

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

**Meeting of
July 6, 2016
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, John Rusnov, David Houlé, Kenneth Evans, Thomas 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) CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative

Requesting a variance from Zoning Code Section 1270.08 (a), which requires that apartment developments maintain enclosed garages at a rate of two (2) spaces per dwelling unit and where the applicant is proposing the demolition and non-replacement of all apartment carports; property located at 17721 Whitney Road, PPN's 395-16-002, 395-16-006, 395-16-007, 395-16-008, 395-16-009, zoned RMF – 1.

The Board saw possible issues with the consequences if they were to take advantage of the approval. For instance filling empty space with more dumpsters. It was also mentioned that it may take away from the value of the property, but it was also noted that they are currently putting a lot of money into improvements. It was also debated whether emergency vehicles would be able to get through the existing carports since they were built long before the current codes were put into place.

2) LOIS BAILEY, OWNER

Requesting a variance from Zoning Code Section 1274.04, which prohibits the replacement of structural parts of an existing non-conforming Barn and where the applicant is proposing to repair and upgrade an existing 624 SF non-conforming Barn; property located at 22636 Westwood Drive, PPN 392-02-005 zoned R1-75.

The Board does not at this point see an issue with this variance request.

3) CRAIG PRATT, OWNER

Requesting a 2' Setback variance from Zoning Code Section 1252.08, which requires a 35' Setback from a Cluster Home to a Detached Single-Family Dwelling property line and where a 33' Setback to a Detached Single-Family Dwelling property line is proposed in order to construct a 121 SF Three Season Addition; property located at 18981 Bridge Path, PPN 397-27-144, zoned R1-75.

The Board noted that the Homeowners Association has not yet commented on approval, but that it will be dealt with this week. They should have a letter to Kathy by the end of this week.

4) NICHOLAS CIAVARELLA, OWNER

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 50' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to approve an existing 256 SF Three Season Addition; property located at 14389 Pine Lakes Drive, PPN 398-09-031, zoned R1-75.

The Board noted that they have a timeline and a letter from the Homeowners Association. They also noted that they have had issues in the past with the builder regarding getting the proper permits and inspections. Mr. Baldin excused himself from the conversation due to a personal relationship with the builder's family.

5) ALL AROUND CHILDREN/Munna Agarwal, Representative

Requesting a variance from Zoning Code Section 1272.12 (c), which permits three (3) Wall Signs on the West elevation (Pearl Road) and where the applicant is proposing two (2) additional Wall Signs on the North elevation (Royalton Road); property located at 13895 Pearl Road, PPN 396-17-111, zoned General Business (GB).

The Board noted that this is an unilluminated sign. They also noted that the sign is proposed to be behind the Old Town Hall and they do not think it'll actually be visible from Rt. 82. They also reviewed the pictures of the design online.

6) JAMES POPERNACK, OWNER

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.29 (b), which requires a 15' Side Yard Setback and where an 8' Side Yard Setback is proposed in order to install a 24' by 12' Above Ground Pool; property located at 14472 Pine Lakes Drive, PPN 398-09-019, zoned R1-75.

The Board noted that this applicant has already received one variance for a older removed pool. This is an additionally needed variance on top of that one.

PUBLIC HEARINGS

7) WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative

Requesting a maximum 17' Rear Yard Separation variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' minimum Rear Yard Separation of adjacent units in

a cluster development and where a minimum of 33' Rear Yard Separation of two adjacent units is proposed; properties located at 13121 Northpoint Circle, Sublot 23, PPN 398-12-014 and 13145 Northpointe Circle, Sublot 26, PPN 398-12-048, zoned RT – C.

The Board sees no issue with this variance request. They mentioned that they have received a letter from the Homeowners Association.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 6, 2016

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

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

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 July 6, 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 June 22nd 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) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative**

Requesting a variance from Zoning Code Section 1270.08 (a), which requires that apartment developments maintain enclosed garages at a rate of two (2) spaces per dwelling unit and where the applicant is proposing the demolition and non-replacement of all apartment carports; property located at 17721 Whitney Road, PPN's 395-16-002, 395-16-006, 395-16-007, 395-16-008, 395-16-009, zoned RMF – 1.

Mr. Evans – First on our agenda this evening is Chestnut Lake Apartments. Please come up to the microphone and give us your name and address for the record.

Mr. Stancak – Good evening, my name is Gene Stancak. My address is 8018 Skyline Drive, Broadview Heights, Ohio.

