

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

**Meeting of
April 27, 2016
7:30 p.m.**

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

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) PROTECH/ Robert Powell of Arkinetics, Representative

Requesting a 15' Side Yard Setback variance from Zoning Code Section 1262.07, which requires a 25' Side Yard Setback and where a 10' Side Yard Setback is proposed from the East property line in order to construct a 30,240 SF Addition; property located at 21973 Commerce Parkway, PPN 394-03-005, zoned General Industrial (GI).

The Board saw no issues with this variance request.

2) CAMP BOW WOW/Roxanne Janeski, Representative

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Dog Boarding and Day Care Business and where the applicant is proposing to add a 3,640 SF Building Addition, Relocate and Expand a Parking Lot, Alter an Entrance Feature and Relocate Dog Kennels at an existing non-conforming Dog Boarding and Day Care Business; property located at 14411 Foltz Parkway, PPN 393-03-009, zoned General Industrial (GI).

The Board saw no issues with the variance request.

PUBLIC HEARINGS

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) wall sign (West) and where four (4) additional Wall Signs are proposed on the South, North and East elevations at the O'Charley's Restaurant;
- b) Requesting a variance from Zoning Code Section 1272.09 (a) (3), which prohibits a changeable copy Sign in a Restaurant-Recreational Services Zoning District and where the applicant is proposing one (1) two-sided changeable copy Pylon Sign; property located at 8913 Pearl Road, PPN 395-10-014, zoned Restaurant-Recreational Services (R-RS).

The Board noted that they received the addition sign mockup for the changeable copy sign. They also noted that they will be handling these requests as two separate issues. They mentioned that they do not see a hardship and noted that they have not approved similar requests in the past. The Board debated the need, size, and locations of the multiple sign requests. They noted that the building is in a place and that they are in an unusual spot, and it isn't very visible from Pearl Road because it is tucked in behind Sheetz. They also debated the need for the sign in the back of the building.

4) PETER YOUNG, OWNER

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.3 (e) (1), which requires a 50' Side Yard Setback and where a 43' Side Yard Setback is proposed from the West property line in order permit a 192 SF Chicken Coop; property located at 18160 Boston Road, PPN 397-26-004, zoned R1-75.

The Board noted that they received a letter from Deerfield Homeowners Association. They mentioned the need to read into the minutes the third paragraph of the letter regarding odor, noise, and flies. They are expecting that there will be people who wish to speak against the variance. They mentioned that they could require a screening of pine trees or a fence toward the east side to shield it from the Deerfield neighbors. They also noted that the applicant should have gotten a permit from the City to begin with, and not doing that has caused issues. They also noted that chickens are allowed on this property.

5) MARCUS AND KATHRYN DOBECK, OWNERS

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Barn and where the applicant is proposing to add 393 SF to an existing non-conforming Barn; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

The Board saw no issues with the granting of this variance request. They noted that the applicant cannot run a business out of the barn or house farm animals on his property.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

April 27, 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'd like to call this April 27, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you'd call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Anyone in our audience this evening that wishes to speak before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

Mr. Evans – Thank you, this evening we have minutes from our April 13th meeting. If there are no other corrections 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.

NEW APPLICATIONS

1) **PROTECH/ Robert Powell of Arkinetics, Representative**

Requesting a 15' Side Yard Setback variance from Zoning Code Section 1262.07, which requires a 25' Side Yard Setback and where a 10' Side Yard Setback is proposed from the East property line in order to construct a 30,240 SF Addition; property located at 21973 Commerce Parkway, PPN 394-03-005, zoned General Industrial (GI).

Mr. Evans – First on the agenda this evening is Protech/ Robert Powell of Arkinetics. Please come up to the microphone and give us your name and address for the record.

Mr. Powell – My name is Robert Powell of Arkinetics. My address is 22274 Jonathan Drive in Strongsville.

Mr. Evans – Mr. Powell you are representing the concern and you're requesting a 15' Side Yard Setback variance. Can you tell us about the request, what is going on, and what has precipitated the request for the variance?

Mr. Powell – They are currently in a 70,000 SF facility in Cleveland and they are moving to Strongsville. We are basically even with the 15' allowance that we're asking, that's still only 50,000 SF so we really need every square foot of that building to get the process in the building.

Mr. Evans – What is it that Protech does?

Mr. Powell – Protech makes powdered paint for baked on enamels for the automotive industry. They are a leading manufacturer for GM right now.

Mr. Evans – In caucus we talked about the fact that normally we ask that people mark off where the extension is proposed. I've already been out there, I'm familiar with the building. I don't know that it needs to be done. I asked Board members and they agree that it doesn't need to be done. 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. Are there any questions from the other Board members?

Mr. Baldin – I have no further questions. I think it's a great idea that this company wants to come to Strongsville, Ohio and add more employees here.

Mr. Evans – It is an industrial area there, so it shouldn't impact any residential neighborhoods or anything. I echo that we welcome them coming to Strongsville. We will have a public hearing on May 11th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

2) **CAMP BOW WOW/Roxanne Janeski, Representative**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Dog Boarding and Day Care Business and where the applicant is proposing to add a 3,640 SF Building Addition, Relocate and Expand a Parking Lot, Alter an Entrance Feature and Relocate Dog Kennels at an existing non-conforming Dog Boarding and Day Care Business; property located at 14411 Foltz Parkway, PPN 393-03-009, zoned General Industrial (GI).

Mr. Evans – Item number two on our agenda this evening is Camp Bow Wow. Please come up to the microphone and give us your name and address for the record.

Ms. Janeski – I'm Roxanne Janeski. I live at 6980 West Law Road in Valley City, Ohio.

Mr. Evans – OK, and Roxanne you are here requesting a variance. This prohibits the enlargement of a non-conforming building. So tell us why you need the expansion of the building.

Ms. Janeski – We've been open 7 years in March. We have been growing by leaps and bounds. We probably take in from 70 to 100 dogs a day. We book probably 3 or 4 months in advance. Our customers are getting frustrated having to drive out to other locations. We're one of the smaller Camp Bow Wow's in northeastern Ohio, there's five of them. Business has been great. We love being there. We have great relationships with our neighbors in the industrial parkway. A lot of them bring their pets. We're just bursting at the seams and we really just need to make more room for the dogs to make it safer and to accommodate our customers. We're probably going to hire some more employees and expand our dog training and grooming services. We're really excited and we really need to grow. We're hoping that we can do that.

Mr. Evans – That leads to my question of what exactly are the services that Camp Bow Wow provides and what is the addition intended for specifically.

Ms. Janeski – We do dog daycare, boarding, grooming and dog training. Currently we offer open play scenarios. They do have kennels that they stay in during the evening, but they get to play with other dogs in our indoor and outdoor play yard. So right now the yards are cramped. There are so many dogs coming in that they can hardly fit into the yards. We only have about 40 cabins for overnighters. We're going to be adding about 25 cabins. Those will go in the existing space that we use for our indoor yard currently. The addition will be all open indoor play yard. They will be bigger, there will be more room. One of the rooms will be separated so we can use it for training purposes after hours which we've been having to do at a different location right now. Having it right there will be wonderful for us.

Mr. Evans – Do you anticipate that it will result in additional employees then at that point?

2) **CAMP BOW WOW/Roxanne Janeski, Representative, Cont'd**

Ms. Janeski – Yes, we have two assistant trainers that we recently hired, but once again we're having to do our classes at other locations. It will give us the ability to do more training classes more often. We're hiring another groomer, and we'll probably be hiring another person for each shift because we'll be taking in quite a few more dogs. We're currently in the process of working on that.

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

Mr. Baldin – No questions.

Mr. Rusnov – No.

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 May 11th. 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. Janeski – Thank you.

PUBLIC HEARINGS

3) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative**

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) wall sign (West) and where four (4) additional Wall Signs are proposed on the South, North and East elevations at the O'Charley's Restaurant;
- b) Requesting a variance from Zoning Code Section 1272.09 (a) (3), which prohibits a changeable copy Sign in a Restaurant-Recreational Services Zoning District and where the applicant is proposing one (1) two-sided changeable copy Pylon Sign; property located at 8913 Pearl Road, PPN 395-10-014, zoned Restaurant-Recreational Services (R-RS).

