

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

**Meeting of  
September 7, 2016  
7:30 p.m.**

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

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Mike Miller

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**NEW APPLICATIONS**

**1) BRENT AND EVA TEAGUE, OWNER/Brothers Grimm Landscape, Rep.**

Requesting a 4' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 350 SF Unenclosed Patio with a partial Pergola 4' into the side yard; property located at 18395 Clare Court, PPN 394-31-009, zoned R1-75.

**The Board noted that the main dwelling is offset on the lot. They mentioned that this dwelling is not in Waterford; it is in Fieldstone. They stated that they received a letter of approval from the Homeowners Association.**

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

Requesting a 600 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,600 SF Floor Area is proposed in order to construct a Garage Addition; property located at 10306 Pamela Drive, PPN 391-27-020, zoned R1-75.

**The Board noted an amendment to the variance request. The 600 SF Floor Area has been changed to 1392 SF; also amending that the 1600 SF be changed to 2392 SF. They have an existing 732 SF garage, and they are proposing a 1600 SF addition to that structure. The Board also noted that the addition has been staked for their viewing. It was also mentioned that they will ask what the purpose of the new space is. The Board reviewed the written plans and discussed lot lines, location of structures, and ordinance requirements.**

**3) RANDOLPH AND LAURA JONES, OWNER**

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where one (1) additional 192 SF structure is proposed; property located at 16561 Glendale Avenue, PPN 397-15-024, zoned R1-75.

**The Board noted that there is an existing shed. They are proposing a new addition. The Board mentioned that it is a large lot and the neighbors do not seem to mind. They also**

**stated that there will be two sheds and the new one is for woodworking. The Board also discussed there being a lean-to attached to the shed. They also mentioned the amount of pool equipment that the applicant owns and needs to store.**

**4) DIMITRI KONTOVEROS, OWNER**

Requesting an 18' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 180 SF Four-Season Sunroom; property located at 17477 Deer Ridge Circle, PPN 397-27-045, zoned R1-75.

**The Board mentioned that the owners are doing an interior remodel. They stated that it backs up to a utility road. The Board discussed the location of the addition. It is a four season addition attached to the kitchen in the back of the house.**

**PUBLIC HEARINGS**

**5) HOT HEAD BURRITOS, TENANT/Greg Abbott of Abbott Image Solutions, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one (1) 57.34 SF Wall Sign (West) and where one (1) additional 33.32 SF Wall Sign (East) is proposed; property located at 13405 Pearl Road, PPN 396-10-003, zoned General Business (GB).

**The Board verified that the allowable square footage for total signage is 48 SF. The signage that was previously approved was 30 SF. The applicant is asking for approximately 19.2 SF for the rear facing sign which means they are 1.2 SF over what the ordinance permits for total square footage.**

**6) MARCUS DOBECK, OWNER**

- a) Requesting a 637 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 960 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway to the applicant's proposed accessory structure and where no driveway is proposed; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

**The Board stated that the applicant will need to have either a small garage door put in or pave the driveway to the structure.**

7) **WITHDRAWN AT THE REQUEST OF THE APPLICANT**

**FRANK CELEBREEZE, OWNER/Diane Bija of New Creations Builders,  
Representative**

- a) Requesting a 204 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 396 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 12' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback and where an 8' Setback is proposed in order to construct an Accessory Structure;
- c) Requesting a variance which prohibits placing an Accessory Structure in the side yard and where a 396 SF Accessory Structure in the side yard is proposed; property located at 19654 Tanbark Lane, PPN 391-28-001, zoned R1-75.

8) **WOODPECKERS, INC. /Mike Curtis of Curtis Layer Design Build, Inc.,  
Representative**

- a) Requesting a 22.25' Rear Yard Building Setback variance from Zoning Code Section 1260.07, which requires a 50' Rear Yard Building Setback and where a 27.75' Rear Yard Building Setback is proposed in order to construct a 45,800 SF Manufacturing and Warehouse Addition;
- b) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1260.07, which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback is proposed in order to construct a 45,800 SF Manufacturing and Warehouse Addition; property located at 13700 Prospect Road, PPN 392-16-008, zoned General Industrial (GI).

