able to adapt them to have them comply.

Mr. Evans – OK. Are there questions from the Board?

Mr. Smeader – This is a spec home that is not presold?

Ms. Sorenson – All three are spec homes, I mean this one as well as the two it backs up to.

Mr. Smeader – OK.

Mr. Evans – Are there any other questions?

Mr. Baldin – No. questions.

4) **ALBION WEBSTER DEVELOPMENT CO, LLC** **/Michelle Sorenson,**
Representative, Cont'd

Mr. Evans – OK. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? OK, if you'll come forward to the microphone and give us your name and address please.

Ms. Novak – Debra Novak, 14241 Pine Brook Oval.

Mr. Evans – Thank you Ms. Novak, you may go ahead.

Ms. Novak – I guess I'm not understanding this home here. How can they change everything else in that phase, everything is pretty uniform and then they are going to put this house in that's super big and way set back?

Mr. Evans – Actually the purpose of the variance as it's been explained and from those of us who have looked at the plans and everything is to make it like the existing ones that are in there. The Code has changed since some of the development was done, and the way the Code is now it would require some differences. There is a much smaller unit being built in there because of the setbacks that are now required. So in order for it to be the same as those units that exist in there the variance is necessary. So it's not that this is going to be bigger than the others, this is going to be the same as those that are already preexisting in that area.

Ms. Novak – It looks like it's wider.

Mr. Evans – What I can do is if there are other questions that you have I can have Ms. Sorenson come back up and we can try to make clarifications. Is it just the width that you are concerned about and the size overall?

Ms. Novak – Yes.

Mr. Evans – OK, we can handle that.

Mr. Baldin – Excuse me a second, Mam where do you live in proximity to these lots?

Ms. Novak – I live in the cul-de-sac right where the other two empty lots are.

Mr. Baldin – OK. Thank you.

4) **ALBION WEBSTER DEVELOPMENT CO, LLC** **/Michelle Sorenson,**
Representative, Cont'd

Mr. Evans – Thank you Ms. Novak. Is there anyone else who wishes to speak against? Please come up to the microphone and give us your name and address for the record. Then we will have them clear up any questions that you have all at the same time.

Ms. Kish – Hi, I'm Cindy Kish, I live at 14026 Pine Brook. I'll be right across the street from this house.

Mr. Evans – OK.

Ms. Kish – I too like Deb am concerned with the size. I know that they said it's the same size, but my house is 1800 SF and I believe this one is going to be bigger. I believe the other houses around are under the 1900 SF that you say. I too am concerned with the width and the length of the house. When I chose my lot, I chose it for what I'd be looking at i.e. green space and not the side of a house. So I' afraid that this is going to disturb what I thought I'd be looking at across the street from me.

Mr. Evans – One of the questions I'd ask Ms. Kish is did you and Ms. Novak see the plans for what is being proposed as this house being built here?

Ms. Kish – Yes I saw them.

Mr. Evans – OK. So again, size and positioning are the questions you have about it.

Ms. Kish – Yes.

Mr. Evans – OK. Thank you very much. Is there anyone else who would like to speak against it? Please come up to the microphone and give us your name and address for the record.

Mr. Martin – Jim Martin, I live on 14217 Pine Brook Oval. The house that is under question is within eye view of where we live. The one thing that we're concerned about is the specific location of it will block out a lot of the vision for all the people that live in our area. Virtually there is no backyard here for this house. I understand the square footage is going to be 1950 SF. Why do we need a variance? Can't we skip the variance and construct a home that is comparable to the others?

Mr. Evans – What is the square footage of your home Mr. Martin?

Mr. Martin – Well we have the largest model at that time and we bought the house 11 years ago. It's roughly almost 2200 SF.

Mr. Evans – So am I understanding that you think 1950 SF is larger than 2200?

4) **ALBION WEBSTER DEVELOPMENT CO, LLC /Michelle Sorenson,
Representative, Cont'd**

Mr. Martin – All I am saying is the way it is put in there it will look like an albatross. The lot is too small for that particular type of home. Forget the variance and its fine with me.

Mr. Evans – OK. I'm going to ask the applicant to come back up to the microphone in a moment. We'll see if we can get an answer to that as well. Is there anyone else who wishes to speak against the variance? Please come up to the microphone and give us your name and address for the record.

Mr. Mascia – Leonard Mascia, 14074 Glen Brook Drive. My house is right across where these other three houses are going to be constructed. I have the same concerns that Mr. Martin had. The setback is a little bit too far back. There isn't going to be any backyard on either one of these three houses. There is another house on Pine Brook Oval that is Ms. Novak's house, and it's a Baywood model. That house is too big for the lot and I think this is the same thing with this one here. This house from what I can see from this diagram, the house is too big for the lot. My house is 1847 SF and this house looks a lot bigger than what I have. I've been there over 11 years now, and I believe all these have been built a long time ago. I think the City is going to go along with it just to squeeze a house on it to be able to get tax and make money for the City. That's my belief. I think whether or not we object to it I think it's still you're going to approve it. I don't agree with it, and its looks a lot bigger than what they're stating right here.

Mr. Evans – Mr. Mascia I can tell you we're not here to cave in. We make the decision based on the information that is brought before us. Right now what I'm hearing from you and the other three is that you don't want a big house in there and yet this is the same size as what's already there. So I'm a little bit hard pressed to understand that you want like a 1600 SF house in there because that would actually devalue your house because that would be a smaller home.

Mr. Mascia – What I'm trying to say is that the way my house is, and they just built a new house next to me, they came today and the guy almost killed himself. The lawn mower fell off the side. There's six plus inches that is just straight down and they never put top soil there. I believe that the house I had built was too big for the lot. They're trying to squeeze a 1950 SF on a 50 SF wide lot. That's what I'm trying to emphasize. My house is even too wide for the lot that it was built on.

Mr. Evans – OK. Alright. Is there anything else in terms of your questions?

Mr. Mascia – Thank you for your time Sir.