Mr. Evans – Now we will move on to our public hearings portion of the meeting. First on the agenda is O'Charley's restaurant. Please come up to the microphone and give us your name and address for the record.

Mr. Petro – Brad Petro, 4330 North Benton Road, Ashtabula, Ohio.

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Evans – Mr. Petro I believe you were in caucus and may have heard the Board members talking about this. Again, you have two request for variances on the agenda. One is the number of signs where the building is permitted for one, you are requesting a total of five. As we discussed in caucus we understand that the total square footage of all of those signs is less than what is permitted in the code. We also talked about the fact there are many restaurants in that general area that have applied for addition signage and we've pretty well held to two signs on buildings. We recognize that O'Charley's is a unique parcel within that property. The other request for the variance is a changeable copy sign. You provided us with a drawing of that changeable copy sign. However you might like to address those two variances, you are welcome to do so. OK. You have presented us with sets.

Mr. Petro – One of the issues that was brought up at the last meeting was visibility. Obviously it's an issues because of the position of the building and how it sits from Sheetz and Gordon Foods. The photos that I've distributed to you tonight and have posted on the easel is of the north elevation. This is the side you'd see coming down Pearl Road driving south. This is the side that we've proposed a set of letters and it's also the side that we have the curb side to go sign. In terms of marketing, obviously the wall sign is most important as opposed to the curb side pick-up sign. As you can see from these elevations, driving down Pearl Road you would be able to see the O'Charley's wall sign based on where it is proposed here. You would not see the curb side to go sign from Pearl Road at all. It's only a 16" tall sign. Being realistic it's not going to be seen until you're in the parking lot and looking for a parking space. That sign in terms of importance is probably the least important sign for us. The rear elevation sign we don't believe that the new developments are going to block. This building, and I've driven around there a couple of times looking, it's visible from Lowes. So from a marketing and advertising standpoint, the visibility of a sign on the rear elevation is also critical for us. O'Charley's as we discussed at the last meeting is relatively new to this area. I know of one in the Boardman area and there's one in Cuyahoga Falls. If you ask the normal person on the street, they are not familiar with what O'Charley's is. That makes the advertising and the marketing that much more important. McDonalds is probably one of the most marketed brands in the world. By what we see on the building, they have the name, and their logo. They have four signs on their building. Sheetz which is right next door, pretty much everyone around here knows what Sheetz is. Sheetz has their name on the building and the canopy in five different areas. These are large corporate companies that recognize the importance of marketing and the advertising of their name on the building to draw customers. This is a new restaurant for this area. It's new for northeast Ohio. The elevations as proposed, as you mentioned the square footage allowance that we are allowed we're proposing to be under that. These signs aren't large, they aren't distasteful. They're appropriately sized for the elevations that they would be installed on. Again we're asking for the O'Charley's on three additional elevations with the curb side sign being the least important of those requested. I don't know if you want to handle this in two separate sections.

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Evans – In caucus the Board members decided that it would be advantageous to handle the two variance requests separately. I do want to point out that McDonalds has two signs. I understand that you are saying that the M in McDonalds is part of that sign, and that's the way we approved it. There are two signs on two elevations. They requested much more than that, and we held it to two. I recognize that O'Charley's is not as well known. I'm suspecting that because the Brew Kettle and some of the other restaurants, BW3 and everybody else has done very well. Once O'Charley's opens, I know that there will be people who will come to that. There is a large population that lives in the apartments that are adjacent to that property. I think they will find O'Charley's very quickly as well as people throughout here. Those of us who are on the Board have occasion to use O'Charley's down in Columbus who have kids in Ohio State. We're familiar with the brand and we know that it will do well once it's open. From a recognition standpoint, our problem is that when you want four signs on each of the four elevations, then everybody would love to have a sign on every side of their elevation. That is whether or not it's for visibility issue or not just because people want that signage. Our job is to try and determine what is appropriate for the City and again keeping in mind that we want businesses to be successful within the City when they open and for the long term. Members of the Board, do you have questions or observations? We'll treat it separately, so we'll talk about (a) and then we'll move onto (b).

Mr. Rusnov – There's one wall sign and then four additional signs?

Mr. Evans – The City has approved the application for the sign that faces the west or faces Pearl Road. That sign is approved so they can have that up by the time they open. The other signs for the north, east, and south elevations have not been approved. Those three are a part of the four signs being requested in addition to that curb pick-up sign.

Mr. Rusnov – OK.

Mr. Baldin – Did you have that drawing in caucus or a picture of where the pick-up sign was?

Mr. Evans – We had the sign that is the proposed pick-up which was 3' wide by 16" high. That was a part of the packet that we received initially.

Mr. Baldin – I don't know what I did with it. Can I see that again? That one is going to be proposed for the north side?

Mr. Petro – Yes.

Mr. Evans – That is the north side. In addition to the proposed sign that is on the side of the building.

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Baldin – O'Charley's curb side to go and also there's no pick-up or is that going to be it? Its curb side to go, not pick up.

Mr. Petro – That's what it says on the sign, yes.

Mr. Baldin – That's going to be on the north side on that one section over that little door there?

Mr. Petro – It's on the brick portion of the elevation next to it. In those elevations you wouldn't be able to see the sign.

Mr. Evans – You stated that that sign would be the least important of the five that you're proposing. Would you rather have an O'Charley's wall sign in lieu of a curb side pick-up sign?

Mr. Petro – Yes.

Mr. Evans – its 16" by 3'. So if we as we talked about in caucus were willing to do two wall signs, then they could do the wall sign in lieu of the curb side to go. That would give them an east elevation sign and a north elevation sign if that's what they feel is the most important.

Mr. Baldin – 16" is not very large of course. If you put up all four signs, if we gave you all the signs that you're requesting, you'd be within the square footage that you're allowed. If we didn't give you that, then maybe you'd want to increase the size of the one on the east. It's a possibility. You have your front sign over the west elevation that's a given. I don't have a problem with a sign on the south. I'm not crazy about seeing a sign on the backside. On the north side here, maybe to give you more advantage, maybe you could make it a little bit larger. Again, that's something that we could discuss.

Mr. Petro – I appreciate that. The sign on the north elevation I don't think we could make it any larger because it's on the side of the entrance bump out.

Mr. Evans – Between the door the window there, if I remember right.

Mr. Petro – We have a limited width for where that sign is being installed.

Mr. Baldin – I sort of saw that today, so I was a little curious what your answer would be.

Mr. Petro – Right.

Mr. Baldin – Thank you.

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Evans – Any other questions or observations? 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 as proposed in item (a) of 3. If you want to come up you can see what is on display on the easel. The illustrations of the signs are there. That package has all the information in it.

Mr. Kolick – She needs to be sworn in.

Mr. Evans – Well, she isn't asking to speak she only wants to view the illustrations on the easel.

Mr. Baldin – I think I heard that she lives across the street? Yes. OK. Are you right on Pearl Road?

Mr. Evans – Oh, OK so you're down a little ways from it.

Mr. Baldin – Oh, OK.

Mr. Evans – Across from Walmart and Salvation Army store. Right, OK. If you want to give us your name and address. If you would step over to the microphone.

Mr. Baldin – I think we should still have her state her name and address for the record here since she has been making conversation here.

Mr. Evans – If you would, please.

Ms. Bloze – Dalia Bloze, 8600 Pearl Road. Thank you very much. I just wanted to see the signs because I remember how strict you were. When it sounded like four signs I thought they were going to have humungous signs. That disturbed me, but these are not big humungous signs.

Mr. Evans – Right. Mr. Petro has indicated that they are permitted to have a much larger sign, but what they've done is scaled down and asked for multiples that are much smaller than what is permitted.

Ms. Bloze – I see that. I have no objection to that. I just thought they were four huge signs on all four sides. Thank you.

Mr. Evans – Thank you very much. Is there anyone here who would like to speak in favor of the granting of the variances? Is there anyone here who would like to speak against the granting of the variance item (a) in 3?

Mr. Baldin – Can I make a comment again? Mr. Petro, do you still want to go this way or do you want to make any changes?