**The Board saw no issues with these variance requests.**

## **STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**

### **MINUTES OF MEETING**

**September 7, 2016**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this September 7, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL AYES

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Thank you, this evening we have minutes from our August 24<sup>th</sup> meeting. There was one minor change on page 8, and if there are no others I will submit them as presented. Our meetings are divided into two portions; first is new applications and then the public hearings. We will ask that each of those individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

### **NEW APPLICATIONS**

1) **BRENT AND EVA TEAGUE, OWNER/Brothers Grimm Landscape, Rep.**

Requesting a 4' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and

where the applicant is proposing a 350 SF Unenclosed Patio with a partial Pergola 4' into the side yard; property located at 18395 Clare Court, PPN 394-31-009, zoned R1-75.

Mr. Evans – First on the agenda is Brent and Eva Teague with Brothers Grimm Landscaping. Please come up to the microphone and give us your name and address for the record.

Mr. Grimm – I am Jacob Grimm with Brothers Grimm Landscape and Design. The business address is 2413 South Arlington Road, Akron, Ohio.

Mr. Evans – Thank you. You are here requesting a four foot variance because of the way this pergola is going to sit. Could you tell us about the reason for the variance and why it is in that position? Tell us what you intend on doing there please, that would be excellent.

Mr. Grimm – Absolutely. There are a few reasons for what we are proposing. Much of it centers on the architecture of the home. We are trying to maintain the feel and look of the home. The stone that we have selected matches the front. We want this to feel like it is an extension of their home. That is the whole concept behind outdoor living in a nutshell. Additionally as you can see in the photos and it was discussed that the neighbor's driveway is right there, and there is a whole lot of things going on. The idea with the privacy pergola and screening is to close that off, and make it feel like it is more of an intimate setting. Ultimately the biggest reason for extending it the direction we have has a lot to do with the direction of the sun, the height of the house, to create shade in that area. In addition to the pergola and the privacy screening, the Teague's both have aging parents and they are a very close-knit family. One of their goals is to have a larger patio area where they can all sit and enjoy evening dinners, and this fits the design for that. Down the road they are looking to do more landscaping including a fence around the property and that sort of thing in accordance with the codes. So ultimately no one will ever see the four feet.

Mr. Evans – Are there questions from Board members? 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 September 21<sup>st</sup>. 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. Grimm – Thank you.

Mr. Baldin – Good presentation, Mr. Grimm.

Mr. Grimm – Thank you sir.

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

Requesting a 1392 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 2392 SF Floor Area is proposed in order to construct a Garage Addition; property located at 10306 Pamela Drive, PPN 391-27-020, zoned R1-75.

Mr. Evans – Item number two on our agenda is Jeffery Mihi and Eli Miller Construction. Please come up to the microphone and give us your name and address for the record.

Mr. Mihi – Jeff Mihi, 10306 Pamela Drive.

Mr. Evans – Mr. Mihi, please give us a description of this request. You heard us in Caucus asking a lot of inquiring questions. So give us a run-through of what you are looking to do and why you need to do it please.

Mr. Mihi – Currently the garage space I have is not enough. I have a one ton pickup with an extended cab, and unfortunately the truck will not fit in the garage. I am trying to build something that will adapt to that truck, and of course I have some motorcycles and collector cars. I need more space for all these vehicles and a compact lawn and garden tractor with a front end loader.

Mr. Evans – OK. You heard us in caucus and there are a couple of questions. The first one is will you will be running a business out of the house?

Mr. Mihi – No, it is all personal use.

Mr. Evans – Second question is will you be connecting the driveways?

Mr. Mihi – We are designing it so I can use the existing driveway and not have to put in a secondary driveway to get to it. I had a 45 degree angle on the front corner which is allowing me to then pull in and then I have to pull in and then back in or pull in and back up and go into the garage. So it will be harder to do with the truck, but it can be done. I do it now.

Mr. Evans – You are going to add a new garage door to the existing structure, and the driveway you are going to put concrete in?

Mr. Mihi – Yes. Basically where that 45 degree angle is, that is going to be concreted in. So then it will just be the one entrance door for that higher truck because it is four wheel drive.