4) **ALBION WEBSTER DEVELOPMENT CO, LLC** **/Michelle Sorenson,**
Representative, Cont'd

Mr. Evans – Oh no, that’s alright, thank you. Alright now one of the things I want to preface though is that when you have a development such as this one where construction stops and then everything then comes to a halt, when someone comes in to finish off development most times it’s not going to be the same as what may have been there in the beginning. That is just something that happens a lot of times. I’m going to ask either Mr. Goldberg or Ms. Sorenson to come back, and if you could address what the relative sizes are of what you’re proposing, why it’s necessary for this to be there and how it fits in because you’ve heard the concerns. I gather that is what was being talked about in the back before the meeting and everything as well. Give the Board an explanation of what you’re asking for and why you think that’s necessary.

Ms. Sorenson – This is a cluster subdivision. These lots are smaller lots with cluster sized homes that range from 1770 SF to 2500 SF. The proposed house on subplot 43 is a ranch. It’s not a two story home. It complies with the side to side requirements that are currently zoned. The only limitation is because of the curvature of the road and the depth of that lot is too shallow. So the house had to get stretched out to the right. It is 1952 SF.

Mr. Evans – This is a two bedroom?

Ms. Sorenson – It’s a three bedroom, like all the rest. It’s not a deep lot, but it’s a super wide lot. So in order to have a marketable floorplan we had to adapt the ranch that everyone seems to want on this lot. The only zoning issue that I had was this rear yard setback. I satisfied everything else. The only way to go was to stretch it out instead of going deeper to get a marketable house that fits with the neighborhood.

Mr. Evans – OK. Mr. Goldberg do you have any other wisdom to offer?

Mr. Goldberg – By making it look wider it looks bigger, but it really isn’t. The idea is to maintain the character of the neighborhood by building comparable houses. I think if you chopped 20’ off of the rear, I don’t know what you’ll end up with.

Ms. Sorenson – A 37’ deep house where 21’ of it would be the garage. We just can’t do it. So the square footage just got stretched onto the size of lot which is a rectangular wide lot, not a rectangular deep lot.

Mr. Goldberg – If I may just add that subplot 43 is one of 55 lots that comprise the first three cluster phases, and we have not sought variances for any of the other houses. They’re all in compliance with the City’s Code as it exists today. This is just an oddball lot, and the change in the City’s setback requirements between rear yards it presents a problem.

4) **ALBION WEBSTER DEVELOPMENT CO, LLC** **/Michelle Sorenson,**
Representative, Cont'd

Mr. Evans – OK. I'm going to depart a little from what I normally do or what I'm probably supposed to do. In order to answer Ms. Novak, Ms. Kish, Mr. Martin, and Ms. Mascia we happen to have on our Board two experts who are appraisers. They are certified appraisers and that's what they do for a living. So at this point I'm going to defer to those two gentlemen to tell us whether or not building smaller houses in a development hurts the way things go or building the same house supports continuing a development. This is a test.

Mr. Rusnov – By cutting the size of the property to conform, you couldn't sell it. You'd have to cut off too much of the depth of the property. I mean you're within a 100 SF of your smallest model, correct?

Ms. Sorenson – Yes.

Mr. Rusnov – OK, so this is about 100 SF, that's a 10' by 10' section. It's very small. The configuration of this lot is really angular. Like they said it's a very wide lot, but not very deep. This is about the only thing that would conform to the neighborhood. It's a three bedroom home, its 1950 SF and it's a one story ranch. The demographics have changed from two stories to one story because the post war baby boomers want everything on one floor. This is about the only thing I could see that would fit. By cutting the depth of the house, it's 25' on the left hand side. I don't know how much more you could cut that.

Mr. Smeader – Even if you took off 100 SF you would be down to a two bedroom house which would change the entire marketing concept. You'd have to build it as a two bedroom house.

Mr. Evans – Thank you Mr. Rusnov and Mr. Smeader.

Ms. Sorenson – No one has asked for that plan. They all want three bedroom ranches.

Mr. Smeader – Are there any two bedrooms in this area or are they all three?

Mr. Evans – Now I'm going to then depart from that for a second to tell you that I live in a development called High Point, and we have 11 cluster groups in there. Many of which went through spurts of building. We had clusters that were built in there that were smaller than the original ones, and that was a problem. In hindsight I wish when the developer finished out those clusters it had built them the same as the rest rather than lesser because it ended up devaluing those around them. So in my experience building smaller homes in the midst of larger ones has been a negative. So from an appraisal standpoint and from my observation I don't think you really want smaller ones being built in there. That's a very pretty cluster area. You maintain it very well, and I think this particular house is fitting in there because of the curvature of the street, it's going to look bigger. There's no question about that because it's going to be closer to the roadway. It's

4) ALBION WEBSTER DEVELOPMENT CO, LLC /Michelle Sorenson,
Representative, Cont'd

Mr. Evans continues - still going to be a ranch though, and I think in the end it's going to support the rest of you better than a smaller home. That's my observation from what has happened in High Point. I can't tell you that yours are the same but that's my experience with clusters. With the eleven developments we had all sorts of different things that went on in the course of building them. The smaller homes hurt those developments, those clusters were ten, twelve, fourteen, twenty, and the smaller ones that went in looked wrong. All I can tell you is that people looked at that, and they always focused on the smallest one. That would be my observation.

Mr. Baldin – We had something similar about six months ago. I think it was Castle Brook or somewhere. It was a new, very large development with some beautiful homes. There was an odd shaped lot, they had almost an identical situation that we're faced with here. There was no other way to do it. I'm looking at the print here, and the houses next door stick out further than this house does that you're planning to put in here. I don't really see a problem with it because of the odd shaped lot. What else can you do? Or you have a nice vacant lot where everyone can throw their scraps and junk and so on and so forth. The values aren't going to increase because you have a vacant lot. They're probably going to decrease. I don't see a real problem here, I'm sorry. Thank you.