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Evans – I think what Mr. Baldin is referring to here, is that if we consider item (a) as you've submitted it would be for the four additional signs. You heard what we said in caucus, and you've heard our comments here. We are happy to act on (a) as you've proposed. We understand that there are relative values to each of the elevations. You indicated that you would rather have on the north side, rather than the curb side to go sign, you'd rather have a larger logo of O'Charley's as you may have proposed it. If you wanted to go with the one that is approved and the north elevation that's an opportunity that would be a total of two signs. We talked in caucus about having the curb side to go as well as two elevation signs, but that was just discussion, we have not acted on it. It is up to you whether or not you wish us to act on it as you requested it. As the applicant if you wish to modify the request, then we would act on it in that manner.

Mr. Jackson – Dwayne Jackson, 3900 East Market Street, Warren, Ohio.

Mr. Evans – Thank you Mr. Johnson.

Mr. Jackson – We have an agreement to build 50 of these in a short time frame of 5 years. Recognition on these first half dozen are critical. The curb side to go sign we can take off the board completely if we can have building signage on all four elevations.

Mr. Evans – I think Mr. Johnson, you've heard that could be an option. We'll be happy to consider that. I think if you sat in on caucus and listened to the comments here, and I can only tell you how I react to it. I can't tell you how the other Board members will, but I think that it's pretty unlikely to get it approved. You can have it whichever way you want. If we turn it down, then there's a period of reconsideration time before you can come back and request another variance.

Mr. Jackson – I'm asking you not to turn it down then because it's important.

Mr. Evans – I understand that, and if that's what you wish to do is to have us move forward with the variance as submitted that's fine. We'll be happy to do that.

Mr. Petro – So our variance request is actually for four additional wall signs.

Mr. Evans – Correct.

Mr. Petro – Obviously right off the bat, we can modify that to three and remove the curb side to go sign from consideration. Now you're telling me that the rest is for me, the request is for three and you're going to approve or deny three and that's final.

Mr. Evans – That's correct. If your request is to remove the curb side to go sign then it takes us down to proposing three additional elevation signs as you've submitted them. So that would be a total of four signs on the building. We are happy to act on that if that's what your request is. Again, I'm going to tell you that from my standpoint, as one Board member that is highly unlikely

3) **O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd**

Mr. Evans continues - that I would approve four signs on the building. I want to make sure you understand that because we've indicated that Strongsville welcomes O'Charley's and other businesses. I'm trying to help you understand what this Board is empowered to do, and what we've done in the past. I want to make sure that we don't hinder your opening operation. We're prepared to act on what your request is. Board members, can I make it any clearer?

Mr. Kolick – For the applicant, if there was an order of signage that was most important to you, how would that go, north, south, east, you tell us?

Mr. Petro – In order of importance and visibility, I'd say the north elevation would be primary. Then the east which is the rear facing Lowe's, and least important would be on the south side facing Sheetz. I guess after this, we'd remove the south elevation and request for the two additional signs.

Mr. Kolick – So remove the south and the curb side and then you'd be looking for a variance for the north and the east side, right?

Mr. Rusnov – That would be a total of three sides.

Mr. Evans – A total of three and still underneath, and I'm taking it for granted that you heard our comment in caucus that we would hold you to what is submitted in the size of the signs for the other elevations. So in other words you wouldn't be able to grow those signs that we approve. They would be approved as they were submitted.

Mr. Petro – On the north elevation, nothing bigger is going to fit. So yes.

Mr. Evans – Again, I want to be transparent and honest about what you're proposing and what we're looking at.

Mr. Baldin – So we're talking two additional signs?

Mr. Evans – Two additional signs.

Mr. Kolick – Right, two additional signs.

Mr. Evans – A total of three as they were proposed for the north and the east elevations. I will declare the public hearing closed, and I will entertain a motion.

Mr. Rusnov – I would like to make a motion that we approve a request for a variance from Zoning Code Section 1272.12 (c), which permits one (1) wall sign (West) and where two (2) additional Wall Signs are proposed on the North and East elevations at the O'Charley's Restaurant.

3) O'CHARLEY'S/Cicogna Electric & Sign Co., Representative, Cont'd

Mr. Jackson – They may not in Columbus, but as we spoke last time, Georgia up to southern Ohio it's way more established so it's a whole different idea. I'd like to add that I've come in 480, and I was in South Carolina late last week. There were huge reader boards, and I mean that's traffic moving 65 mph. I'm sure the state did an extensive safety traffic study, so it seems like maybe there is a double standard. It's nice as far as what you told everybody else no, we have to tell you no. We'd like to be the first one, and then when everybody comes back in then let them have them as well. We're not trying to be the only one here with it.

Mr. Kolick – I'm sure the Board is aware of the standards under a variance, but one of those particularly says that a loss or eliminating the possibilities of economic advantage are general hardships, not unnecessary hardships. Therefore that is not a reason for granting a variance. I wanted to point that out under C.Co Section 1248.08.

Mr. Evans – The justification that we've stated in the past is that the economic propensity of having a sign is wonderful, but we have to keep everyone in balance. That's part of what we have to deal with so when we set precedence we have to live with those. We have to make decisions based on what the code allows us to do. This is a public hearing. So on item (b) on item 3 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? Please come up to the microphone and give us your name and address for the record.

Ms. Bloze – Dalia Bloze, 8600 Pearl Road. I'm against it because that's where I'm at and I can imagine that the other businesses that are surrounding would all like a changeable sign with me included. That would sure help my business and there are things that we run as specials also. If we all had them it would make the whole look of the place not representative of Strongsville, and not a good way to enter into Strongsville. So I disagree, if they get a changeable sign then I want to attract attention. My sign has had such a severe setback that even though I have a big building and even though I'm on a corner, it's sometimes hard to find. I have state that I am across from Walmart and now I'd have to state that I am across from O'Charley's.

Mr. Jackson – If code permitted though, you'd obviously want to apply for one.

Ms. Bloze – Not necessarily, but in that environment I'd become even more lost. I prefer it to look professional and I think the way you have your wall sign is very pretty and upscale. I don't think I want changeable signs, and I don't think I'd be the first. I think Lowe's and Home Depot, and Walmart might, and then there we go.

Mr. Evans – Thank you. Is there anyone else 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. Board members, may I have a motion?

4) PETER YOUNG, OWNER, Cont'd

Mr. Young continues - on unenclosed land meaning that it's not a fenced property. I'm a little confused by that because there are free range chickens in the City of Strongsville on at least five properties that I know of. The chickens run all over. I'm sure that all of my neighbors that are concerned, they've left all their dogs out in their yard. They aren't fenced in because there's no fencing allowed. I'm confused about this letter that I was presented immediately before coming up to the podium. They say I'm again in violation of something else. Just for having a dog that's not fenced in or chickens not fenced in. Granted, I plan on fencing my chickens in, but I think this is a bit of overkill.

Mr. Evans – Alright, I don't know about the letter. I don't think the Board members know about the letter. I'm not understanding that it has anything to do with the variance request here tonight.

Mr. Young – You asked me if there was anything new. This is something new, and your Board representative Mike has signed it. So I'm sure he knows about it.

Mr. Evans – OK. That isn't necessarily related to the variance.

Mr. Young – OK. No problem.

Mr. Evans – That's fine, I did ask the question if there was anything new, so you responded.

Mr. Young – I just presented what I have.

Mr. Evans – My information would be that I have to direct you back to the Building Department on that specific issue. What we'll deal with here tonight is the request on the variance for the chicken coop.

Mr. Young – Not a problem. Again, I have letter for the west variance that I'm encroaching upon, which is Mr. Freeman and Mrs. Rossum.

Mr. Evans – OK.

Mr. Kolick – Why don't you give us that letter so we'll have it because it does reflect on some of the items that we're talking in caucus about.

Mr. Evans – That's fine.

Mr. Young – The only land or property that the chickens do cross over from my property is the Freeman's property. Again, they're elderly and I help take care of their lawn and snow blowing. I give them eggs from our chickens, which are all female chickens, not roosters that make a lot of noise. I try to be as compassionate as I can toward this subject.

4) PETER YOUNG, OWNER, Cont'd

Mr. Evans – We appreciate that. You heard us talk in caucus about a couple of different things. I want to make sure that we make recognition that we received a letter from the Deerfield Woods Homeowner Association. Instead of reading the whole letter, do I have a volunteer who would like to read the one paragraph of that? The only reason I'm doing that is to state their comments and have it on the record.

Mr. Young – I respect that.