Mr. Evans – OK. My last question is will the existing garage remain as a garage or do you plan to convert it into living space?

Mr. Mihi – No. Not at this point. What I want to do is open the garage up to the other garage. So the existing end wall will then have an opening to go into the other new section.

Mr. Evans – I believe one of our members has already been out and said that you already have it staked out. From that front corner where it projects out from the front of the house, is it 50' from the street?

Mr. Mihiu – I am thinking we are good there.

Mr. Evans – OK.

Mr. Mihiu – Like I said, if you go out and look at it you will see that there is a lot of treed area in there, and unfortunately probably half of the trees are going to go if it is allowed. Of course it will still be a nice barrier with the bigger trees that are going to stay.

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

Mr. Houlé – I think it is good that you are going to keep some of the trees.

Mr. Mihiu – Right, I will keep as much as I can keep, but some of them are getting way too big and over the house anyway so eventually I am going to have to cut some down. If I do that, I would prefer to be able to put this building tied-in with the house. My plan is not to make the house look like a garage, but I want it to look like the house so it is all uniform.

Mr. Houlé – You have a nice a big window on the garage on the side.

Mr. Mihiu – Right. That would come out on the front is what we are thinking. We are just going to kind of angle things a little different. One of the things is that made another driveway that went around the other side, but I decided I wanted to keep it looking nice for the neighbors. I do not want it to be too much.

Mr. Baldin – Did you make a comment that you have a front end loader or some sort of construction vehicle?

Mr. Mihiu – It is compact, it is not construction.

Mr. Baldin – I do not know what you do for a living, but you have that big truck and from that comment and the size of this building I think I will ask again if you are planning to run a business out of there.

Mr. Mihiu – No. Absolutely not.

Mr. Baldin – Thank you.

Mr. Kolick – Mr. Mihi, make sure the building you are proposing is 50’ off the street because if it is not we will have to look at something else. Please make sure that it works.

Mr. Mihi – Yes. OK.

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. The public hearing is on September 21<sup>st</sup>. 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. Mihi – Thank you.

Mr. Evans – Thank you very much.

**3) RANDOLPH AND LAURA JONES, OWNER**

Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where one (1) additional 192 SF structure is proposed; property located at 16561 Glendale Avenue, PPN 397-15-024, zoned R1-75.

Mr. Evans – Item number three on our agenda is Randolph and Laura Jones. Please come up to the microphone and give us your name and address for the record.

Mr. Jones – My name is Randolph Jones.

Ms. Jones – Laura Jones.

Mr. Jones - 16561 Glendale Avenue, Strongsville.

Mr. Evans – Thank you. Alright so you are looking to put a second structure in, and in caucus a number of people already commented that you have done a great job on the house rehab.

Mr. Jones – Yes, we bought the house and they had a two car garage and a shed. We thought it would be enough room for my woodshop, cars, bicycles, and snow blowers, but it was not. So we were going to put a garage in the back, but we did not have enough space on the side for a driveway. We could not put a 16’ door, it had to be a little door, and to put everything in there it would have been packed. We are going with Plan B which was to put a three car garage in the front of the house, put all three cars in there, and still I have no room for lawn mowers, snow blowers, and kids bikes and everything else. So we are going to put another shed in for all of my woodwork. I



like to do all the woodwork on my own house. I will put all the lawn equipment in one side of my workshop.

Mr. Evans – The first question we have to ask you and you heard it already is do you run a business out of it?

Mr. Jones – No.

Mr. Evans – So the woodworking is a hobby.

Mr. Jones – Yes, it is a hobby. I do all the crown molding in the house. The other house I had a two car garage and I did that. I would have to have all our cars sitting outside in the winter. We moved to Strongsville, and it is nice to have the cars in the garage for the winter.

Mr. Evans – You will never have enough garage space though. Everyone who comes in always says that this will be enough, and I will get my cars in and then somehow magically they need more. I will tell you that we do not do three sheds on a property. So hopefully the two is enough. Are there questions from Board members?

Mr. Baldin – No.