Mr. Lewis – Hi, Bill Lewis. My address is 1207 Harbor Crest Drive, Hinckley, Ohio.

Mr. Evans – OK. Thank you gentlemen. Please take us through what you're looking at doing. I think you heard us talking in caucus about some of our thoughts. Take us through the proposal.

Mr. Stancak – Sure, before we do, we prepared some additional information for the project that would be helpful as I explain it.

Mr. Evans – Hand them to me, and I'll send them both directions.

Mr. Stancak – Just some quick history on the buildings. There's five large multi-family structures with five to six stories each. They were built in the late 60's early 70's. There's approximately 780 units there. The proposed carport removal is of the twelve structures and you can see them on our hand-outs. These structures they are open-air covered roofs. Our wishes are to remove these structures in effort to better the project. The removal of the carports would also include the milling of the pavement, repaving the surface, and restriping it. There are many goals to this but the most important is that it's a safety issue. As you discussed in caucus it is an issue to get vehicles throughout the property. There's some tight areas especially around these buildings in the back. It's hard to get emergency vehicles in. It's certainly difficult to get cars in there at times. The goal is to remove the twelve structures, remill, pave, and restripe the lot. I believe you also discussed that it's part of a multi-million dollar investment that the owner is putting into the property. Currently the corridors in each building have been renovated completely. New fire alarms have been installed in the required style and height. There's a beautiful 8000 SF wellness center that's positioned right in the center of these building here. Quite honestly, the owner has committed additional dollars to continue this ongoing effort. In addition to that is removal of the carports and cleaning up the asphalt paving. The one thing I would like to remark on is that this facility was

1) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative, Cont'd**

Mr. Stancak - master planned in the late 60's. Unfortunately their planning was a little different than ours today. Of course if we wanted to do it again, we'd make much bigger spaces and add additional covered garages, and so on and so forth, but in this case we're limited to the project as it stands. There's so many good reasons to remove these carports and the most important of all obviously is safety. They are nice little hideaways for people who want to do bad things, and that's probably something you guys already know about. The last point I'd like to make is that it's first come first serve parking. There's no benefit. No one pays to park there. The spaces are quite tight so if you have a large car you pretty much can't park in there anyway. So this project will bring some flexibility to the driving lanes and the parking spaces. We'll basically be making a better place for the residents. Now I'll open up any questions from you.

Mr. Evans – Mr. Stancak I do want to make note of the fact that the Board received two communications. One was from Charlie Goss, our Director of Public Safety, and the other one is from John Draves, our Fire Chief. Both of them basically said that these would have no adverse affect to the public safety and it would improve the ability of officers both fire and police to have access to the grounds of the apartment buildings. Are there any questions from Board Members?

Mr. Rusnov – I'd just like to reiterate that the major driving force behind this removal of the carports is the public safety issue, is it not?

Mr. Stancak – There's no question. That's by far the most important thing. It'll also allow us flexibility in the project with drive lanes and everything I had just said.

Mr. Rusnov – Thank you.

Mr. Baldin – Just to reiterate what my colleague said, that I'm surprised that you didn't give us a couple pictures to show us how bad the shape is of some of these carports. I drove around there and they look like they're about to fall down.

Mr. Stancak – Yes, there are some needed repair to those, but the goal is the safety hazard. It's not just to remove something that doesn't look good. To your point though, someone had asked in caucus about paving the area. Without removing those carports it's so difficult to get in there to repave you just can't do a good job. The snowplows in the winter have such a difficult time moving the snow around there. Especially in the springtime when we get those quick thaw periods. The snow plow will pile snow, then its melts, then it'll freeze and there's no way really to get back into those carports. It's just a lot of good things happening with us removing these.

Mr. Baldin – I have no further questions. I think it's a good idea.

1) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative, Cont'd**

Mr. Evans – I take it's important, Mr. Stancak that you know that the Board of Zoning and Appeals and the Building Code of Appeals has four criteria for approval variances. One is that it cannot be an economic factor, which is why two of the Board members have already asked that. Given that this was planned back in the 60's and things have dramatically changed since then, like you said, for a City to build it again today, there would be a lot of things done differently. I agree that it is difficult to get around in there so I can't imagine how a fire equipment or ambulance would get back in there. What will happen now is that 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 all the owners of properties within 500 feet of the apartments. It will state exactly the description that is written in the agenda tonight. The public hearing is on July 20th. 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. Stancak – Thank you for your consideration.

Mr. Evans – Thank you.