Mr. Evans – OK. Thank you Mr. Goldberg and Ms. Sorenson for your answers. Is there anything else you need to say? I think we understand your concern. Again I have to look at our experience which is why the Mayor put us on this Board. We are people who have experience in different pieces and parts of building and zoning codes which is why we're utilized to perform the tasks that we do. Barring any other observations then and if there is no one else that would like to speak an objection, I'll say that the public hearing is now closed. I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 19' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' Rear Yard Setback and where a 31' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 14121 Glenbrook Drive subplot 43, PPN 398-19-115, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Now that is not us rolling over. I invite you to come back and if it comes out wrong, please come back and tell me in particular and the Board. We're no geniuses, but I think we've been around the block a couple of times with zoning in the City. I think hopefully what they've proposed and what we've approved will work out. In the end I think you'll say that we may have

4) **ALBION WEBSTER DEVELOPMENT CO, LLC /Michelle Sorenson,
Representative, Cont'd**

Mr. Evans continues - been at least close to right and it's worked out. My hope is that since your comments have been heard, and again I think for the betterment of your entire community that this will be a good thing. We appreciate the fact that you came and spoke tonight. It's caused us to pause and reflect on whether or not we're making the right decision. In the end that is what the Mayor has empowered us to do, to make those types of decisions. We appreciate you coming out and voicing your thoughts. Hopefully we'll be a little bit closer to right. OK. So, Mr. Goldberg and Ms. Sorenson, the variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Thank you.

5) **DIANE WOLF-HERZING AND KEITH HERZING, OWNERS**

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 35' Rear Yard Setback and where a 18' Rear Yard Setback is proposed in order to construct a 243 SF Addition; property located at 17101 Ridge Point Circle, PPN 396-06-011, zoned PDA-2.

Mr. Evans – OK. That takes us to Diane Wolf-Herzing and Keith Herzing. Please come up to the microphone and give us your name and address for the record.

Mr. Herzing – Keith Herzing, 17101 Ridge Point Circle, Strongsville.

Mr. Evans – Mr. Herzing you're looking for a 17' rear yard setback. Please give us a description of your project, what you are requesting, and why it needs to be done.

Mr. Herzing – My wife and I have decided that we'd like to make a bigger master bedroom suite than what we have now. The house is almost 50 years old. What we built then is kind of tiny. Plus the bathroom and the closet are one. So we'd like to separate that by taking the existing master suite and converting that into just a closet/bathroom and then adding on a bedroom which is 243 SF.

Mr. Evans – OK. Are there any questions or observations from Board Members?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

5) DIANE WOLF- HERZING AND KEITH HERZING, OWNERS, Cont'd

Mr. Rusnov - I make a motion to approve a request for a 17' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 35' Rear Yard Setback and where a 18' Rear Yard Setback is proposed in order to construct a 243 SF Addition; property located at 17101 Ridge Point Circle, PPN 396-06-011, zoned PDA-2.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. You are good to go. Thank you.

Mr. Herzing – Thank you very much.

Mr. Baldin – Mr. Herzing would you like these prints? I have no need for them.

Mr. Herzing – Yes, thank you.

6) BRYAN AND JENNIFER COWAN, OWNERS

- a) Requesting a 39' Side Yard Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Side Yard Setback and where an 11' Side Yard Setback is proposed in order to construct a 128 SF Chicken Coop;
- b) Requesting a 43' Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Setback from all adjoining residential lot lines or any residence and where a 7' Setback from the nearest dwelling is proposed in order to construct a 128 SF Chicken Coop; property located at 19293 Lunn Road, PPN 393-27-003, zoned R1-75.

Mr. Evans – Next on the agenda is Bryan and Jennifer Cowan. Please come up to the microphone and give us your name and address for the record.

Mr. Cowan – Brian Cowan, 19293 Lunn Road, 44149.

6) **BRYAN AND JENNIFER COWAN, OWNERS, Cont'd**

Mr. Evans – You have come before us asking for a variance in terms of putting a chicken coop on the property and where it sits relative to the side yard and also the proximity to the house. I believe you were in caucus and heard our comments about our concerns. So based on those expressed concerns, please explain what you are requesting, and why it needs to be done.

Mr. Cowan – So the proximity to the patio is nice because we have a walk-out basement and it would be easy to check on the birds in all types of weather. There is electricity for the winter with an extension cord out there to keep them warm. This is one of the parts of the yard that doesn't flood. If you move further to the back there's the retention pond by the bus depot and it's like a rapid coming down. Then there's a pond a couple houses down which overflows and cuts our yard in half. So there's flooding issues in the back. We don't want to put the birds in a stressful situation. If those flooding issues did not exist, it's an option to put the birds in the back. More so at that point we would be surrounded by woods on three sides, and there are more predators back there like groundhogs, deer, squirrels, hawks. We're hoping with it closer to the home, and it'll be fully enclosed anyway so we're hoping it won't entice any predators.

Mr. Evans – Board members do you have any questions?

Mr. Baldin – Mr. Cowan I have a problem with this, but we do have some other chicken coops in the City. Is this more of a hobby?

Mr. Cowan – Oh yes.

Mr. Baldin – That's the whole idea of this? Were you born and raised on a farm?

Mr. Cowan – No, I just want to teach our daughter some responsibilities. She loves farm animals and I draw the line at chickens.

Mr. Baldin – You do have a nice big lot, there's no doubt about that. I can see that you probably do have some flooding problems on the lot, but being so close I just wonder if you can't move that back a little bit. I see there's an existing building there. You're going to take it out?

Mr. Cowan – No.

Mr. Baldin – Oh that's the other property, sorry. So you're going to run an extension cord in the winter time? As a kid we had chickens, and I know you have to try and keep them heated a little bit. You're going to run an over the ground extension cord? Nothing underground?

Mr. Cowan – Just like we would do Christmas lights.

Mr. Baldin – Thank you, no further questions.