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 September 21<sup>st</sup>. 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. Jones – The neighbors already know. I had a swing set and that area had two big buildings on it, and one was a chicken coup when we bought the house. I had a lot of stuff to put in that and the swing set kind of hid everything and now the swing set is all apart. It was unsafe and it was getting bad so we got rid of it, but now it shows all the stuff I had hiding behind it. So I want to clean it up.

Mr. Evans – I am sure your neighbors will appreciate that. We will see you at the public hearing on September 21<sup>st</sup>. Thank you.

Mr. Jones – Thank you.

4) **DIMITRI KONTOVEROS, OWNER**

Requesting an 18' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 180 SF Four-Season Sunroom; property located at 17477 Deer Ridge Circle, PPN 397-27-045, zoned R1-75.

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

Mr. Kontoveros – Dimitri Kontoveros, 17477 Deer Ridge Circle, Strongsville.

Mr. Evans – OK. You are looking for a Rear Yard Setback. Tell us about the four season room. We also understand that there is a lot of construction going on so give us the big picture of what you are doing.

Mr. Kontoveros – We are trying to open up the kitchen a little bit. The house has a big family room, but a small kitchen off to the side of it. So we want to build a sunroom off the back and hopefully enhance the property value as well as the livability factor.

Mr. Evans – So you have been watching Flip or Flop or one of those shows on HDTV probably.

Mr. Kontoveros – Every day.

Mr. Evans – Alright. Yes, Property Brothers. OK. Do we have questions from Board Members?

Mr. Smeader – Is this a three season room or is it a dinette type of thing? It will be four season room with a kitchen table in it for a breakfast area or something like that.

Mr. Evans – That is what all the newer models have that we all wish we would have built into our houses years ago. Anything else? 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 September 21<sup>st</sup>. 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. Zamrzla – I have a quick question. Did you get the Homeowners Association letter yet?

Mr. Jones – No, I applied for it, but I have not heard I am guessing because of the holiday weekend recently? I tried calling the President today.

Mr. Evans – Deerfield Woods, well if you just bring that in for the September 21<sup>st</sup> meeting, that is fine. If you get it before then you can drop it off at the Building Department or scan and email it.

Mr. Jones – I will be on them every day. Thank you.

Mr. Evans – Thank you.

## **PUBLIC HEARINGS**

### **5) HOT HEAD BURRITOS, TENANT/Greg Abbott of Abbott Image Solutions, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one (1) 57.34 SF Wall Sign (West) and where one (1) additional 33.32 SF Wall Sign (East) is proposed; property located at 13405 Pearl Road, PPN 396-10-003, zoned General Business (GB).

Mr. Evans – That takes us to the public hearings. The first is Hot Head Burritos with Greg Abbott of Abbott Image Solutions. Please come up to the microphone and give us your name and address for the record.

Mr. Spence – I am not Greg, I am one of the owners. Brian Spence, 13405 Pearl Road.

Mr. Evans – OK. Brian you are looking for a variance to put a second sign on your building. Give us a quick thumbnail sketch of what it is you are doing and why you are doing it.

Mr. Spence – We are putting it onto the front of the store so the front entrance looks more professional instead of window decals. It is not going to be very visible to anyone except for those who are already in front of that side of the building.

Mr. Evans – That is important though because that is where the parking is, correct?

Mr. Spence – Right.

Mr. Evans – So you need people to see that side of the building because the side that faces Pearl does not have parking.

Mr. Spence – There is parking on the north side where we are proposing the sign.

Mr. Evans – We discussed in caucus, Mr. Rusnov would you like to make a comment?

Mr. Rusnov – Yes, about being 1.2 SF over the maximum allowable as per the code of the City of Strongsville.

Mr. Spence – Sorry.

Mr. Rusnov – Headed by Mayor Perciak.

Mr. Evans – We want to make that point though because that is relatively within the SF of what is allowable.

Mr. Rusnov – When I read this I will put that in.

Mr. Evans – Thank you.

Mr. Baldin – No comment.

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

Mr. Rusnov - I make a motion to approve a request for a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one (1) 57.34 SF Wall Sign (West) and where one (1) additional 33.32 SF Wall Sign (East) is proposed; property located at 13405 Pearl Road, PPN 396-10-003, zoned General Business (GB). The sign exceeds the maximum allowable by 1.2 SF.