Mr. Houlé – This is paragraph three. “One of our main concerns about chicken coops are odor, noise, and flies. Chicken feces and spilled food may have an odor that could bother humans living too close to them. Dirty liter on the floor or yard of the chicken coop also attracts flies that may carry bacteria or other organisms from the feces into nearby houses potentially causing health concerns for the residents. Locating the chicken coop away from the house minimizes these impacts. The further the chickens are from the houses the less likely it is that they will cause sanitation or other issues for the people living there.”

Mr. Evans – Thank you, Mr. Houlé.

Mr. Young – Can I speak to that?

Mr. Evans – Yes, just let me say two things first before you do. One is that we are talking about a variance on the west side of the property and Deerfield Woods is on the east side where the 50' setback has never been in question. The second thing is that as we determined in caucus I want to state it for the record that the fact is the zoning codes permit you to have chickens in the area where you are proposing. The chicken coop is already proposed at being 50' away from Deerfield Woods. We understand that they have concerns, but there is no variance on that side.

Mr. Young – I understand. The other thing is that it's more than 50' because there's pretty much a 10' green area there so it's at least 60'. That's number one. Number two is that I have a quick question for Deerfield Woods. Is Deerfield Woods part of Kensington?

Mr. Evans – Kensington is a part of Deerfield Woods.

Mr. Young – They are, OK. Alright.

Mr. Evans – Yes, it's a cul-de-sac and they have the sign out front, but it says a Deerfield Woods community.

Mr. Young – I was confused about that because they're further down the road anyway. It's Deerfield Woods. I wasn't aware of that. The whole thing is that I'm more than 50' because there's a green area that Kathy's aware of that's between my property which runs the ditch area

4) PETER YOUNG, OWNER, Cont'd

Mr. Young continues - or the swale area for the drainage. So it's at least 60' away from them. I also listened to you in caucus about providing some type of evergreen trees that would have foliage all year round. That would give cover towards this area. I feel like you think it's going to be a hideous thing. I don't think you are on the same page. I'm going to build a chicken coop that's going to have barn siding to have it blend in with the bare trees. I already bought the barn siding. It's not going to be some piece of crap. Even the existing coop that I put up temporarily with the pallets, I've gotten hundreds and hundreds of likes on the internet because it's a unique way to build things today. People build furniture with pallets. People build chicken coops with pallets. If you go on the internet you'll find those things on there. There are over six properties in Strongsville that have free range chickens where you can see them running around their yards. As far as the four chickens that I have, I'm not Tyson. I have four chickens that lay four eggs a day that I feed my neighbors with and I feed ourselves with. They also give us enjoyment. They have personality. Maybe if you have a thousand chickens I could understand the sickness that is going to come into your house. The disease and the fecal matter and all that. It's a little noxious as far as a comment to me. I could make the same comment to my next door neighbors about their dog or their cat. Have you ever had cat litter? It's worse than chickens. Its four chickens we're talking about. I think we're getting a little bit above and beyond the call of duty here with the misdemeanor threats and all the people complaining about the disease and the fecal matter and the feed for four chickens.

Mr. Evans – That's correct, Mr. Young the problem is that the Strongsville Code doesn't say that you're limited to four. You could have a thousand. You may not be able to have that many.

Mr. Young – I don't want a thousand chickens.

Mr. Evans – My point is that if you sell the property and someone else comes in and wants to put more chickens there that would be what they are allowed to have.

Mr. Young – I understand. Their prior neighbor before me, Patricia Clark, had I think ten chickens and two goats. It's a farm area. I respect the fact that the Kensington or Deerfield Woods property backs up to mine and the Freeman's property. I understand that I'm within the ordinance so to try to restrict me is ridiculous. The neighbor that was complaining when I was building it said that they didn't want to see a chicken coop in his woods. I questioned her by saying that it is not her woods. It's my woods. I said that I was sorry that her house is backing up to my woods.

Mr. Evans – In caucus one of the things we said was that we sort of are over a barrel because you did the development of the chicken coop without getting a permit. Had there been a permit that would have not been constructed and you would not be in this situation. You already have that partially underway. We have a choice as the Board of Zoning and Appeals. We could make you take down the chicken coop and not have it there. We know that you could turn the building and

4) **PETER YOUNG, OWNER, Cont'd**

Mr. Evans continues - situate it such that if it were a rectangle the other way and shortened, you wouldn't need a variance. We try to be pragmatic here to the degree that we know that the 50' setback is there to Deerfield Woods. Their objection technically is a moot point except that you're asking for a variance to the west. You've already given us a letter from that person who says that they have no objection to it. You talked about putting up a fence to contain the chickens. So where is it that you're talking about putting a fence in?

Mr. Young – The fence would be from the side of the building out about five or six feet, down toward my house. The reason why I positioned it at that angle was because it goes parallel with the creek. Like I told you last time, what I plan to do is bring in some rip rap and decorate that creek and clean it up so it flows properly. The pile of brush I'm going to chip and make wood chips all over the back to cover the land. Then I'm going to decorate that area so I can sit there and look at our chickens and enjoy my life on my property. That's pretty simple.

Mr. Evans – Kensington Oval is a little bit higher in elevation than your property so as those people are in their homes, they're basically looking down at where the chicken coop is. It's not their woods, it's your property. We get all that. Would there be an objection if we allowed you to keep and finish the building where it's been put up, if we asked for three pine trees to be located in an area that might block their views?

Mr. Young – Absolutely not. Believe it or not I have access to as many pine trees as I want.

Mr. Evans – OK. So now that we've established all that, gentlemen on the Board, do you have any questions or observations?

Mr. Rusnov – I just have one question. Has anyone double checked the side yard setbacks to make sure that these are accurate? Also the coop is 192 SF.

Mr. Evans – That's a big house for four chickens.

Mr. Rusnov – Does anyone have an answer to that?

Mr. Miller – The Building Department would not go out to take those measurements until the structure is erected. We would issue the permit under the parameters that he meet the requirements of the ordinance.

Mr. Rusnov – So nobody knows?

Mr. Miller – We have no reason to.

Mr. Rusnov – At this point, OK.

4) PETER YOUNG, OWNER, Cont'd

Mr. Evans – It would have to meet that 50' in order for the permit to allow it.

Mr. Miller – Right.

Mr. Young – I measured it from the center of the road. Its 550' back from the road. I have an 800' lot. So I have 250' or 300' further to the rear line. I measured it from the side of the building over to my property line, and that's 60'.

Mr. Evans – OK.

Mr. Young – There's no question, that's why I'm 7' closer to the west property line. I'm talking to my neighbor whom I'm asking for the variance from, who gave me the letter. It's has nothing to do with them.

Mr. Evans – Right.

Mr. Rusnov – Is the size of the proposed building allowed?

Mr. Miller – Mr. Young's lot is 87,120 SF according to the auditor's website. He is permitted a 480 SF accessory structure by ordinance.

Mr. Rusnov – So the 192 SF is well within the accepted limits.

Mr. Miller – Its well within limits of our zoning code.

Mr. Rusnov – OK. That's all I wanted to know.

Mr. Baldin – Mr. Young, we've already established the fact that you put all this stuff up so far without a permit. You can tell me why or whatever if you want. How far is that from your house? This chicken coop.

Mr. Young – It's probably about 150' from the back of my house.

Mr. Baldin – Why do you have it so far back? Why didn't you have it up a little closer? Then you don't have to run back so far to get your eggs and so forth?

Mr. Young – If my property is 800' long, I have a lot of unused area back there that is in the woods. That's why I cleared the woods. We have a swale and a creek area that is going through the back. I thought it would be aesthetically pleasing to have a little mini-farm back there to look at from my house and see my animals. When I bought it I brought dozers and semi-trucks in there and I cleared the property. It was all overgrown brush. I cleared the back of the woods.

4) PETER YOUNG, OWNER, Cont'd

Mr. Young continues - It's overgrown with grape vines. I cleared the land, I planted grass, and I've tried to keep a nice piece of property. I have them right behind my house right now. No one has complained about anything. They're not bothering anybody. They're not bothering me. The only thing is that I wanted to build a structure and use the property. I didn't want to put it in the middle of my yard. It's my yard though and I've got 300' yet to go. Why would I put them right on top of me if I didn't need to?

Mr. Baldin – That's why I was asking the question.

Mr. Young – Well, I'm answering you.

Mr. Baldin – Very good.

