

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

**Meeting of  
March 25, 2009  
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Richard Baldin; Kenneth Evans

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joey Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**1) MISAEEL AND NADIA MINAYA, OWNERS**

Requesting a 25' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires that the fence be located within the setback of the residence and where the applicant is proposing to extend the fence 25' beyond the setback of the residence in order to construct a 6' fence on a Corner Lot; property located at 9977 Forestview Drive PPN 398-10-022 zoned R1-75.

Mr. Evans stated that he saw another fence about ten houses down that backs up to Forestview and feels that there aren't a lot of fences and that fence stands out. Mr. Goist stated that he would like to see the fence open, not board-on-board. The owner wishes to put up a board-on-board fence.

Miscellaneous information: The next meeting for April 8, 2009 will be cancelled since the Board members will not be available to meet. Therefore, the next meeting will be held on April 22, 2009.

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

**MINUTES OF MEETING**

**March 25, 2009**

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

Present: Dr. Goist  
Mr. Harr  
Mr. Baldin  
Mr. Evans

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this March 25, 2009 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MRS. MCGRATH

Mr. Harr – I make a motion to excuse Mrs. McGrath for good cause.

Mr. Baldin – Second.

Dr. Goist – We have a motion and second. Kathy, would you call the roll.

ROLL CALL: ALL AYES

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have minutes from January 14, 2009. If there are no changes, I will entertain a motion to approve the minutes.

Mr. Baldin – So moved.

Mr. Evans – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

ROLL CALL: ALL AYES

Dr. Goist – For all the people who are here in the audience, if you would like to speak before the Commission this evening, if you would now please stand and be sworn in by our Legal Counsel.

Mr. Kolick then stated the oath to those standing.

1) **MISAEAL AND NADIA MINAYA, OWNERS**

Requesting a 25' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires that the fence be located within the setback of the residence and where the applicant is proposing to extend the fence 25' beyond the setback of the residence in order to construct a 6' fence on a Corner Lot; property located at 9977 Forestview Drive PPN 398-10-022 zoned R1-75.

Dr. Goist – We only have one new application and this is Nadia Minaya. Nadia, I know your husband wasn't able to be here. If you will explain to us what you would like to do and give us the information on what kind of a fence you're trying to put in.

Mr. Baldin – Give us your name and address first.

Ms. Minaya – Okay. Nadia Minaya and my address is 9977 Forestview Drive, Strongsville, Ohio 44136. We would like to put in a six foot privacy fence in our yard, wood, and we would like it to come off the house a little bit because we have a very large dog and we have three kids and we just don't have a lot of room in our back yard now. With the park, there are a lot of children. They come and run – am I supposed to keep talking?

Dr. Goist – Sure, you're doing fine.

Ms. Minaya – Okay, sorry. With the park being right behind us, we probably wouldn't have put in a fence this quickly. We have only lived there a year but with just being there a year we have noticed kids run in our yard, play hide and seek, hide behind our pool, hide in bushes. They do it to our neighbors yard also but we just find there is lots of trash coming into our yard, people have thrown things as far as even mail boxes in our pool. It's just a lot of different things and we have no privacy because the park is there and it does get kind of crowded in the summer and stuff. We have absolutely no privacy when too many people are there utilizing it all the time. So, we would like to have some privacy in our home that we can be able to relax and have a little – plus our dog is going to be 200 pounds but right now he is a puppy but in a few months, he could get up to 200 pounds. So, we need a very large fence to keep him in and I would like to give him as much room as possible.

Dr. Goist – Okay, Board members, if you would like to ask her questions.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

1) **MISAEAL AND NADIA MINAYA, OWNERS**

Mr. Evans – For the record, I would want to note that we did get a letter from Pine Lakes and as I understand it, the letter was submitted prior to the time that the variance was considered but in reading the letter I believe that we do not need to go back to Pine Lakes, that this letter will suffice as being a record from them because it does mention in it that if there was a variance required that they wanted to be sure that the neighbors got notified. So, I think that this letter will stand even though we know it was submitted before the variance was contemplated. The other thing, Nadia, I guess what we would want to do is let you know that when you come and apply for a variance, we will always consider what it is that you want to apply for. Having been over in the neighborhood tonight and looked at what the neighborhood looks like, I do understand that the playground area is higher than your yard is. Being that your pool is also an above ground and raised up, probably putting up a higher fence is the only way that you could secure privacy but one of the things that we have to look at as a Board is that there are many, many houses in the Pine Lakes development that are on corner lots and a lot of those people, if you were to get a variance to go that close to the sidewalk and that far away from the house and a six foot height with a privacy fence, a lot of people are probably going to say, Wow, that really looks nice and I would like to do that in my yard because I have kids cutting through and I have trash. So, all of a sudden, we would let you do that and everybody else would come in and say, Well, they got it so I would like to do that too. So, we always have to be concerned in terms of whether or not we set a precedent that somebody else might want to take advantage of. In terms of looking at the style of fence there, there are a number of fences around you that are white picket fences. I'm not sure that that would keep your dog in but the white picket fence provides a security barrier but it's not such that it looks like stockades and the example that we always give people is that if you drive into Parma, in a lot of areas you will find there fence after fence after fence and it looks like a walled city and obviously it doesn't look that way in Pine Lakes now. There is one privacy fence behind you on whatever the street is about ten houses down and that one stands out in the area because it's a six foot high privacy fence and when you're driving through it's like, wow when you look at that, it's stands out. So, from a Board, we try and look at it in terms of what are the aesthetics of the neighborhood and we understand your concern about your yard but in terms of looking at the six foot fence, you may want to talk with your husband because our inclination may not be to come as far out from the house as what you're asking for. There may be a compromise difference in there because what we do for you, we would be looking at to do for everybody else.