Mr. Smeader – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Mr. Kolick does he need to go anywhere after this?

Mr. Kolick – He may need to get back before the ARB. I do not know, Mike do you know if he has been to ARB yet?

Mr. Evans – The Architectural Review Board is the one that approves the design. I believe the Building Department will let you know.

Mr. Miller – I do not believe he has to go to the ARB for this because it is the same signage as the other one.

Mr. Evans – The same one just a smaller size. You are all set, we wish you well in business.

Mr. Spence – Thank you very much. Hope you guys like Mexican.

Mr. Baldin – We will give it a shot.

**6) MARCUS DOBECK, OWNER**

- a) Requesting a 637 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 960 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway to the applicant's proposed accessory structure and where no driveway is proposed; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

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

Mr. Dobeck – Marcus Dobeck, 12997 Webster Road.

Ms. Dobeck – Katherine Dobeck same address.

Mr. Evans – OK. You were here before and you asked for a variance that we granted to rehab the existing facility. You are now back before us to build a new facility to replace the old barn. You have also asked for the variance for the driveway. These are two separate issues, we would normally consider them together. You heard us in caucus and at the last meeting that the problem we have is in granting a variance on the driveway, it opens a precedent that we do not want to do. So the choices are that we could either give you a delayed amount of time to put in a hard surface driveway in or we could go down to a smaller door that we previously discussed. You could have multiple doors that are smaller, but the problem is the size of the door. It creates a potential opportunity for someone to store vehicles in there. As we mentioned, even though you might not plan on doing that, someone else who succeeds you in owning the property would. So we need to know what your thoughts are based on those discussion points.

Mr. Dobeck – So I had a couple of items to bring up. First of all the path that would need to be paved to get there, I am not sure if it could be paved. It is a complete swamp and most of the year about three quarters of it you could not drive a car back there or anything back there. Spring dries it out and you can move back to there then. The reason for the larger door, and in the original plan I had 10' wide. I could go to 8', but the only reason I was looking for it was because my Jet Ski trailers are about 7.5' wide. Plus there are lawn mowers and a four wheeler and things like that.

There is no business that is going to be run or anything like that. Most of the year you cannot get back there anyway. If I were to pave it, we would have to pretty much redo the whole yard as far as where the water drains and regrade everything which would affect the neighbors because it is a big hole basically. There are also trees in the way that would need to be removed as well. We are kind of stuck with that.

Ms. Dobeck – It is also because our lot is very narrow and long and that brings about two problems. The first is that if we were to pave all the way back it would be approximately 300' of pavement. That is a large amount, and I do not think it would look good being such a long distance. There is also an estimated 10' on that side yard between our house and the neighbor's property. So if we were to put a driveway there despite all these other issues, we are talking about it would have to be right on the property line. Again, I do not think that would look very good to the neighbors. The other side of the yard is not much better. There are even more trees and about the same amount of room. So I do not believe paving is an option even if we had the money because of those issues we mentioned.

Mr. Evans – So the obvious question I am going to ask is how does the Jet Ski trailer get back and forth and how often does that move from the garage out to the roadway?

Mr. Dobeck – That is purely from June until now, and it is out about once a week. I do not drive the back there to get it, I use the four-wheeler.

Mr. Evans – So Mr. Kolick, am I correct that if we were so disposed that we could grant a variance limiting the door to 8'?

Mr. Kolick – We can, but it would still need a variance whether it is 10' or 8'. We still need the variance for the hard surface.

Mr. Evans – Right, I realize that.

Ms. Dobeck – I have one question, and I am trying to find a way to ask it in a polite way. We were talking last time, am I understanding correctly that if it is paved you are allowed to store vehicles back there?

Mr. Evans – Yes.

Ms. Dobeck – If the vehicles being stored is not the problem is the regulation requiring the pavement to keep people from driving on grass? What problem does the pavement solve?