6) BRYAN AND JENNIFER COWAN, OWNERS, Cont'd

Mr. Evans – In the letter you gave us dated September 12th you did a very nice job of explaining the situation. Our problem to be really honest is that when we grant variances the variance stays with the property and we set precedence. The chicken coops at least up to this time that we've been involved with have either bordered or have been part of a farm property. It was because of the way that the zoning code has changed that situations have changed and we've had to adapt for that reason. This is a little different because it's in the midst of a residential area. When I said in caucus my problem is that I understand dogs and cats are pets, and any area that has dogs and cats in them has problems with them barking and running all over. In this case, the chickens are going to be inside the coop. You have a run that is attached to it, it's not going to be something that is going to be a problem with the neighborhood, is it? When you move though, and someone else comes in there they could decide that they're going to fit 64 chickens in there plus some roosters, and make a go at a business. Now the dynamic changes and we have a problem that we have to deal with. So we have to look at the long term as well as the short term. So it's not just a question of size, but it's because it's a chicken coop in the middle of a residential area. While you may be very attentive to the needs of your neighbors, someone who follows you may not have the same concern. Then we've let the cat out of the bag, and now we have a problem. That's part of the reason why some of us have reservations.

Mr. Cowan – My wife and I are in our early 30's. We moved in the house in 2011. We got the bid and we're not going anywhere. We're probably going to grow old there. I wouldn't put too much concern on the next owner and what they're doing.

Mr. Evans – I'm guessing since we are not overrun here with people tonight that you have a letter of support or something?

Mr. Cowan – Verbal consent and yes, they all love us.

Mr. Evans – OK.

Mr. Baldin – Mr. Cowan, one of our requirements with any other buildings that are put on a property have to be 20' from the dwelling. Do you have any objections to putting it back a little bit further? The flooding isn't until a little further back. As our chairman said, even if you stay there a long time, who knows what the next owner is going to do. We don't know what they're going to do there, and it's too close to the house. Do you have any objection? Because that is definitely one of our strict rules that it needs to be 20' from the home.

Mr. Cowan – Flooding is a major concern. I don't know if it was last year or the year before, but it was the biggest flood we've seen. I've taken pictures and video if you would like to see it. It does get close. Luckily the house was built so everything flows down from it to the creek. Where we'd like the coop and the birds would be safe.

6) **BRYAN AND JENNIFER COWAN, OWNERS, Cont'd**

Mr. Kolick – Maybe I should point out to the Board that we have had problems in other areas of the City in residential areas. We have a lot up on Shurmer Road that we get constant complaints from one neighbor to the other and they raise fowl on that lot. So we have had problems with complaints from neighbors. The animals don't always stay in the coops and do what we'd like them to do and also about predators coming around these coops to get those animals. Then they are on the neighbor's properties as well. I just wanted to point out that running feud that has been going on for a long time on Shurmer Road, and we bear the brunt of it.

Mr. Evans – Mr. Kolick I have one other question. I know that City Council is contemplating legislation to address these chicken coop situations. So my question is, if we turn this down tonight could the applicant then come back in the future and request this again under the new legislation or will our decision impede his ability to do so?

Mr. Kolick – No, if the law changes the applicant can always come back. I can tell you that in just talking to the Council members that they are looking at much larger lots and ones that aren't close to residential areas. They are thinking more about lots like those horse lots on Albion Road or something like that. They are not necessarily looking to allow it in residential areas like this where you have adjoining houses in close proximity. One of the other things they are looking at other than the size of the lot is how many animals you're able to have. If the law were to change he could come back, but it would have to have some sort of relation to what he's asking for here.

Mr. Evans – Mr. Cowan I do want to indicate to you for the record that we did ask the County Board of Health and they responded that they did not have a problem with it being within 7' from the home as long as the sanitation was maintained with regard to animal waste, feed grain, and so forth. You talked about predators and things like that so I know that you're at least aware of those things. The other concern is that while all your neighbors right now have no objection to it or at least appear to have no objection, but even if you stay there long term if one of them decides to leave they may change their tune when their realtor comes and looks in shock at the nearby chicken coop. As buyers come in it may be a situation that causes problems. Then that neighbor is probably not going to be as kindly disposed about you having a chicken coop. So those are all things that we try to anticipate the reasons why the code is in place, and where we're given the authority to make adjustments to the code with variances. In your case it's not a variance for the chicken coop, but one for the setback and the proximity to the house. All of it fits into the picture though because whatever we do for you we have to be prepared to defend it as other people may ask for the same type of thing.

Mr. Miller – The comment that the applicant made regarding running an extension cord from the dwelling to the chicken coop would not be permitted under the National Electric Code, and therefore the Building Department would strongly object to that.

6) BRYAN AND JENNIFER COWAN, OWNERS, Cont'd

Mr. Evans – As I figured that if you were to run electricity back there it would be a bigger issue for us because then it could become a man-cave and whatever else because of the size of the facility. There's a number of other concerns because of that.

Mr. Cowan – Mr. Miller could you explain to me how that is different from holiday lights outside?

Mr. Miller – It's because it's being run to a permanent structure. Holiday lights fall under temporary structures permitted for no more than 90 days. They are specific, and that's an actual structure.

Mr. Evans – That's a good question.

Mr. Smeader – Mr. Evans noted and I understood you to say that you have observed predators near the backend of your property? Building this in close proximity to the dwelling, do you think it would preclude problems with predators? Or encourage it?

Mr. Cowan – I believe it would be minimized. We have a couple of dogs that are really loud that help keep the predators in the back in the first place. Deer don't come up into our property whatsoever.

Mr. Smeader – You don't have chickens right now either though.

Mr. Cowen – No. Just two really loud dogs.

Mr. Smeader – Thank you.

Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I would like to make a motion that we approve a request for a 39' Side Yard Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Side Yard Setback and where an 11' Side Yard Setback is proposed in order to construct a 128 SF Chicken Coop; and also approve a request for a 43' Setback variance from Zoning Code Section 1252.03 (e), which requires a 50' Setback from all adjoining residential lot lines or any residence and where a 7' Setback from the nearest dwelling is proposed in order to construct a 128 SF Chicken Coop; property located at 19293 Lunn Road, PPN 393-27-003, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

6) **BRYAN AND JENNIFER COWAN, OWNERS, Cont'd**

ROLL CALL:

ALL NAYS

MOTION DENIED

Mr. Evans – Mr. Cowan I regret that the variance has not been approved by us. Again I think we all understand and were it a different situation we'd certainly reconsider, but at this point given the circumstances that would be our decision. It's not subject to Council review so it has been denied, and we've completed consideration for your request.