Mr. Evans – Does anyone else have any questions? Mr. Kolick just suggested that I ask if your intent is to not have more than four chickens in the future.

Mr. Young – I'm going to put it in the minutes because I know how crucial they are here. I had six but two chicken hawks got two of them. So I have things to protect against other than neighbors. The bottom line is that if I want to I can, but I'm not going to have more than six, I can tell you that. That's what we started with because the rules of Tractor Supply and these feed stores is that you buy six of them because they like groups. They don't like to be one chicken. They like to have six and that's how they sell them.

Mr. Evans – OK. That's good. Is there anything else before I open the public hearing? 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. Ok, Mr. Johnson, if you'll come forward and give us your name and address for the record.

Mr. Jackson – Dwayne Jackson, 3900 E. Market Street, Warren, Ohio. He paints a beautiful picture. I love it. I'm all for it. It sounds nice, the mini-farm. It sounds beautiful. I'm for it.

Mr. Young – Thank you.

Mr. Evans – Thank you. Is there is anyone else 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? If you will come forward to the microphone please, and give us your name and address for the record.

Mr. Juris – My name is Dan Juris. I live at 19654 Kensington Court, Strongsville, Ohio. In looking at the Board's website and there are criteria set out for asking for and having a variance granted. There are four criteria. One of which is demonstration of a hardship by the applicant. I don't see where this hardship exists here to be honest with you. I think as you pointed out, the structure was started without a permit. I'm not sure why. It was started without a permit, and now we're at a

4) PETER YOUNG, OWNER, Cont'd

Mr. Juris continues - point as you talked in caucus of trying to appease the homeowner and not have to have him take it down.

Mr. Evans – Mr. Juris, I'm going to challenge you right there. We did not talk in caucus about trying to appease the homeowner. I take objection to that comment. I want to make sure I register that loud and clear. We talked in caucus about trying to mitigate the circumstances because the applicant does meet the setback on the eastside which is where Deerfield Woods and Kensington are. I want to make sure to establish that right off the bat.

Mr. Juris – I would agree with the word mitigate, I apologize for using the word appease. With regard to the 50' setback, Mr. Miller has stated that the 50' setback has not been independently verified.

Mr. Evans – It would have to be done around to the time that a permit would be issued to complete construction.

Mr. Juris – So if the variance is granted, those lines would be clearly measured?

Mr. Evans – They'd have to be adhered to and they would be checked by the City at the time that the permit would be issued.

Mr. Juris – Would there be a survey done in order to do that?

Mr. Evans – I don't know that a survey would be done, but the Building Department would measure the area in order to establish that there is a 50' setback from the east property line.

Mr. Juris – The reason I raise the issue is because Mr. Young had a run in with my wife over this chicken coop. He came onto my property uninvited. He used profanity when addressing my wife, and at that time he referred to the area that is owned by Deerfield Woods Homeowner Association as his property. I question whether the measurements that he has taken is accurate and I'd like to make sure that if there is consideration to granting this variance that before the project continues that the 50' is in fact verified.

Mr. Evans – I have said that would be the case.

Mr. Juris – I would echo the sentiments of the Homeowner Association in terms of concern about noise, odor, flies that land on the dropping from his chickens and ending up in my picnic. The concerns of the people in Deerfield Woods on Kensington in particular... My deck faces this chicken coop and Mr. Young in the minutes that I picked up from the last meeting indicated that basically that this thing isn't even visible to us. The minutes don't say anything about foliage.

Mr. Young began to speak.

4) PETER YOUNG, OWNER, Cont'd

Mr. Kolick – Mr. Young, you'll have an opportunity to address this when they are all done, not now, not back and forth.

Mr. Juris – I don't want to drudge up old business here, but in the minutes from the last meeting the Board referred the fact that when Mr. Young built his garage you asked him a question about water being run to the garage. A garage which none of us on Kensington objected to. His answer in those minutes was that he may want to put a sink in the garage. So he was going to run water.

Mr. Evans – We're not going to go back to the old variance, which we've already granted.

Mr. Juris – I understand, but the point that I'm trying to make is that even in reading the minutes, Mr. Young misrepresented what he was going to do with that garage.

Mr. Evans – Mr. Young may or may not have, but again I'm not going to go back to that old issue.

Mr. Juris – I understand. What I'm trying to do is make sure we learn from the past. If there is going to be a variance granted here, and we're going to try and mitigate this hardship that doesn't really exist, I want to make certain that things are put in writing. I want to make certain that the measurements particularly from the Deerfield Woods Homeowner Association property line are verified.

Mr. Evans – You've asked for that three times now and three times I've said that it will be the case.

Mr. Juris – OK.

Mr. Evans – So if there is no additional information then I believe that other people have asked to speak as well. I don't want to rehash three or four times the same thing.

Mr. Juris – OK. One more point I want to make and I realize that he is not restricted in the number of chickens that he can have, but I've learned over the last three weeks more about chickens than I ever want to know. Mr. Young has indicated that he has four chickens. This is a coop that houses the four chickens (showing a picture).

Mr. Evans – OK, so you're submitting a picture that I will pass out to the other members of the Board.

Mr. Juris – My concern again goes back to what was represented with regard to the garage.

Mr. Evans – Mr. Juris, I'm sorry but we've already said that we are not going back to the garage.

4) PETER YOUNG, OWNER, Cont'd

Mr. Juris – I'm not worried about the garage. The point I'm trying to make is that he represented to you that he was not going to put a kitchen or an apartment in there and he did. He's indicated to us tonight that he's not going to have more than six chickens and we are concerned about that representation.

Mr. Evans – He has stated that he's not going to have more than six, that's correct. When he talked about the other issue he did not make a commitment one way or the other. He said he was going to run water to it in the future. The Board was not smart enough to ask the question whether or not he was going to put in a kitchen, or an apartment or something like that. You can fault us for that, but at this point unless you have something else to add please include your comments.

Mr. Juris – I won't repeat myself. I will respectfully request that the request for the variance be denied.

Mr. Evans – Thank you. Mr. Young you asked to respond, but I'm going to wait until we get through with all of the folks that wish to speak and then you can respond. Is there anyone else who would like to speak against the granting of the variance? If you will come forward to the microphone please, and give us your name and address for the record.

Mr. Kolick – Mr. Young, why don't you just have a seat and when everyone is done you can respond to all of their comments.

Mr. Evans – Now if I remember right, it was either you or the gentlemen behind you that wasn't sworn in. Were you sworn in?

Mr. Abele – Yes I was.

Mr. Evans – Sorry about that.

Mr. Abele – That's fine. My name is John Abele, I'm at 19762 Kensington Court. I just want to speak out in opposition to the variance for several reasons we've addressed and you've talked about quite a few of those tonight. As one of the members on Kensington Court and Deerfield Homeowners Association I think there are a few things that we want to make sure that we make clear to the Board. The swale, creek, setback, whatever you want to call it, the woods is actually in most cases the property that is owned by Deerfield Homeowners Association. There is a green space so to speak that abuts all of our properties between us and Mr. Young.

Mr. Evans – It's a 10' strip, that's correct.

Mr. Abele – Its 10' and it varies at different points, but it's approximately 10'. Where I sit, which is the second house in on Kensington Court currently, is not backing up to where he's proposed this structure. It's actually where the existing structures that are in place, the ones with pallets,

4) **PETER YOUNG, OWNER, Cont'd**

Mr. Abele continues - currently exist. I'm an Engineer by education and training, in fact I can understand distances by looking at them. I obviously didn't measure it, but I just want to reecho the fact that if a permit is granted those distances need to be verified. I say this because the structure that he's begun without a permit is clearly closer than 50' to the setback.

Mr. Evans – I've already said that it will be verified by the Building Department at the time of the issuance of the permit.