2) **LOIS BAILEY, OWNER**

Requesting a variance from Zoning Code Section 1274.04, which prohibits the replacement of structural parts of an existing non-conforming Barn and where the applicant is proposing to repair and upgrade an existing 624 SF non-conforming Barn; property located at 22636 Westwood Drive, PPN 392-02-005 zoned R1-75.

Mr. Evans – Second on the agenda is Lois Bailey. Please come up to the microphone and give us your name and address for the record.

Ms. Bailey – Lois Bailey, 22636 Westwood Drive. This is my daughter Gretchen. I come before the Board tonight to request that my barn not be allowed to fall further into disrepair. It is a historic barn that has been on the property since long before I purchased it in 1983. I hope to restore the barn to its former beauty, both for aesthetic reasons, for preservation of this useful structure, and to increase my property's value. This project involved installing a new footer and reinforcing the foundation, installing new floor joists and plywood floors, repairing the siding, replacing the windows. There will be exterior scraping and painting, as well as installing gutters and downspouts. The footprint of the structure would not be altered. Are there any questions?

Mr. Evans – Ms. Bailey we always have questions. That's what we're here for is to ask questions. The first question is what is the intended use of the barn? Will it continue to only be a storage facility, do you intend to run a business or to lease out space to horses or anything?

Ms. Bailey – No.

2) LOIS BAILEY, OWNER, Cont'd

Ms. [Gretchen] Bailey – It'll mostly be used as storage. I also like to reupholster. I live at the property and it's really frustrating having extra couches and chairs in my living room that I'm tearing apart so it would be a really great place for a little workshop or studio for that. We do have a pony at my mom's current property in Valley City. So we might be able to bring him home, but that depends on a lot of other factors as well.

Mr. Evans – Are there other questions from the Board? The reason why we mentioned in caucus that when it's a non-conforming use the City doesn't allow additions, alterations or things like that, because if it's non-conforming that means that it doesn't fit the use that the property has now been identified for. Our job is to make decisions on whether or not things make sense and whether it's an appropriate variance from what the code is. We'll take those things into consideration. 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 July 20th. 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. Bailey – Thank you.

3) CRAIG PRATT, OWNER

Requesting a 2' Setback variance from Zoning Code Section 1252.08, which requires a 35' Setback from a Cluster Home to a Detached Single-Family Dwelling property line and where a 33' Setback to a Detached Single-Family Dwelling property line is proposed in order to construct a 121 SF Three Season Addition; property located at 18981 Bridge Path, PPN 397-27-144, zoned R1-75.

Mr. Evans – Number three on the agenda tonight is Craig Pratt. Please come up to the microphone and give us your name and address for the record.

Mr. Pratt – Craig Pratt, 18981 Bridge Path, Strongsville. It's a cluster development off of Brick Mill which is off of Saratoga in High Point development. We submitted plans probably within the last 30 days because we're looking to put an 11' by 11' sunroom addition on the back of our house off of the dining room. In the back we currently have a deck that goes out further than that, probably about another 8' or so. We're looking to kind of stitch that in off of where the dining room is and there is a patio down below there as well now. The patio is really doing nothing. The sunroom will be level with the existing deck, and go out 11'. If you look at the plans, there's a clipped corner on the deck which goes out further than that, but this is only going to go out to where that clipped corner is. I have pictures on my phone, which is not on right now, but if anyone

3) CRAIG PRATT, OWNER, Cont'd

Mr. Pratt continues - wants to see them I have them. I spoke with Dave today. He's looked at the area. If anyone wants to see a picture of the area that we're looking to do this they can. It doesn't go past the existing deck and it backs up to a green space. I'm not really aware of the politics of High Point although we've been there 10 years now. I spoke with Ken and got the High Point approval. I have copies and the President of Bridge Path has seen the plans as well. It'll conform to the rest of the house. It'll match as far as color and trim. They are all kind of an off-brown siding and all of that will be done the same. The width of the trim and everything will be the same as well. So it will not be any different than from what's there now. We're not looking to put up anything that looks different from that. You all have the plans as far as what's being planned. I was under the assumption since the deck goes out X amount of feet that that's the case, but that's not the case for a portion of a dwelling which is why we need the variance. I'm here tonight looking for the additional two feet onto it. I'm open to questions or if anyone would like to see pictures I can turn on my cellphone. I'm not 18 so I can't do it as quickly as they can, but I do have pictures.

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. Do you back up to Brick Mill Run?

Mr. Pratt – Yes.