Ms. Minaya – I understand.

Mr. Evans – That's just something to keep in mind. I think at this point is the other comment that I would make in terms of how it lays into the area, corner houses are always very, very exposed. One of the things that you might want to consider with your husband too would be wherever the fence winds up going, you might want to suggest that you would landscape along the side towards the street because that would break up the fence a little bit and then it wouldn't be this obnoxious wall that's created. Again, just something for you to think of in

1) **MISAEAL AND NADIA MINAYA, OWNERS**

**Mr. Evans continues** - terms of ways that you and your husband can think about what you might want to do to break it up so it's not just this big wall there.

Ms. Minaya – There is a tree that will be behind it.

Mr. Evans – Also, one dead one there that's at the corner of the lot too.

Ms. Minaya – Yes, we're debating whose responsibility that is right now.

Mr. Evans – Yes, understood.

Dr. Goist – Nadia, we have a perfect example of what Mr. Evans was talking about over on Cheryl Drive off of West 130 Street. They came in and asked for a fence and they really didn't want to do what we had asked them to do so they put in pine trees and then they put in decorative grasses, fairly substantial decorative grasses, right next to each other and today they have a better barrier than if they would have had a fence. It's all natural. The people behind them were complaining and that's something else that will happen at the Public Hearing is that all the neighbors within five hundred feet of your house will have a chance to come in and say, We like this, or, We don't like this. So, it behooves you to talk to all of your neighbors.

Ms. Minaya – I have talked to a few.

Dr. Goist – Okay. Five hundred feet is a considerable distance. If they all came, it would be a few people. We really like the fiberglass type fence that has some opening and then you can see through it. From a security standpoint, being able to see where kids are at and things but from a privacy standpoint, it's not quite what you want for the board-on-board. So, we might ask you to think about that and you may want to come in and say you would consider it. As Mr. Evans said, we would probably ask you to go maybe twelve feet off of your house instead of twenty-five. So, I understand that you want to maximize the use of your yard and that is understandable but twelve feet is not so standoutish.

Ms. Minaya – I would accept that. When he showed me from the corner of the house, it kind of seemed like I was just fencing in my pool. Do you know what I mean?

Dr. Goist – No, you're right. You are absolutely right.

Ms. Minaya – I will take whatever you guys are willing to give me. If you don't want to come out that far, anything just to give my family and kids a little bit more room.

Mr. Harr - Mr. Chairman?

1) **MISAEAL AND NADIA MINAYA, OWNERS**

Dr. Goist – Yes?

Mr. Harr – I guess I would echo my colleague's comments with regards to trying to keep an open view and trying to avoid a stockade type environment. I guess what we're suggesting is when we do get together again, we're going to want to talk about options and I think what you need to do is speak with your husband and review some of the possibilities. Perhaps you can go with more of a picket style fence maybe interspersed with landscaping aspects that will give you some of the privacy that you need and still be able to keep the dog in and so forth. Whether you would consider a smaller variance, be prepared to discuss some of those things because it would be highly unusual for us to allow a maximum to the street stockade six foot tall fence. So, we just want you to explore those possibilities and have an idea of what you may be able to do or willing to do so that we can talk a little bit about it at the next meeting.

Dr. Goist – Your baby is not bothering us so don't worry about it. (Baby crying).

Mr. Evans – We all have kids.

Dr. Goist – Mr. Baldin, do you have anything to add?

Mr. Baldin – No, Mr. Chairman, I concur with my colleagues here. I will save any comments until I look at the property. Thank you.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – Might we now discuss the April date so that our applicant doesn't –

Dr. Goist – Nadia, so that you know, we decided in caucus, because of the Easter holiday, that our next meeting will be April the 22<sup>nd</sup>.

Ms. Minaya – Okay.

Dr. Goist – So, it would have been earlier but because of scheduling and because of different people being out of town, it is much easier for us to go to April the 22<sup>nd</sup>.

Ms. Minaya- Okay.

Dr. Goist – So, your Public Hearing will be April the 22<sup>nd</sup> and all of those neighbors within five hundred feet will be appraised of that date also.

Ms. Minaya – Okay.

1) **MISAEAL AND NADIA MINAYA, OWNERS**

Dr. Goist – Do you have any other questions Board members? Nadia, do you have any other questions of us?

Mr. Evans - Mr. Chairman, we will ask her to stake out the corners of where the fence will be on the yard there.

Dr. Goist – Where you actually wanted it but you know we’re going to ask for a compromise.

Ms. Minaya – So, you want me to put it where I originally wanted it?

Dr. Goist – Yes. Where it’s marked on the drawing.

Ms. Minaya – Okay, I’ll tell the contractor. No problem.

Dr. Goist – Other than that, we’re all set. You and your baby did very well.

Ms. Minaya – The one day my husband can’t be home.

Dr. Goist - If there is no other business to come before this Board, meeting is adjourned.

Meeting adjourned at 8:15 p.m.

Signature on File  
Glenn Goist, Chairman

Signature on File  
Kathryn A. Zamrzla, Sec’y

April 22, 2009  
Approval Date