Mr. Abele – That's fine. The second thing I want to mention is the fact that Mr. Young has represented that the chickens as they exist today haven't been a nuisance, and that they only go onto the farm on the other side of the property. That is in fact, not true. The chickens are repeatedly in the green space. I see them there daily where it backs up to my property. They are repeatedly in my yard on a daily if not weekly basis. They have come as far into my yard as into my mulch beds. They have scraped the mulch into the grass. They have come up to my deck that abuts the back of my house. I have chased them off there multiple times. So these chickens that are free range are free ranging beyond his property. A big reason why that is, is because those existing structures as they sit abut directly to the property line of Deerfield Homeowner Association. I'm just reiterating the fact that some of the things that are being represented are in fact not true. The Board needs to consider that as you think about whether to agree or disagree to the variance request. In addition, one point that was incredibly important, is that as of very recent times not only did those temporary chicken coops house chickens, they also now have sheep. So I in fact witnessed it, I have video of it if you'd like to see it of sheep that have been in that coop. They've been roaming the property right behind us. I've checked the building codes and ordinances and it's hard for me to understand what actually is allowable with the sheep. He is lacking a fence and has additional farm animals on that property whether they are permitted by code or not. I just thought you need to be aware of that fact as well.

Mr. Evans – They are permitted by code because we talked about that in caucus that we double checked whether animals were permitted or not and they are. They are domestic animals and the code does permit that.

Mr. Abele – I just want to make sure that we're all clear on exactly what these structures are going to be used for and what they are currently being used for. That includes the ones that are there now in violation of the variance.

Mr. Evans – Hopefully you Mr. Abele and the others understand that the applicant could build a chicken coop and could put it there without a variance, and it would be going the other direction so you and the folks on Kensington would be looking at a much longer structure. He can do that. Part of our way of looking at this is that we understand that the applicant sees that property of his as a residential area that has some farming on it because that's what the property used to be. That

4) PETER YOUNG, OWNER, Cont'd

Mr. Evans continues - was before Kensington went in. So we're trying to look at it as what can we do to mitigate what the folks on Kensington have as a neighbor.

Mr. Abele – I understand completely.

Mr. Evans – We're trying to find the best outcome that we can provide for you. A 50' setback is the minimum required. We believe that the measurements will bear that out and at that point he can do whatever he wants to within those bounds.

Mr. Abele – I understand. I just want to make sure that what currently exists is understood by the Commission as it stands.

Mr. Evans – We've all been out there, we've all looked at. We all have varying opinions about it, but unfortunately the setback is the setback that we believe is there. We did not measure it, but we will ensure that it is done at the time that a building permit is issued.

Mr. Abele – That's all I wanted to say.

Mr. Evans – OK. Thank you. Is there anyone else who would like to speak against the granting of the variance? If you will come forward to the microphone please, and give us your name and address for the record.

Mr. Pietrzycki – Ken Pietrzycki, 19546 Kensington Court. Really the only thing that I wanted to bring to the Board is that I totally understand that it's his property and he can build a chicken coop. It's well within all of the guidelines. We can't stop him from doing that as long as it meets all the codes. I think it's great that he has a Norman Rockwell vision of a farm and wanting to have chickens. The thing that I just don't understand is for four chickens which is now six, why do you need this 20' by 10' structure? Even if you try to decorate it or make it nice, it's still going to be a perceived nuisance to some of the neighbors. My concern is that it's going to start with six and then it's going to evolve to twelve and then others. So that's my biggest concern. If he wants to house chickens for four eggs a day that's great. I struggle with why it needs to be so big. I have concerns whether kids are going to start using it for other things. A structure like that just screams people doing things, you know, kids going in there and trying to do things. That's a big concern. The other thing is that with 4 or 6 chickens or more, is that it bring predators. We have coyotes. We have fox. We have chicken hawks. A lot of us have small dogs, and small children. I get concerned about what the potential is for some harm to come to somebody. I think that's about all I wanted to say.

Mr. Evans – Thank you Mr. Pietrzycki. Is there anybody else who wishes to speak against it? Please come up to the microphone and give us your name and address for the record.

4) PETER YOUNG, OWNER, Cont'd

Mr. Konn – Matt Konn, I'm at 19600 Kensington Court. I live next to the Juris' and the Pietrzycki's. I'm the second home on the street since it was built. I just wanted to echo the sentiments of my neighbors and support their efforts. I'm in complete agreement with them. I think the variance that Mr. Young is trying to get, he's not meeting the threshold as outlined by the ordinances as far as I can read. I wanted to go on record saying that. This is part of the process that I've encouraged my children to be a part of our country and I want to demonstrate and be a role model for them. Quite frankly I can't believe, and I want to go on record for saying this, I can't believe in the City of Strongsville that we would allow chicken coops. It's not 1716 its not 1816 it's not 200 years ago. It's 2016. I respect his right to do basically what he wants to on his own property, just like I should be able to do what I want on my property. The practical reality are the safety issues that will not be enhanced by the chicken coop being built. He doesn't meet the code, he doesn't meet the variance requirements. I want the thing torn down and changed. He can build a 4' by 4' as far as I'm concerned. The practical reality of it is that last summer right before my daughter's graduation party, I'm cutting the grass in the backyard and guess what I found? A deer leg. The animal warden had to come out to take care of it. He told me what to do, we buried it in the woods. That's an affirmation to me of the coyotes. I get phone calls during the day from my wife saying that there are more coyotes in the yard and so forth. Quite frankly it's just going to draw more attention to what's going on. I really don't believe in the technicalities of what he's trying to do and he has not met the threshold for you to allow the variance. I'll circle it back to my children in closing. I will be talking to my ward Councilman, and I'll go to the City Council, because I think quite frankly I need to advocate that the City of Strongsville needs to get rid of the silly code of allowing a chicken coop. It's 2016. We can all drive down the road to Giant Eagle and get our free range and organic chicken eggs. Thank you for your time I appreciate it very much. I appreciate your service to the community.

Mr. Evans – Thank you, is there anybody else who wishes to speak against the granting of the variance? Hearing none and seeing none, Mr. Young, if you'd like to come back up to the podium. You've heard the comments and if you want to readdress those comments you can.

Mr. Young – You know what?

Mr. Kolick – Mr. Young, I'm sorry but you have to address your comments to the Board not the audience. It's the Board who is going to make the decision, but we'll take any comments you'd like to make.

Mr. Young – No problem, no problem. It's probably better that I address you guys anyway. Number one, in response to the first gentlemen that was up here, I've never mingled or associated with the neighbors on Kensington. I've never had a reason to. I never had a problem. I never had an objection to anything I did on my property before. Their houses are three stories tall, 6000 SF, they're monstrous houses that overlook my property. For that gentlemen to question; he misstated his engineering degree. He also said that the coop was 20' by 10'. It's not, its 16' by 12'. I'm

4) **PETER YOUNG, OWNER, Cont'd**

Mr. Young continues - allowed that many square feet. I'm allowed as many chickens as I want. I'm not trying to be overbearing and obnoxious about it. So with his big house looking down on my small chicken coop, I'd say he's overstating things a little bit. The other thing is that the chicken coop will be used to house straw, chicken feed, and everything else for my chickens. If you look up the requirements for housing chickens you'll see that they sell them by sixes because they are a group animal. The chickens are required to have 4 SF, a 4' by 4' area per chicken. That's what they say. So that picture that he showed you for that little coop is not sized properly for four or six chickens. I'm not going to be restricted about this, but I'm not looking to start a chicken farm. I know I'm in 2016. I think that my whole mindset is, boy I wish I was back in 1812 because of some of the things that go on now. I'm allowed to have it. I'm not asking for a variance for the size. I'm asking for a variance from my neighbor on the west. I will not be getting in a contest with the people on Kensington over a variance that I'm not even proposing against their yard. I know I'm 50'+ from my property line. I'm looking for the variance on the west. As far as I am concerned, my chickens never went in his yard, I know that for a fact. If he had pictures of something, then I would say OK, I'm sorry, but that's why I'm going to put a fence up. I would like to fence the chickens in, and have as you say a Norman Rockwell little mini-farm. The basic thing is that I want to utilize my property doing just that. We have organic eggs because the fact is that there's gross neglect of chickens from Tyson or McDonalds. If you ever looked at the internet, you could see this. I buy organic stuff because I'm concerned about my health. Meaning I'm not just doing this for an organic thing, I'm doing this because it's a feeling of relaxation to watch the chickens and their personalities. It's no different than them having their three dogs in their 6000 SF house, crapping all over. My kids and anybody else's kids can run through it and drag it in the house. It's a little weird to be talking about four chickens and their crap with what is over hundreds of feet away from their houses. I'm not going to make a mess, I'm going to keep it cleaned. I'm more concerned probably than they would be.

Mr. Evans – OK, thank you Mr. Young. Thank you. Any other questions or comments?

Mr. Rusnov – No.