Mr. Evans – OK. Then you will want to make sure you talk to people on Brick Mill Run because when you talk about adding on there will be some concern from people there. High Point as the master Association will be requested to do a letter because the plans that have the stamp from High Point are simply approving the drawings and the architecture. They indicated clearly on there that they did not approve the variance because they didn't know whether or not one is required. The Board will request a letter from the Homeowners Association. The public hearing is on July 20th. Are there any other questions?

Mr. Houlé – Does he need to give you a copy of the cluster Association letter that he has?

Mr. Evans – You will need to give us the Cluster Associations approval letter as well.

Mr. Pratt – Would you like me to do that now?

Mr. Evans – Yes, you can do that now, that's fine.

Mr. Pratt – Sure.

Mr. Evans – We only need one copy of that for the record.

3) CRAIG PRATT, OWNER, Cont'd

Mr. Houlé – The only other note I would say is that the green space behind his house is pretty heavily wooded so it's going to be largely invisible to people on Brick Mill Run. It'll just be the immediate neighbors on each side that may have issues.

Mr. Evans – Anything else? We will invite you back on July 20th then. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Pratt – 7:30?

Mr. Evans – Yes.

Mr. Pratt – Thank you.

4) NICHOLAS CIAVARELLA, OWNER

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 50' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to approve an existing 256 SF Three Season Addition; property located at 14389 Pine Lakes Drive, PPN 398-09-031, zoned R1-75.

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

Mr. Ciavarella – I'm Nicholas Ciavarella. Address is 14389 Pine Lakes Drive.

Ms. Ciavarella – Monica Ciavarella, same address.

Mr. Evans – You are here because you have an existing three-season addition. We have a couple of things that you've given to us. One of them is the Homeowners Association letter which we need. That's on file then. You've also given us a timeline as well as the drawings and everything so why don't you take us through what has transpired so far.

Mr. Ciavarella – I guess the key points on the timeline were the start of the project on March 3rd. That's when we signed a contract and the very first point on the contract is that each of the permits and the inspections would be done. We fully intended to obtain permits. We were never trying to avoid doing that. The contractor stated to us the entire time that he was taking care of permits and he's going to do that. We didn't get any kind of hints of problems until May 10th when we got the red sticker. We talked to him, and he said he was going to take care of it. Finally we got a letter from the Building Department on June 18th. Again we talked to him and at this point most of the addition was finished. He wasn't honest with us the entire time pretty much. We only really found out about the lack of a permit about a week or two ago. Even then he said he was going to take

4) NICHOLAS CIAVARELLA, OWNER, Cont'd

Mr. Ciavarella - care of it. I called the Building Department and they said everything was in process. June 27th I went online and I noticed that there was a variance required as well. I didn't know about the variance. He hadn't told me anything about that. That's how we ended up here. If we asked him again he'd probably say I'll take care of it. This time we decided to take responsibility for ourselves. We can't trust him. As far as the project itself, it went very smoothly so we didn't think to question him on much of anything. As far as the need for the variance, the home is situated 50' from the back. The code doesn't allow for any type of addition at all. To build anything at all I think we'd need a variance. We had replaced an existing deck. The footprint went over what the original deck had. The homes behind us are on a cul-de-sac so the home directly behind us is at an angle so it's not really a direct view. I included some pictures of the before and after so you could see that the home on 14434 Willow doesn't really have much of a different view. Before it was a deck and a fireplace, and now you can see the addition.

Ms. Ciavarella – In both photos you can see that the shed that we have that goes up to the back of the property pretty much blocks the view of the addition. It actually looks cleaner than before because we removed the rusty fireplace that they were looking at before.

Mr. Ciavarella – I guess the other point we wanted to make was that the distance from the home behind us to our home is 98'. I know that's not what the code is, it's just to give you an idea of what the distance is between the two homes. We spoke to neighbors on both sides and they haven't had any problems with the addition. Is there any other point?

Ms. Ciavarella – Yes, our house compared to the other homes that are surrounding the two sides and the three homes in the back, our house is just under 1500 SF. The other homes are 1900 to 3100 SF. So our house is considerably smaller than everyone else's. Our main goal was just to improve upon the house. By adding the addition, it increases the value of our property and makes it a little more comparable because the smallest house on either sides of theirs are 1900 SF. So we're considerably smaller. It brings us at least a little bit closer. The addition brings us up to about 1700 SF. We would at least be more of a similar size than the other homes around us. That can only increase the value of our property value which would also be good for our neighbors too.