Mr. Cowan – OK, moving forward, how can we get this approved? Are you just not happy with the proximity to the home with proximity to the property lines? Can you give me some kind of feedback? I know you want it further to the back, and if we're going to address flooding issues, Mr. Miller we'll be happy to address those issues as well.

Mr. Evans – I think at this point, the setback from the sideYARD you were asking for a 39' variance which is significant. In our minds that would be a heavy determinate in ways that we look at it. The Fire Department and Health Department did not have a problem with the proximity to the house. Our situation is though that when we allow sheds, chicken coops, or anything within that proximity to the home we have to be prepared for someone else and we're against that. Those two circumstances, the variances to allow for this proximity to the neighbor and the house is simply too great. If the chicken coop were repositioned and you put it in the middle and it was 50' from both sides then that takes that away, if it's at least 20' from the house then it takes away the need for that variance as well. Then we're out of the picture.

Mr. Cowen – The property width is 100' so I mean 50' is exactly the middle so that's impossible, right?

Mr. Evans – At that point, if you were to position it in the middle you'd have a variance to either side or a much reduced one to one side, and that would certainly be something that you could request. Mr. Kolick if I remember right the resubmission of a request on for a variance would have to be substantially different, and I don't know whether there is a definition for that or not.

Mr. Kolick – We'd take a look at what he brought in and a determination would then be made. As far as what you're looking for generally the Board requests Findings of Facts and Conclusions of Law that will set out reasons and what they're looking at. That is public record so you'd be able to get a copy of those. I'm assuming the Board would request that. If that is the case then we'd probably have that by the time the next meeting comes up. If you keep in touch with our Secretary, she will send out the reasons from the Board so maybe that will give you some guidance.

6) **BRYAN AND JENNIFER COWAN, OWNERS, Cont'd**

Mr. Evans – So again, definitely the two variances that you requested were what we turned down. Were you to come back and place it 20' away from the house, and in the middle or close to the middle of the yard so you're substantially changing that 39' request to be a much lesser one then it would be one way of doing it. It might be that the size of the coop that you're proposing for 19 chickens...

Mr. Kolick – Mr. Chairman I don't think we can speculate about what we want or don't want. I think we need to move on please from this at this time.

Mr. Evans – Yes, OK.

Mr. Cowan – So even though you saw the property and the neighbors can't even see it from the home?

Mr. Evans – Again, our concern is that we don't deal only with your situation, we're looking at what we've set as a precedent for the larger situation in the City.

Mr. Cowan – Can I call you tomorrow regarding the flooding issue?

Mr. Kolick – Sure.

Mr. Cowan – OK. Thank you very much.

Mr. Evans – OK. Thank you.

7) **WESLEY AND SHARON CRABIEL, OWNERS/Bruce Stone with Yard Smart, Inc., Representative**

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 208 SF Unenclosed Patio 7' into the side yard; property located at 14626 Windsor Castle Lane, PPN 393-20-085, zoned R1-75.

Mr. Evans – Item number seven on our agenda is Crabiel on Windsor Castle. Please come up to the microphone and give us your name and address for the record.

Ms. Aufdenkampe – Kathy Aufdenkampe, 4873 Oak Hill Blvd., Lorain with Yard Smart Landscaping representing Wesley and Sharon Crabiel.

7) **WESLEY AND SHARON CRABIEL, OWNERS/Bruce Stone with Yard Smart, Inc.,
Representative, Cont'd**

Mr. Evans – Very good, thank you. You come before us requesting a side yard variance here and this is for an unenclosed patio. We've all been out to see it. This is completing the landscaping that Yard Smart has done. I don't know that there's a whole lot more we could say about it unless there's something you'd like to add for the record.

Ms. Aufdenkampe – No Sir.

Mr. Evans – Are there questions from the Board?

Mr. Smeader – No.

Ms. Zamrzla – Mr. Evans, for the applicant, could you spell your last name for me please?

Ms. Aufdenkampe – Sure. Aufdenkampe.

Mr. Evans – I never would have been close. Thank you. Alright, there are no comments or questions from members on the Board? Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I would like to make a motion that we approve a request for a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 208 SF Unenclosed Patio 7' into the side yard; property located at 14626 Windsor Castle Lane, PPN 393-20-085, zoned R1-75.

Mr. Baldin – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Ms. Aufdenkampe – Excellent, thank you.

Mr. Evans – Thank you very much.

7) **WESLEY AND SHARON CRABIEL, OWNERS/Bruce Stone with Yard Smart, Inc., Representative, Cont'd**

Mr. Baldin – Would you like these prints?

OTHER BUSINESS

8) **JEFFREY MIHU, OWNER/Eli Miller Construction, Representative**

- a) Requesting a 644 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,644 SF Floor Area is proposed in order to construct a Garage Addition;
- b) Requesting a 7' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 50' Front Yard Setback and where a 43' Front Yard Setback is proposed in order to construct a Garage Addition; property located at 10306 Pamela Drive, PPN 391-27-020, zoned R1-75.

Mr. Evans – Alright, number eight on our agenda is Mr. Mihu. Please come up to the microphone and give us your name and address for the record.

Mr. Mihu – Jeff Mihu, 10306 Pamela Drive, Strongsville, Ohio.

Mr. Evans – Thank you. We tabled you at the last meeting. We've brought you back into consideration here tonight because you've heard our plea to alter the plan. You heard us in caucus saying that we appreciate you doing that yet it's probably still awful big. We did the public hearing at the last meeting. Kathy indicated that those people who submitted comments about it the last time have been informed that you were doing a smaller request. I think I'd be remiss if I didn't say it's still really big, but we understand why you want to do what you want to do at the size that you've now proposed which is now 24' by 38'. I appreciate the revised drawings and everything. Could it be a little bit smaller or is this a size that is driven by truss or other considerations for construction?