Mr. Smeader –I have a question about the proposed fencing. What are you proposing as far the fencing? The fencing can contain them so they're not going over into the residents properties on Kensington.

Mr. Young – I was thinking about a 4' offset around toward the creek. The swale that I plan to decorate, and then back around to the west side and then over. Not anywhere closer to the east side. I can easily put up Arborvitaes, Blue Spruce, White Pine, Frasier Fur, or whatever you want me to put up. I have six or seven varieties that I have access to that I can put up. They can be big trees right off the bat. We don't have to wait for them to grow. I can put in 10' trees. So I'm not trying to impose on anybody that's why I put it there. I don't think I'm causing anybody any inconvenience.

4) PETER YOUNG, OWNER, Cont'd

Mr. Kolick – Let me read some conditions based on what I'm hearing here tonight and what Mr. Young has said. If you are going to grant this variance, I would suggest the following conditions: 1) There will be at least three non-deciduous trees on the east side of the property to shield the coop, to be positioned as approved by the Building Department; 2) The total number of chickens will not exceed the six, which Mr. Young has stated he has an intention to have in the future; 3) All other accessory structures, including the temporary structures will be removed; 4) There will be a fence to contain the chickens from access to Kensington Court residences. Mr. Young, I'd like you to step up here now and draw out on this plan your intended position for the fence. So he could also sign and initial it now, and that would serve as the plan for the fencing. I believe those would be appropriate conditions based on what I have heard tonight.

Mr. Young – Those are all OK.

Mr. Evans – Again, Mr. Conn, Mr. Pietrzycki, Mr. Abele, and Mr. Juris, I understand your definition of meeting a literal hardship application. Anybody who requests a variance like the folks from O'Charley's, or the folks at Protech and Camp Bow Wow, all those variances can be requested by someone. Your literal interpretation may be different from the Board's. The Board is here and sits with the reasons that are outlined, and if we probably held to an absolute, black and white, pure definition, we wouldn't even need to be here because we wouldn't grant variances. There would be no hardship that would be necessary enough to meet a black and white 100% requirement. What we try to do is try and figure out what is the best for the City, the property owner and what is best for the residents. That's what we've been empowered to do, and Council has the opportunity to overturn variances that we grant for that very reason. We try to act in good conscience, we try and act when we set precedents, and we try to learn from our mistakes. That's part of what we do as a Board when we're faced with an opportunity to mitigate circumstances. Where we think that something could be done to prevent what might be a terrible disadvantage to the City, we try and figure how to mitigate that. I think our record in the past has shown that we've tried to work with people to work out circumstances because nobody wants something in my back yard that wasn't there before. Often Board members are faced with circumstances that are a challenge to come up with a workable alternative. In this case those conditions that Mr. Kolick has suggested is what Board members have talked about. Again, all the Board members are free to vote their conscience. That is not a problem. This Board though has generally tried to mitigate circumstances where we can. We understand that you may not want the chicken coop there, but the applicant could build one and it would be the same square footage, just facing a different direction. By law he would not be required to put up a fence. He wouldn't be required to put Pine trees up, or anything else. That is his right because he can have animals on the property - he has agreed to these conditions. If you wish to go petition Council to remove the opportunity to keep animals in Strongsville, that's OK, but it can't be retroactive. Either way he'd be able to do what has is proposing. I want to make sure you understand why it is that we consider the things that we do. I will officially close the public hearing then, and now I will entertain a motion.

4) PETER YOUNG, OWNER, Cont'd

Mr. Houlé - I make a motion to approve a request for a 7' Side Yard Setback variance from Zoning Code Section 1252.3 (e) (1), which requires a 50' Side Yard Setback and where a 43' Side Yard Setback is proposed from the West property line in order permit a 192 SF Chicken Coop;

Mr. Kolick – How about I take it from there? ...to be contingent on the following conditions (a) that there will be at least three non-deciduous trees on the east side of the property to shield the coop from view, positioning to be approved by the Building Department, (b) not to exceed a number of six total chickens on the property, (c) all accessory structures including temporary structures will be removed, (d) and a fence will be installed in the general position as shown on the plan which is initialed and dated by Mr. Young at this meeting tonight. These would be the appropriate conditions. I want to make sure that you understand and accept them, Mr. Young.

Mr. Young – Yes.

Mr. Kolick – OK.

Mr. Rusnov – Mr. Kolick.

Mr. Kolick – Yes, go ahead.

Mr. Smeader – The fence proposed is approximately 30' by 30', about 900 SF.

Mr. Rusnov – At least.

Mr. Kolick – Are we all OK with that size of a fence as a Board then?

Mr. Rusnov – Yes.

Mr. Evans – To contain them.

Mr. Houlé - Yes.

Mr. Baldin – Sure.

Mr. Smeader – Yes.

Mr. Evans – OK. So Mr. Houlé, you may continue the motion then.

Mr. Houlé – Property located at 18160 Boston Road, PPN 397-26-004, zoned R1-75.

Mr. Evans – We have a motion with the four (4) conditions, do I have a second?

4) PETER YOUNG, OWNER, Cont'd

Mr. Baldin – Second.

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

ROLL CALL:	EVANS – YES	MOTION PASSED
	SMEADER – YES	
	BALDIN – NO	
	RUSNOV – YES	
	HOULE' - YES	

Mr. Evans – The variance has been granted with the four (4) conditions 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. With the conditions that we've stipulated the Building Department will engage those things that they need to do in order to carry out the order.

Mr. Young – OK. Again, Dan my violation is 10 days so I waited, and I understand. It's fine, but am I going to be in violation of this letter?

Mr. Evans – Follow up with the Building Department.

Mr. Kolick – Mr. Young, follow up with the Building Department on that. That's not within this Board's parameters. Also I caution you going forward not to put any rip rap or stone in the creek or anything without first talking to our Engineering Department because I don't want to have a drainage issue. There may or may not be any. Understand that any of those things you do may make the water go smoother on your property, but it may accelerate water downstream. That's what we have to be concerned about. So before you do anything with the creek in any way, please talk to our Engineering Department. It may be fine, but just talk to them so there isn't any misunderstandings on anything.

Mr. Young- You got it.

Mr. Kolick – OK. Thank you.

Mr. Evans – OK, then you are all set and good to go for now. Thanks.

Mr. Young – Thank you.

Mr. Pietrzycki – Sorry, Ken Pietrzycki again.

Mr. Evans – Yes sir.

4) PETER YOUNG, OWNER, Cont'd

Mr. Pietrzycki – I just want to understand what would be our recourse if for instance 6 chickens turns into 12?

Mr. Kolick – Then you would call our Building Department and they would go out and check. If there is more than six then they would take the necessary action.

Mr. Pietrzycki – So any of those criteria the fence, etc.?

Mr. Kolick – That would be the same thing with any of those conditions. If they are not met, then you contact the Building Department. They would have to go and check it out to confirm that it is the case, then they would take appropriate action.

Mr. Evans – I think Mr. Young understands this Boards position on that, so I don't think it's going to be a problem.

Mr. Rusnov – That's any and all of the conditions that we stipulated to, including location, the proper size, and to make sure the sidelines are where they are supposed to be.

Mr. Pietrzycki – Alright, thank you.

Mr. Kolick – Alright.

Mr. Young – The only thing that I wish to say to my neighbors whom like I said I've never met before or had occasion to, is that you always have the opportunity to purchase the woods behind me. If you want it that bad, it's for sale. Then I won't have anything, and you won't be bothered by me.

Mr. Kolick – Mr. Young, you need to take this up directly with your neighbors. It's not something that we can get involved with as a Board.

Mr. Young – I just wanted to let him know.

Mr. Kolick – Thank you.

Mr. Evans – Alright.

5) **MARCUS AND KATHRYN DOBECK, OWNERS**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Barn and where the applicant is proposing to add 393 SF to an existing non-conforming Barn; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

Mr. Evans – Number five on our agenda is Marcus and Kathryn Dobeck, Owners. Please come up to the microphone and give us your name and address for the record.

Mr. Dobeck – Marcus Dobeck, 12997 Webster Road, Strongsville.

Mr. Evans – Thank you. You have asked for an alteration or an enlargement of the existing non-conforming barn. We talked in caucus about the fact that you are within the 50' limitation for where the building is now for having animals, because that would be considered to be a stable if it has animals. We just want to make sure that you're aware of that so that you're not intending on making that a barn for the purposes of animals or anything like that. We've all been out to look at it, are there comments from Board members?