Mr. Ciavarella – Again, we profusely apologize. We would have never done it this way and we were misled the entire time.

Mr. Evans – Mr. and Ms. Ciavarella how long have you lived in Strongsville?

Mr. Ciavarella – We bought this home about a year ago.

Mr. Evans – OK. The purpose of us being here and having you here is not to cause an issue for you. You did everything right in terms of the requirement with the contract, and we understand the builder had not done what they were supposed to do. The problem becomes that the addition

4) NICHOLAS CIAVARELLA, OWNER, Cont'd

Mr. Evans continues - exists. It didn't have permits, it didn't have inspections and everything. So Mr. Miller if we were to grant the variance after the fact, what happens for the applicant in terms of having the structure looked at so that we know that it does meet the building codes?

Mr. Miller – The department would probably take the position where there might have to be some walls opened. They didn't see any of the framing or the wire methods. Once we got out on site we'd have to determine how far we'd have to go in order to approve it in accordance with the Residential Code of Ohio.

Mr. Evans – That would be to protect you as well as the City.

Mr. Ciavarella – There's a crawl space so there's some access.

Mr. Evans – I just wanted you to be aware of the fact that even if we grant the variance, there's still some additional steps.

Mr. Ciavarella – I expected that.

Mr. Evans – You'd just need to make sure it's taken care of. OK. Gentlemen of the Board, are there any questions?

Mr. Baldin – Mr. Ciavarella did you consult any other contractors besides you contractor?

Mr. Ciavarella – Yes, and for the amount of money and what he had promised us, it was a good value. The project went very smoothly. We asked them if they had ever worked in Strongsville. He said yes. I know that I have in here that we had a reference from a judge in North Royalton. We talked to his sister. He showed us pictures.

Ms. Ciavarella – He did an addition for her too.

Mr. Baldin – When I saw that thing about the judge there I thought there was a court thing.

Mr. Ciavarella – No no. It was just that he had done work for the judge and his sister.

Mr. Baldin – Thank you.

Mr. Ciavarella – He seemed very credible to us. Still I would say that his work was adequate.

Ms. Ciavarella – Everything is very nice. We were so impressed at how quickly everything was progressing.

4) NICHOLAS CIAVARELLA, OWNER, Cont'd

Mr. Ciavarella – Now we know why.

Mr. Evans – Anything else gentlemen? 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 July 20th. We will invite you back at that time. Mr. Baldin had indicated that he would be excusing himself from voting on this.

Mr. Baldin – Correct.

Mr. Evans – I'll just make that note. I forgot to mention that for Item three that I will be excusing myself from that one. It is not necessary that you stay for the rest of the meeting tonight. We appreciate you preparing the documentation that you did. That's evidence of your intent on following what was required. We appreciate that. Thank you.

Mr. Ciavarella – Appreciate your time.

Mr. Evans – Thank you.

5) ALL AROUND CHILDREN/Munna Agarwal, Representative

Requesting a variance from Zoning Code Section 1272.12 (c), which permits three (3) Wall Signs on the West elevation (Pearl Road) and where the applicant is proposing two (2) additional Wall Signs on the North elevation (Royalton Road); property located at 13895 Pearl Road, PPN 396-17-111, zoned General Business (GB).

Mr. Evans – Number five on our agenda is All Around Children with Munna Agarwal representing. Please come up to the microphone and give us your name and address for the record.

Ms. Agarwal – Sure my name is Divia Agarwal and I live at 6107 Loch Lomond Court in Solon 44139.

Mr. Evans – Tell us what it is that is putting you in a position that you need to ask for the variance on the new building there. You may frame that by telling us a little bit about All Around, where you are, and what you're doing.

Ms. Agarwal – Sure. This is going to be a child care center, a preschool, and before and after programs for the school-aged kids. This is our sixth center in NE Ohio. We decided to come to Strongsville because we think it's a great opportunity to be right in the middle of town and to use

5) **ALL AROUND CHILDREN/Munna Agarwal, Representative, Cont'd**

Mr. Agarawal - that lot that's been vacant for forever. We are requesting a sign be put on the north side of the building. Currently we have three signs approved on the west side. Right now, if a driver were to drive down Royalton, that entire side of the building would have nothing on it indicating that it's a child care center. We feel that it's necessary to put signage there. It'll be non-illuminated. It's going to provide symmetry for our signage on the building since we have the other side covered. Are there any other questions?

Mr. Evans – Gentlemen?

Mr. Baldin – I think she covered it.