Mr. Evans – Normally I would say that the ordinance was not created for people in rural districts. You live in what I would consider a farming district where the properties are historically designed large and long. In a residential situation it is to keep people from having a shed or a garage in the backyard and driving vehicles and creating muddy areas. In a farm situation it is a little bit

different. The fact that you are taking the Jet Ski's once a week though still creates that same kind of problem. The difference is that in that type of area a farm one, it is not in the midst of a residential district. Again our problem is that once we open that door and create that precedent, then everyone will want the same even though they are in a situation that causes a problem for neighbors. It is a Pandora's box that does not get closed, and we have learned the hard way that when we grant variances sometimes we will end up not liking what we have granted because someone pushes it to a limit that we did not think about when we approved it. We of course talked about the fact that you could still renovate and do the addition instead which was originally proposed. We know that it may not be exactly what you want because the bigger building has more usability.

Mr. Dobeck – With the old one we still would have had the same garage issue with the door size, I mean.

Mr. Baldin – Did not you have a large enough door in the old building? You had a large enough door.

Mr. Dobeck – Yes, but that is the part that is falling down.

Mr. Baldin – We have no problem with a remodel, we have no problem with that. It was already grandfathered in there.

Mr. Evans – Remodeling is different than creating new. When you take out the old one and put up a new one now we ask you to reform. When you planned to instead remodel the old one, and given the fact that you are not taking it down to the ground, you are remodeling an existing building whether it is replacing doors or windows or whatever. That is a remodel and it is grandfathered. That is there for the purpose to allow that type of thing.

Mr. Dobeck – It is sitting on telephone poles. It is probably not something.

Ms. Dobeck – Remodeling is not an option. I do not know how many of you have seen the back part of the barn where the current garage door is.

Mr. Baldin – I remember what it looked like, and to be honest I did not go out a second time. I looked all around it though and talked with you people in the past, but this is the lesser of two evils. Here you spend 10-15 K and pour the pavement in or you put your money into remodeling and do the best you can. Then you will have the door. We do not make the laws we are just trying to uphold them.

Mr. Evans – One other thought that I have. Mr. Miller and Mr. Kolick, I will look to you to determine whether it is a viable alternative. If they were to build a patio off of the barn or a covered side area that is not a part of the structure under which they could park their jet ski trailer, would that not require the paved driveway? I am saying the door would be under the requirement because

then they would not need to put it in the barn, so the barn door could be the 7'. They could have a lean-to or whatever you call this extension, I am calling it a patio off of the barn where they could back the Jet Ski in and store it under that.

Mr. Kolick – As long as the garage door size is smaller than the code then they can do whatever they want to it.

Mr. Baldin – But it would not be enclosed.

Mr. Evans – No it would not be enclosed, but it would be protected.

Mr. Kolick – It would not matter if the Jet Ski is not closed.

Mr. Evans – Every Jet Ski trailer I have ever seen has covers over the Jet Skis and the trailer itself is not necessarily covered, and while it would not be ideal it might solve what you are trying to do.

Mr. Dobeck – If in the future we are able to add a driveway 10 years from now, can we go back and expand the garage door?

Mr. Evans – Sure.

Mr. Dobeck – OK.

Mr. Smeader – Have you considered building the new structure closer to the back of the house? Is that a possibility?

Mr. Dobeck – We talked about that, and if we move it much closer it will be in that swampy area.

Mr. Smeader – Because you would save probably 100 or 150 feet in driveway.

Mr. Dobeck – It would get into the kids play area too.

Mr. Evans – I did not remember that there was a swamp there, I just remember that it was way, way, back there.

Mr. Dobeck – It is not swampy now, but wait until fall.

Mr. Evans – OK. So a couple of options, we have talked about alternatives here. You could either table this and go home and talk about it. We could put it back on the agenda for September 21<sup>st</sup>. You could come back and tell us what you want to do whether it is a lean-to. It will not be a garage, but we can park it under that and here is the building we want and the square footage, etc., then at that point we would approve the square footage variance and we would not have to have



the driveway variance. We could do it tonight and just take it as it, and consider them separately and give you the square footage, but not give you the variance for the driveway. That means you could not go ahead with your plan as is. You could tell us that you want to go ahead with the variance with a smaller door and you are not going to worry about the Jet Ski being stored somewhere. I would suggest that the right way to do it would be to table it tonight so you have an opportunity to talk and think about what you would want as an alternative. We will consider whatever you want, but I think you understand what we are giving you as our constraints and what the probable outcome would be. I would rather not do that if there is an option that would meet your needs.