Mr. Rusnov – No, none.

Mr. Baldin – I have no comment.

Mr. Evans – We understand that the addition is not going to house a business and you're not going to have vehicles back there. We already stated that so I just wanted to make sure you're in agreement with that. If you will just say yes or no.

Mr. Kolick – Say yes, we can't pick up a nod on the microphone.

Mr. Dobeck – I understand, yes. I also know I can't have animals on the property. I know I can't operate a business on the property.

Mr. Rusnov – No farm animals.

Mr. Dobeck – Yes, right.

Mr. Kolick – No vehicles, correct?

Mr. Dobeck – Not to be stored back there. I have maybe a lawn mower, or tractor.

Mr. Evans – Lawn mowers and tractors are OK.

Mr. Kolick – That's OK.

5) **MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd**

Mr. Baldin – Just a man sized door?

Mr. Dobeck – The one I said last time was a sliding door so it'll be under 7' by 6'.

Mr. Baldin – Good.

Mr. Evans – OK. Are there any other questions?

Mr. Smeader – None.

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? If you will come forward sir.

Mr. Ginley – My name is Martin Ginley and I live at 392 Bruce Drive, Brunswick, Ohio. I also own the property at 13279 Webster Road, Strongsville. It's across the street from Mike Catan's property. It's the 21.5 acres that goes behind the property in question. Five weeks ago, I sold this property and entered into an option contract with some of the offspring of the people that live in Chasemore. They are doing due diligence at this point in time. They've down non-refundable deposit so they're very earnest about their intentions now. I've been trying to sell this property for 25 years. I've spent over \$78,000 in property taxes during this duration so I'm tickled to death obviously that the property is being sold. I did not inspect Mr. Dobeck's property as you all have. I've driven by it, I've seen its location, etc. I saw this structure in the back that looks like a little Dutch made barn or something. I'm assuming that it's going to replace that or augment that.

Mr. Evans – It'll be added to.

Mr. Ginley – In my investigation, just from the internet. Looking at Zillow and looking at Google maps, I identified a business that is being run out of this address. At 12997 Webster Road. It's called Burning River Labs, LLC. It's been in existence at this address since March of 2015. You're not going to see that by walking through the property. It is in print on the internet. It's kind of a nice business. My background is from NASA. So I'm well aware of the impact of laser technology. We're talking about laser printers, CAD software, we're also talking about laser cutters. Units that Mr. Dobeck is a rep for. They do service according to their website. I do have some copies of the material for the Board members. I thought there were four members.

Mr. Kolick – We can't pick up anything you say unless you are back at the mic.

Mr. Ginley – You will see that on pages 2 and 3 it does reference the business address of Burning River Labs, LLC as 12997 Webster Road. It speaks to the range of laser cutting technology that they have that they sell and service. These units range anywhere from \$3400 up to nearly \$10,000. This is not a cottage industry. We're not making crafts for sales at the Methodist Church before

5) **MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd**

Mr. Ginley continues - Christmas. This is a business. Let me finish please, on the same website you'll also see reference to three You Tube videos. If you go to You Tube you'll see a demonstration of the ability of the laser cutting technology to cut into wood, ceramics, polymers like PVC, etc. You can engrave into these things, you can also cut wood and plastic, etc. no more than ½ inches thick. I'm here today as the current owner of record. I'm speaking on behalf of the future buyers. I'm sure that they would be less than enthused to have in the backyard of their 7 or 8 homes that will be built on this property, a laser lab.

Mr. Evans – Mr. Ginley I prefer that we be able to ask the applicant. I understand that you have prepared information. A lot of people have businesses that are titled at a property where they happen to live, and they actually operate the business elsewhere. The applicant was asked if whether he ran a business out of the property and he said no.

Mr. Ginley – I heard the response.

Mr. Evans – So I would like to have us ask the question and find out. I understand that you as a nearby property owner have concerns. I think it's fair for us to be able to get an answer for that.

Mr. Ginley – I understand. I agree with you. It's certainly doing your due diligence as well. If you go Bizapedia you'll also see that it makes reference to the fact of where they began their business right there at that address.

Mr. Evans – That could well be.

Mr. Ginley – That's all I have to say. I don't think I'd want to buy a \$750,000 home with a laser lab in the backyard, or even expanded office space. On the last page of what Kathy is reading right now you'll see that he has four employees. Assuming that this is the site of their business, my question is how it could be zoned as residential for one family 75'? It seems inappropriate, and frankly it looks like a good business. It should be in a light commerce area not on Webster Road. That's all I have to say.

Mr. Evans – Thank you.

Mr. Ginley – You're welcome.

Mr. Evans – Mr. Dobeck if you'll be so kind as to address the concerns for us because I'm sure we now share that.

Mr. Dobeck – I can go over that. So about a year or so ago, my parent's family business in Oregon needed help with e sales. So there's no business. I work for IBM fulltime. That's where I've been out at Cleveland Clinic. I have a laser cutter in my basement, it's for marking and drawing.

5) **MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd**

Mr. Dobeck continues - Nothing like that is going in the barn. That's not what it's for. It's for lawn mowers and yard stuff and some of my woodworking things. I can guarantee that I don't have that business anymore.

Mr. Evans – That's fine, and we all understand that the internet is what the internet is. Things don't go away from the internet. You are under oath as Mr. Ginley was. I accept that as an answer. We recognize that Mr. Ginley has an interest because of selling the property, but all of those properties along that stretch are non-conforming. There are lots and lots of barns and lots and lots of buildings that are back there, out buildings and things like that. So because you've stated that you no longer have that business and it is not run out of there I'm inclined to say that I'm in agreement with that. I know that when I looked at the property I didn't see any evidence that there was a building that was running a business out of it. Are there any Board members who have concerns or questions?

Mr. Kolick – Mr. Dobeck, you do not run a laser lab business and you don't run any business out of there and you have no intention of running a business out of there, is that correct?

Mr. Dobeck – Correct.

Mr. Kolick – OK. Thank you.

Mr. Evans – Thank you Mr. Kolick.

Mr. Dobeck – I wanted to mention two really quick things. The first one is that it is an old barn in the back. It's kind of falling apart. My main purpose, and my wife is kind of making me do this, is to make it nice. We were going to get a nice barn kit to make it really good looking. So it'll be better for any houses that appear back there. The other thing is that I know you mentioned some concern about the rear end of the property line. It goes really close to 30' into the woods. It was cut off a little bit but the property is 396 SF. The fence is at about 360 SF.

Mr. Evans – So it goes beyond that then, OK.

Mr. Dobeck – Yes.

Mr. Evans – Alright.

Mr. Baldin – You are tearing down that back structure and you're going to rebuild.

Mr. Dobeck – Correct.

5) **MARCUS AND KATHRYN DOBECK, OWNERS, Cont'd**

Mr. Evans – OK. Is there anything else? I've asked for those who are against it, is there anyone else who wishes to speak against the granting of the variance? Then I will declare the public hearing closed.

Mr. Baldin – Before we go into a motion, Mr. Dobeck, you do have an accessory building that you and I talked about that is almost up against your house.

Mr. Dobeck – Yes.

Mr. Baldin – You are willing to move that within the code?

Mr. Dobeck – Yes, absolutely. We can put that down as a condition if you'd like. It was a Costco storage thing, and yes, I'll move that.

Mr. Baldin – Which a lot of them are.

Mr. Dobeck – Yes, I'll get that taken care of.

Mr. Baldin – That little smoke house is coming down?

Mr. Dobeck – Yes.

Mr. Baldin – Thank you.

Mr. Evans – Thank you Mr. Baldin. Then we will proceed to motion.

Mr. Rusnov – Would you like me to include that at the end about the removal of the other structures?

Mr. Kolick – I think we need to do that, yes.

Mr. Evans – I think that's appropriate.

Mr. Rusnov - I make a motion to approve a request for a variance from Zoning Code Section 1274.06, which prohibits the enlargement or alteration of an existing non-conforming Barn and where the applicant is proposing to add 393 SF to an existing non-conforming Barn; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75 with the removal of the smoke house and the relocation of the shed accessory building to comply with the Code.

Mr. Smeader – Second.