Mr. Rusnov – Nope.

Mr. Evans – OK. We've asked our Building Department to make sure that they get us what has already been approved for the building so that we can see that in comparison to what you're proposing. Fast Signs is doing the work for you. The one thing that I know just in looking at the front of the building and the others is that the letters that you are proposing are black letters?

Ms. Agarwal – The letters on the sides of the building are black letters. The letters that are illuminated on the rotunda will be white illuminated letters. The ones on the side are called Gemini letters, they are just hard plastic.

Mr. Evans – OK. 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 trouble. The public hearing is on July 20th. 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. Agarwal – Sure, thank you.

6) **JAMES POPERNACK, OWNER**

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.29 (b), which requires a 15' Side Yard Setback and where an 8' Side Yard Setback is proposed in order to install a 24' by 12' Above Ground Pool; property located at 14472 Pine Lakes Drive, PPN 398-09-019, zoned R1-75.

Mr. Evans – Item number six on our agenda is James Popernack. Please come up to the microphone and give us your name and address for the record.

6) JAMES POPERNACK, OWNER, Cont'd

Mr. Popernack – My names is James Popernack. I'm at 14472 Pine Lakes Drive in Strongsville.

Mr. Evans – You are looking at doing an above ground pool. There is a variance. Was that granted to you previously for the previous pool?

Mr. Popernack – Yes, it was just a little either 10' or 12' pool. It's one we got at Walmart.

Mr. Evans – You were the owner at that time correct?

Mr. Popernack – Yes.

Mr. Evans – So now you're moving up in size there a little bit. Your kids have gotten older and the other pool isn't big enough.

Mr. Popernack – Yes. It has leaks in it too. The filter finally went and we decided it was time to move on.

Mr. Evans – Alright. 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. Are there any other questions, gentlemen?

Mr. Baldin – I noticed that the gentlemen has very nice fences. The complete yard is totally fenced in so that's very good. That's got to be very close to the deck though, right? Almost right next to the deck.

Mr. Popernack – Yes, pretty much right next to it. I think I had talked to him earlier. I may have to bump it out a little bit because I have from the other pool we have the lines under and it may be in the way. Great Escapes is actually doing the pool and they're so busy installing that they can't send anyone out. So I don't know how far it's actually going to go down when they're digging down so I may just bump it out to stay away from that line. So I'll have that if I need to do that I'll have it for the next one.

Mr. Baldin – You do have a railing on the deck now, correct?

Mr. Popernack – Yes.

Mr. Baldin – Thank you that's all.

6) JAMES POPERNACK, OWNER, Cont'd

Mr. Evans – Mr. Miller, I think what Mr. Baldin is asking is are there any concerns with the pool being located close to the deck? I know in the past we have voiced concerns when it's close to a shed or the house, or the garage or something. Does the code reference anything about being close to the deck?

Mr. Miller – There are nothing in the requirements for the pool close to the deck, but if access to the pool was through the deck then there are barrier requirements that would be brought forth.

Mr. Evans – The access is not going to be through the deck?

Mr. Popernack – No it's just an A-Frame ladder that'll go off from the side.

Mr. Evans – Just trying to make sure we have all the bases covered.

Mr. Smeader – Mr. Popernack when I came out you suggested that there might be a small change to the size of the pool. Is that going to impact the 7' side yard setback variance?

Mr. Popernack – The size of the pool isn't going to change. We'll just be shifting it over a little bit. So I guess the side yard setback variance would change a little bit by about a foot.

Mr. Evans – So it might be a greatened variance? Instead of 7' you might need 8'?

Mr. Popernack – Yes, it might need a little bit greater than that.

Mr. Smeader – You'll need to get those drawings changed.

Mr. Popernack – Am I able to make that change before the next meeting? Is that OK?

Mr. Evans – If we believe that to be the case then we should change it now to 8' so the notice could go out like that. I'm not concerned about the drawings yet, but we can make that change and ask you to redo the drawings showing that dimension. You can bring that with you to the next meeting.

Mr. Popernack – I can come back into the office and have you print out another copy and just note the change on there? Is it OK to do it that way?

Mr. Evans – Yes.

Mr. Popernack – OK.

Mr. Baldin – Closer towards the fence?

6) JAMES POPERNACK, OWNER, Cont'd

Mr. Popernack – Yes, closer towards the fence.

Mr. Evans – You don't think it'll be more than 1' more?