Mr. Mihu – I tried to go back and do my homework. Needless to say, I've cut this thing in half from what I had. I mean, that's 50%. Again, what I was building this for is that I have a large vehicle that I want to put indoors for the winter. With the cost of doing this thing, whether I add on 30' or 36' it's probably going to cost me the same because there's still the cost to put those corners in regardless of the amount of wall in between them. The walls are cheap. I went back and tried to figure out how I could make it still look nice when you're coming down the street. That's a main concern of mine. I did lay it so it came out beyond the other garages. The gable will be turned opposite of what the garage is now. It'll give it some architectural look.

Mr. Evans – A residential look.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Mihi – I tried to move it forward, but it's going to make it more difficult to do it this way because now I have to put in more cement to get to it. Before it was on an angle and I was going to have to put a very minimal amount of cement.

Mr. Evans – We saved you all that money on the bigger building.

Mr. Mihi – I guess. At this point, I'm just trying to get something done here. Winter is coming. I'm trying to cut it down as much as I can. The way it's set up now, it's going to be difficult when I go to pull in. Before I was going to be able to do that with a lot more ease. With that setback though it's where we ran into the problem, so we thought we'd cut that angle off and protrude it forward a little bit, but it's still going to be flat doors. It will have a gable on the end going the opposite way that the roof is right now.

Mr. Evans – OK. My biggest concern, and again I'm only one of the five members, is that 38' that's going to be across the front is almost 40'. That's a really large area to be that close out to the street. So if we kept the width at 24' could you reduce the frontage from 38' to 30' which is going to take off 8' by 24'.

Mr. Mihi – Right but again, you could do that, but then it's just going to be a flat board across the front. Again, that's going to look gaudy to me.

Mr. Evans – What I'm suggesting is that in your drawing you'd still protrude beyond the existing garage. Then in the back instead of a 12' if it was just a 4' projection it would take off 8' by 24'. Now to me, that reduces that visual on the front.

Mr. Mihi – The overall size, right. I understand that.

Mr. Evans – It still gets you a 30' by 24' which is a lot bigger than I would normally see. I'm inclined to say that since you've already reduced it to a 30' frontage, even in a residential area I think it would probably be OK. Again I did not go back over there to look at it. I looked at it the first time, and stood in a couple different places on the cul-de-sac and asked myself what I thought it would look like. A 38' one to me, in my opinion is going to be awful big. If it were 30' by 24' at least as one individual I'd snap on that one. Yes, it's big but I think that would fit. Once you go to 38' that's almost 40' it's a lot longer.

Mr. Mihi – Well see what I was trying to do is put another vehicle in there. Just the length of the truck is 23' to 24', plus it's a duel cab which is wider. That's my main concern trying to put the vehicle in there. Then as I said, if you're going to build it, I might as well build it so I can fit my other vehicles like motorcycles in there since that cost isn't going to be much more to do it a bit bigger.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Evans – That's why I'm thinking that in a 24' by 30' you'd be able to get the truck and the motorcycles in. You may not get additional cars in, and I get that. Again, I'm trying to make sure that we fit it to that area.

Mr. Mihi – Is it really going to make that much of a difference? Again we talked about this last time that with the width of the trees up in the front and trying to save that as much as possible so everyone can see the green space. Or I can go and put this thing up and that will be covered then. By moving that over, the width was going to save a lot more trees and cover up everyone else's view.

Mr. Evans – Well, I'm only one Board member, so other members do you want to add anything?

Mr. Rusnov – There's been numerous objections to this addition. Regardless of cutting 8' off you're still going to have the objections of the neighbors and the people on the street. Obviously it just doesn't fit.

Mr. Mihi – There's an acre and a quarter of land back there and with the easements that run down between my house and the neighbor's house, there's no way I can use any of that land in the back because I can't get to it. So the only place I have that I can use is right there in the front. With that in mind, that's why I have to try and do what I'm trying to do. If I went and built a single structure and stayed within the variance lines and put another driveway in, are you going to let me do that? I'm trying to work with this to make everyone happy and make something happen. I understand that you guys have your rules and everything, but I'm trying to do this the right way and I'm trying to make something that will work for me. With the land there I have green space there. That whole front, if that tree wasn't there that cul-de-sac would be ugly. Maybe I'll go cut all the trees down now just because. I'm not here to try and do that, I'm trying to figure something out that's going to work for everybody.

Mr. Smeader – That's one of the most beautifully wooded lots in the entire City. That would be a shame to cut those trees down.

Mr. Mihi – I know, but I'm trying to work something here. I don't want to do that.

Mr. Baldin – Can I interject something here? Mr. Mihi I've been out to your property two times now. I understand that you have motorcycles and other vehicles besides your big truck. You have a big garage there now as it is. Adding this size structure in front of the home on any lot is a lot. I don't care if it's a beautifully treed lot or not and it is beautiful. I can see adding one more bay, but unfortunately you are a car aficionado and you love motorcycles so you need more room. We can't give you that room. That's the whole problem according to our Codes. I can go along with a single garage addition that you can get your truck in, but not big enough to put all the other toys

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Baldin continues - in. That's not a hardship. A hardship is one of our biggest criteria for allowing for a variance. There's no hardship for you here. I'm sorry, thank you.

Mr. Mihu – Ok, so if I went and tried to build a separate building, I mean you're kind of saying that even though that space is my space in the front you're not allowing me to do anything with it.

Mr. Baldin – I'm saying cut it down. You don't need anything 38' long and 24' wide. You're not putting a motorhome in there.

Mr. Mihu – I know.

Mr. Baldin – All you want to put in is a truck so what would be the minimum required or maximum that you'd need? Mike?

Mr. Mihu – I know.

Mr. Miller – Part of the problem is the aesthetic effect of practically putting a barn in the front yard.

Mr. Mihu – Yes, but I'm trying to do it so it draws architectural design to the house, or at least carry out the design of the house. By putting the small garage back on there, are you talking about a 16' door? Or an 8' door? Do you know what I'm talking about? I already have an 8' and a 17'. Now all the sudden I go and put another door on there, I personally think that being smaller...