Mr. Dobeck – We had talked about running into this situation and I think what we would like to do is proceed with the door that does meet the requirements which is under 6' by 7'. Do I need to resubmit something to the City about that?

Mr. Evans – If the door is within what the Code allows, then you do not need a variance for that. You would need Item A which is the square footage variance which is the driveway variance. Then if you decide to store it outside or whatever that is between you and the Building Department. It would not require our action.

Mr. Dobeck – OK. So we can proceed without the door variance. I do not know if this is a now or another time question, but I could not find a 6' x 7' door, but there are 8' doors. Can you frame in the door?

Mr. Evans – 7' doors are available depending on who the manufacturer is.

Mr. Miller – There are overhead doors that are 7' by 6'. You could frame it down. It says that the opening needs to be equal or less than 7' by 6'.

Mr. Dobeck – OK.

Mr. Miller – The opening needs to be equal or less than 7' wide and 6' high.

Mr. Dobeck – OK, we will get rid of the larger door if we can and we will just go with the allowed size.

Mr. Evans – You are eliminating Item 6 B then. Are there any other questions or comments?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Baldin – No.

Mr. Evans – OK. This is a public hearing. We will be removing item 6 B which is the request for the driveway. So we are only doing a public hearing for item 6 A. I will ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I would like to make a motion that we approve a request for a 637 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 960 SF Floor Area is proposed in order to construct an Accessory Structure with a door no larger than 7' by 6'; property located at 12997 Webster Road, PPN 398-26-023, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL:    ALL AYES    MOTION PASSED

Mr. Evans – 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. We appreciate you working with us, good luck with the project, and hopefully we will not have to see you back here again.

Ms. Dobeck – Thank you.

**7) WITHDRAWN AT THE REQUEST OF THE APPLICANT**

**FRANK CELEBREEZE, OWNER/Diane Bija of New Creations Builders,  
Representative**

- a) Requesting a 204 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 396 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 12' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback and where an 8' Setback is proposed in order to construct an Accessory Structure;
- c) Requesting a variance which prohibits placing an Accessory Structure in the side yard and where a 396 SF Accessory Structure in the side yard is proposed; property located at 19654 Tanbark Lane, PPN 391-28-001, zoned R1-75.

Mr. Evans – Item 7 has been removed by the applicant.

8) **WOODPECKERS, INC. /Mike Curtis of Curtis Layer Design Build, Inc.,  
Representative**

- a) Requesting a 22.25' Rear Yard Building Setback variance from Zoning Code Section 1260.07, which requires a 50' Rear Yard Building Setback and where a 27.75' Rear Yard Building Setback is proposed in order to construct a 45,800 SF Manufacturing and Warehouse Addition;
- b) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1260.07, which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback is proposed in order to construct a 45,800 SF Manufacturing and Warehouse Addition; property located at 13700 Prospect Road, PPN 392-16-008, zoned General Industrial (GI).

Mr. Evans – That takes us to item 8 which is Woodpeckers, Inc. and Mr. Curtis. Please come up to the microphone and give us your name and address for the record.

Mr. Curtis – Good evening, my name is Mike Curtis. Curtis Layer Design Build, Inc. 340 Harris Drive, Aurora.

Mr. Evans – Outstanding. You are here for a variance. You are the only one in the audience so in two sentences can you tell us what the reason for the variance is?

Mr. Curtis – We need the rear yard and side yard setback variances in order to maximize the footprint of the building expansion. I think I said last time the owner would like to go larger, but this is the biggest we could build.

Mr. Evans – Outstanding, that sounds good. Any questions from the Board?

Mr. Rusnov – No.

Mr. Baldin – No questions.

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

Mr. Rusnov – I make a motion to approve a request for a 22.25' Rear Yard Building Setback variance from Zoning Code Section 1260.07, which requires a 50' Rear Yard Building Setback and where a 27.75' Rear Yard Building Setback is proposed in order to construct a 45,800 SF Manufacturing and Warehouse Addition; also approve a request for a 10' Side Yard Parking Setback variance from Zoning Code Section 1260.07, which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback is proposed in order to construct a 45,800 SF