Mr. Popernack – Right now because originally they told me they could go as close as 8" to a deck. Then I realized that that line is running right around that same spot. So I'll probably move it another foot or two. I can definitely work that out and get a copy to you.

Mr. Evans – What I'm asking though is should we be changing it to one foot or two? That way you don't have to go back.

Mr. Popernack – Let's do two feet then. That way we'll know we're hitting it. Does that sound good?

Mr. Evans – So that would increase it from a 7' to a 9' variance.

Mr. Miller – There might be some concerns. Is that an electric underground line you're talking about?

Mr. Popernack – Yes.

Mr. Miller – There are requirements for the pool to be away from that buried line.

Mr. Evans – Where does the line go to?

Mr. Miller – Is it the line that supplies the pool pump?

Mr. Popernack – Yes, it's from the other pool. It's coming out of the house, and it runs along the deck then it goes out to the shed where the other pool is.

Mr. Evans – Obviously the electrical line couldn't go under the pool so hooking up to that would be an issue.

Mr. Popernack – That was my concern. I didn't want it to be under the pool.

Mr. Evans- That would be right.

Mr. Popernack – Once they're digging too, I don't know. They are going to dig down to where it's level. I'm not exactly sure on that because they haven't sent anyone out to tell me how far they have to go down.

6) JAMES POPERNACK, OWNER, Cont'd

Mr. Evans – Right, I understand.

Mr. Kolick – Lets use then the biggest dimension for purposes of advertising this, but you need to get us in a drawing well before the meeting so we can pin down what exactly this variance needs to be.

Mr. Popernack – I can do that tomorrow. As long as I can get a copy and I'll get that all mapped out for you guys.

Mr. Kolick – If you could do that tomorrow then maybe we could use the correct number on the agenda then Kathy please.

Mr. Popernack – I think from what I understand you still need a letter from the Association, is that correct?

Mr. Evans – Yes. That is correct.

Mr. Popernack – OK. I did talk to a guy and he was going to do it, but I'll reconfirm with them and make sure it's coming.

Mr. Evans – That's correct.

Mr. Popernack – OK.

Mr. Evans – The public hearing is on July 20th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Get that all taken care of.

Mr. Popernack – Yes, I'll take care of that tomorrow.

Mr. Evans – Thank you.

PUBLIC HEARINGS

7) WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative

Requesting a maximum 17' Rear Yard Separation variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' minimum Rear Yard Separation of adjacent units in a cluster development and where a minimum of 33' Rear Yard Separation of two adjacent units is proposed; properties located at 13121 Northpoint Circle, Sublot 23, PPN 398-12-014 and 13145 Northpointe Circle, Sublot 26, PPN 398-12-048, zoned RT – C.

7) **WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative, Cont'd**

Mr. Evans – Then we'll move on to public hearings item number seven which is William Thomas Homes. Please come up to the microphone and give us your name and address for the record. OK. You will need to be sworn in since you arrived a bit after the fact.

Mr. Kolick stated the oath to those standing.

Mr. Evans – Now we'll need your name and address for the record please.

Mr. Simon – Sure. Tom Simon with William Thomas Homes. I live at 10471 Lake Meadows Drive in Strongsville.

Mr. Evans – OK. Mr. Simon the request for the variance is because Gillespie Homes originally developed Bexley Place and things were done according to what was then code. Now the code has changed and so you're trying to finish out the development in there. We have two homes that are on corner lots and you've asked for variances on Sublots 23 and 26. That's because of the setbacks. Tell us a little about what you're doing and why the need for the variance.

Mr. Simon – Certainly. That was exactly accurate. We're looking to just finish out the existing subdivision that started a long time ago that had stalled. It has sat basically dormant for a number of years now. It's a cluster home community. The intention all along was to go in and build cluster homes. By our definition that is primarily single-story ranch homes. Ranch homes obviously will fit in with the rest of the community. That's exactly what we're doing. Prior to acquisition of the lots in the community we have met with Board members of the Homeowners Association and also the Architectural Review Board and explained everything we were planning to do. We have our plans approved including the plans and topo's for the corner lots. Now we're just looking to move forward. I mentioned that at one point in the process the Planning Director here in town was under the impression that we were moving forward in the right path and that there were no zoning variances required, but that's OK. I understand. We brought the prints in for permits and review and there was a question. So rather than go back and forth let's just come in and get a variance. Bexley has been approved under a separate set of standards. My understanding beyond that is that there were a number of variances that have been approved over the years in there.