Mr. Baldin – It's just too big Sir to be putting in your front yard. You heard me before in caucus, I've been on this Board a long time, and there's nowhere in the City that I can think of that we've given any type of variance like this. Well, there may be one that we let a guy put in a bigger structure back and out of the way so he could get a motorhome in. That's the only time I can recall, but to put something this size out in the front yard it's just not going to happen. That's my opinion.

Mr. Mihu – Then like I said, so size-wise what are we talking about? Are we talking smaller yet or are we not talking at all?

Mr. Baldin – I could probably go for something smaller, but to ask Mr. Miller again what would be the minimum size needed to fit his truck in? Do they make a 10' door? I don't know.

Mr. Rusnov – The truck is 24' long, so you're going to need 26' for the depth.

Mr. Mihu – Exactly. This is the problem now that the garage I have I can't put the truck in there. It hits the front wall and if I can get it in I have an inch to put the door down.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Rusnov – How about 26' to 28' in depth, and the width of that truck is probably 12' so you're going to need 14' to 16'. So 16' by 30'.

Mr. Mihi – Just to pull in there.

Mr. Miller – That's 480 SF.

Mr. Rusnov – 480 SF, so you're still, regardless of what Mr. Baldin said, that's still huge for the front yard. That's like another 2 car garage.

Mr. Mihi – Well...

Mr. Baldin – I'd love to help you, but...

Mr. Mihi – I know I thought cutting it in half that it's up high and I'd leave more trees, but it seems like I'm going nowhere.

Mr. Baldin – You did cut it back 12' on each side so far.

Mr. Mihi – Right, I think that's considerable.

Mr. Baldin – That's still a long way away though. Like Mr. Evans said, that's almost 40' still. Let's say you need 26' that's still cutting it down another 12' which is a heck of a lot, if that would work for you. Maybe you don't need 24' width? What I'm saying is you'll be able to get your truck in there and maybe a motorcycle or two, but you're going to be able to get other vehicles in. That's just not the place for it. Going back to Mr. Miller, I don't know if they make a 9', 10', and 12' garage door. I have no idea. They could probably make anything custom.

Mr. Mihi – OK. How about an out building in the back where I can put my lawn mowers and stuff like that, is it an issue to do that?

Mr. Evans – A shed can be put in the backyard if it has a door on it that is 7' or less. Then it does not require a driveway. If its 7' or more than you have to have a driveway to it and that's where the easement becomes a problem.

Mr. Mihi – I have all this land and I can't do anything with it.

Mr. Evans – You could put a shed in the back, but the door would have to be less than 7'. That's the requirement, anything 7' or greater it'll have to have a hard surface driveway to the building.

Mr. Mihi – Are you talking about a mobile building or permanent structure?

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Evans – Any type of shed that you'd want back in there. The shed size is 12' by 16'.

Mr. Baldin – That's standard, so maybe you request something a little bit bigger. You're not going to get a vehicle in there though.

Mr. Mihu – No,

Mr. Baldin – I'm talking about all the yard tools and stuff like that. If you take all that out of the garage. Lawn mowers, snow blowers all that is in your garage now, right?

Mr. Mihu – Yes.

Mr. Baldin – If you get all that out of there you could possibly put another vehicle in, correct?

Mr. Mihu – Well...

Mr. Baldin – Not the truck, but maybe an antique car or whatever. Maybe you want a 16' by 16' back there, well as long as the door is under 7' you don't need a driveway.

Mr. Mihu – Something like that though, I have sewer lines that go down the side and across the back.

Mr. Baldin – I'd have to look at where they are located.

Mr. Mihu – That opens up a whole other can of worms.

Mr. Baldin – That's where you have to put stuff.

Mr. Mihu – The worst part is that I'm sitting on an acre and a quarter of land that everyone is telling me I can't do nothing with it.

Mr. Baldin – It's beautiful but you can't do anything with it.

Mr. Mihu – Yes, it costs me time and money for upkeep, and I like my place nice. That's all there is to it. This garage was going to do, I was spending a lot of money to make it look nice.

Mr. Baldin – It just doesn't fit in the area Sir.

Mr. Mihu – I understand.

Mr. Baldin – What more can I say?

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Kolick – It may be for the Board’s edification to know that this lot originally was set aside as a green area. That’s what this was. When they built that property, and then the property owner came in. So Mr. Mihi you knew when you purchased this property that it had all these easements across it. The reason for all the easements is because this was never a buildable lot. This was the lot that was squeezed out later on, so there are restrictions on the lot. They also set across there a front yard setback so that none of the houses would go out beyond that. They set side yard setbacks for those houses that front on Fair Rd. and have side yards on Pamela. That’s why they did it. So to have your garage come way out, you’re destroying the whole subdivision and the reason it was laid out with those setbacks. I know you’re saying you can’t do anything with your lot, but you knew that when you purchased it. I don’t know if it was you or the prior owner, but the purchase price would have reflected that you had all the problems with the lot to begin with. Yet you haven’t because frankly the City went out of its way to allow this lot to be built on, but at the time they did...

Mr. Mihi – Yes, but there were three homes, two homes on each side of me and mine. They were all together as a conglomerate.

Mr. Kolick – Correct, all three were part of the green area at one time. So the City made it very clear that whomever purchased these lots was not going to go across the sewer easements in the back, and they wanted the setback maintained all the way around Pamela.

Mr. Mihi – I understand that, and I’m following the rules doing that.

Mr. Kolick – You are, except you’re not when you’re asking this Board to grant a 7’ variance for the setback in front. You’re going 7’ beyond the setback that is permitted. So you’re not following the rules. You have the right to request it, but I’m explaining why you’re not following the rules that were made when this subdivision was laid out so all the houses could be seen going around there. Understand that historically that’s what happened with the lot.

Mr. Evans – OK, so to sum up you could put a shed in the back. It cannot go over the easements, you can put in a 12’ by 12’ or 12’ by 16’ whatever would easily fit in the backyard as long as the door is under 7’. That’s one option you have for getting stuff out of the garage.