Mr. Evans – And those of us who have been out there to look at it understand that the variances that are being requested are not unusual and they are in fact the same as what is currently in Bexley Place. So it's not that they will be any closer to the street or taller. It's just that they're going to conform to what is already there, but what's there doesn't conform to what the code was because there were special circumstances.

Mr. Simon – That's basically correct, yes.

7) **WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative, Cont'd**

Mr. Evans – OK. Are there questions?

Mr. Rusnov – No.

Mr. Baldin – No questions.

Mr. Smeader – I have a comment. I'm very familiar with the quality of the construction that Mr. Simon is involved with, and I would expect that the proposed construction will compliment what was already put in by Gillespie. It should fit very well.

Mr. Evans – Anything else?

Mr. Houlé – We had requested a Homeowner's Association letter.

Mr. Simon – Yes. I have a slight misunderstanding there. I brought the architectural review approval letters, and I brought a copy of the letter that went through the management company. I understood that you wanted to make sure that folks in the community understood what was going on and that there were no concerns. We sent the letter. Well I didn't send it, but I had explained to the management company there at Bexley Place what we were doing. The property manager crafted a letter that included my contact information and explained what was going to be going on. That went out to all the property owners in the community. Anyone who had a concern or a question was able to contact me. I went out and met with folks that did, and included in that meeting were some folks from the Homeowners Association including the Homeowner's Association President. At that time Tony said that he was planning to come to the public hearing. It didn't even dawn on me to say that I needed a letter as well. I just figured that he said he'd be here, and so I just left it at that.

Mr. Evans – So if you have a letter from the Architectural Review Board then you could present those to us. I'll have Mr. Kolick take a look at those, but I suspect that will probably suffice for what we need to do. I think that will probably get us to where we need to be.

Mr. Simon – Thank you, sorry about that.

Mr. Evans – That's alright. Is there anything else we should ask Mr. Simon?

Mr. Baldin – I don't believe so, but maybe it wouldn't hurt to have the president come up and make that comment.

Mr. Evans – I figured I'd do that in the public hearing if that's alright.

Mr. Baldin – Fine.

7) **WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative, Cont'd**

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. If you would come forward and give us your name and address for the record.

Mr. Lamorgese – My name is Anthony Lamorgese I live at 13176 North Point Circle, and I am President of the Homeowners Association of Bexley Place.

Mr. Evans – Congratulations, I'm sure that's a dubious honor. So as the president, would you be willing to confirm what Mr. Simon has said. The Homeowners Association has taken a look at this and you are in favor of the granting of the variance.

Mr. Lamorgese – We have, yes.

Mr. Evans – Thank you. Is there anything else you need to make us aware of?

Mr. Lamorgese – As far as I know everyone around is happy about what's going on with Bexley Homes, and we're looking forward to getting our development completed finally.

Mr. Evans – I'm sure that would be nice.

Mr. Kolick – The items we have in our agenda list two addresses as 13121 and 13145, the two ends of the street. These letters that I received approved one of the lots, but they don't approve the other lot. Has the Homeowners Association approved the construction of the lot on the other side of the block as well?

Mr. Simon – Yes, we have.

Mr. Kolick – OK. That's fine.

Mr. Evans – So it's Sublots 23 and 26. OK. Thank you. Is there anyone else in the audience who wishes to speak for the granting of the 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 make a motion to approve a request for a maximum 17' Rear Yard Separation variance from Zoning Code Section 1253.11 (b) (3), which requires a 50' minimum Rear Yard Separation of adjacent units in a cluster development and where a minimum of 33' Rear Yard Separation of two adjacent units is proposed; properties located at 13121 Northpoint Circle, Sublot 23, PPN 398-12-014 and 13145 Northpointe Circle, Sublot 26, PPN 398-12-048, zoned RT – C.

Mr. Smeader – Second.

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

7) **WILLIAM THOMAS HOMES, INC./Thomas Simon, Representative, Cont'd**

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. In the meantime you can work with the Building Department to continue working on plans. We appreciate you working with us and making sure the process was taken care of. Good luck in building them, I'm sure the residents in Bexley Place will be very happy to have that moving towards completion.

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

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

Mr. Kolick – There's one item. It appears that Mr. Kall has come in with drawings that complied with the code so they have withdrawn their variance requests. Is that correct?

Mr. Miller – Yes, as we talked at the last meeting he has plans to move the accessory structure in line with the back of his garage in that fence line so that would be acceptable. We have approved the permit. So his request for the variance was withdrawn.

Mr. Evans – With that then, we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>July 20, 2016</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date