Mr. Miller – In accordance with our Ordinances he would be permitted a 400 SF accessory structure. That’s 20’ by 20’.

Mr. Evans – OK, so that would be the maximum.

Mr. Mihi – It has to fall behind the easements on the sewer line. That’s where the land drops off and over the years now there’s a creek. When I first bought the land there was no flood plain there, but over the years with all the stuff being built now they have a flood plain there.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Evans – OK. All of those things as Mr. Kolick said are things that have transpired since you have built and again we can't control that, but that's an option to put a shed back in there such as it might be. I think you've heard us say that at this point that the second proposal at 38' by 24' is still too big. Mr. Baldin has indicated some willingness to move, I think Mr. Rusnov said that it shouldn't be built out in front there. So there's difference of opinion. If you were to say that you were willing to go with 28' long by 12' wide and build one bay, then that's a different consideration. As it stands right now though with the 38' by 24' it's still an issue for us due to size. Again, we appreciate the fact that you brought it down by half.

Mr. Mihu – So you're thinking if I go back and do this again, I mean what is going to make you happy?

Mr. Rusnov – We can't give you any guarantees.

Mr. Mihu – I understand that.

Mr. Rusnov – The way this street was designed, you're going against the original plans which were for this street, and as Mr. Kolick stated this was supposed to be green space and for whatever reason the City let someone build on it, and you have a three car garage. We can make suggestions to you, but we can give you any guarantees.

Mr. Mihu – We can save a lot of time if I know about where I need to be.

Mr. Evans – Is there anything in which you would consider Mr. Rusnov and Mr. Baldin?

Mr. Rusnov – You're violating that whole street and we've already gotten the feedback from the neighbors.

Mr. Mihu – How many neighbors?

Mr. Rusnov – I didn't count them.

Mr. Evans – Six or eight.

Mr. Rusnov – Six or eight.

Mr. Mihu – Objected?

Mr. Rusnov – Yes.

Mr. Evans – Yes.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Smeader – Which is considerable.

Mr. Mihi – I don't know why because they're telling me something different. I've talked to quite a few of them.

Mr. Rusnov – That's like a neighbor who tells you that his house sold for \$300,000 and when you check it was really only \$175,000. They don't want to be confrontational. Seriously though, I personally will not give you a guarantee. I've worked in this area for a very long time, I'm very familiar with this street, and Fair Rd. I know what used to be across the street, which was an old concrete plant for the Ohio Turnpike.

Mr. Mihi – Right, exactly. I've been at this location for a long time.

Mr. Rusnov – Why don't you sit down with the Building Department and see what would work with you in that rear yard and avoid the issues with the front yard?

Mr. Mihi – Yes, but I can't drive back there. There's no way of getting back there.

Mr. Baldin – There's no way you can drive back there, and that's the whole issue is you want something you can drive into and we just can't do that. Just to give you an idea, there's a lot of names on this piece of paper.

Mr. Mihi – OK. Can I get a copy of that?

Mr. Houlé – Sure he can, its public record.

Mr. Evans – Yes, OK.

Mr. Mihi – Thank you.

Mr. Evans – Again their registration of discontent was based on that original request. They were all informed that you reduced the size of it, and some of them asked to see the plans and looked at the plans. At this point they didn't choose to object again, although technically we weren't going to have a public hearing tonight. So I think if your primary objective was to get your truck into a garage then you need to figure out what the size of that minimum and maximum would be and if it's 28' by 12' wide, then that would be what you're asking for out in the front. What we're telling you that the 38' by 24' isn't going to work. If we can accommodate getting the truck in, then that would be about it. As Mr. Baldin indicated, you're not going to get the cars and motorcycles in, but if that's what you want to get the truck in...

Mr. Mihi – That was it primarily.

8) JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd

Mr. Evans – ...then that's a lot different than 38' by 24'. That's the reality of it.

Mr. Mihi – Why I was doing it.

Mr. Evans – When we first talked about this, people will ask for as much as they can get and they will fill it. In this case because of what it does to the neighborhood, it's something we have to be concerned about. If the truck is most important then that's the way you need to approach that. Mr. Kolick, do we need to table this then?

Mr. Kolick – Mr. Mihi my suggestion is that you give us the minimum you can live with, bring it in to the Building Department and we'll just act on it. OK? We'll either approve it or not approve it. Just bring us the minimum size you can live with, and if you agree to table it we'll table it to the next meeting. You bring us the drawing with the smallest size you can live with and we'll just act on it. OK?

Mr. Baldin – Or a shed in the back.

Mr. Kolick – Or you can consider that.

Mr. Mihi – If I can put the shed in the back and do the garage it would loosen up a lot of things.

Mr. Evans – Right.

Mr. Mihi – There is a lot of garden stuff, and there's a lot of leaves that fall off those trees, and it's all taken care of by me. There's not a neighbor that comes over and asks if they can help me rake the leaves. I'm out nightly when it's pitch black cleaning up the leaves.

Mr. Kolick – When you're looking at a shed in the back, talk with our Engineering Department too because you're right that there are some drainage problems and they won't allow you to put it in an area that's going to cause a problem. So just be aware.

Mr. Mihi – Engineering?

Mr. Kolick – Engineering. Mr. Miller here can get you to the right people. So do you agree to table it? Is that what you'd like to do?

Mr. Mihi – I have to do something here, so yes.

Mr. Evans – Alright, we appreciate that you reduced the size, but you just didn't get far enough so we'll see what you can do.

8) **JEFFREY MIHU, OWNER/Eli Miller Construction, Representative, Cont'd**

Mr. Mihu – I really thought this one will fly, but unfortunately not.

Mr. Evans – OK.

Mr. Mihu – I'll go back to the drawing Board.

Mr. Baldin – Maybe you'd like to just give up driving that big duelly.

Mr. Mihu – I couldn't do that. I'd love that, but you know.

Mr. Evans – Alright, very good. Thank you very much. Is there anything else to come before the Board? Then we will stand adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathryn A. Zamrzla, Sec'y

November 16, 2016

Approval Date