

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

**August 22, 2007
7:30 p.m.**

Present: Board of Appeals Members: Glen Goist, Ken Evans, Bill Harr, Rich Baldin, Celia McGrath. Administration: Law Director, Ken Kraus; Building Department Representative, Joe Allen; Recording Secretary, Kathy Zamrzla.

The following was discussed:

(G) PUBLIC HEARINGS:

1) WENDY ENGEL, OWNER

Requesting a 5.16' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 25' Side Yard Setback and where a 19.84' Side Yard Setback is proposed in order to construct a Corner Lot Fence; property located at 16922 Deer Path Drive, PPN 397-10-032, Zoned R1-75.

The board stated that they do not have a problem with the placement of the fence and the neighbor two doors down has a picket vinyl fence. Ms. Engel stated that she still wants a 6' board on board, not make out of vinyl and that she doesn't like the 5' height. She said that she will landscape the outside of the fence. In addition, she stated that the neighbors are getting an invisible fence and will use one of her fence edges for himself. She stated that none of her neighbors are objecting. Mr. Baldin stated that there will be no view obstruction. Mr. Harr stated that he is not a fan of a 6' fence and that he thinks that dogs bark less when they can't see out. Ms. Engel stated that a solid vinyl fence will be more expensive and that she does not want a see through fence. Mr. Baldin read the minutes from the last meeting and quoted Ms. Engel as stating that a 5' fence would be fine with her.

(H) ANY OTHER BUSINESS TO COME BEFORE THE BOARD:

2) VAN SIMS, OBJECTING PARTY

Hearing of the objection by Van Sims, property owner at 10788 Pebble Brook Lane regarding the application for a building permit by property owner Richard Moodt, to construct a Garage Storage Addition, pursuant to Codified Ordinance Section 1418.03; property located at 10784 Pebble Brook Lane, PPN 391-05-035, Zoned R1-75.

The board asked Mr. Allen if the shed meets all the building codes and Mr. Allen stated it does. Mr. Allen also stated that the roofline doesn't appear to be continuous. Mr. Kraus stated that the he is studying the Zoning Code 1240.08 (d) requiring the shed be detached and 1240.08 (3) (c) which discusses what an addition is. Ms. Zamrzla asked if they would need a

CAUCUS, CONT'D

variance if the objection is overturned. Mr. Kraus said that they couldn't apply for a variance if it doesn't meet code. The board suggested that they may not be able to vote on this tonight because they want to know if there are others in the area that have been approved.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

August 22, 2007

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

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

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this August 22, 2007 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll, please?

ROLL CALL: ALL PRESENT

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. You have been given copies of the minutes of the meeting of September 19, 2001. If there are no corrections or additions, I'll entertain a motion to approve the minutes.

Mrs. McGrath – I move that we approve the minutes as submitted.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – This is a little unusual meeting tonight. We have no New Applications and we are here for Public Hearings and I would like all the people who are here who would like to speak before the board tonight to please stand and be sworn in by our Law Director. So, if you plan on coming before the board, please stand up and be sworn in.

Mr. Kraus then stated the oath to all standing.

Dr. Goist – Our first Public Hearing is Wendy Engel. Wendy, if you'll come forward please. There is a hand microphone that we prefer that you use. It's on and it's ready to go. Just speak right into the mic.

(G) PUBLIC HEARINGS:

1) WENDY ENGEL, OWNER

Requesting a 5.16' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 25' Side Yard Setback and where a 19.84' Side Yard Setback is proposed in order to construct a Corner Lot Fence; property located at 16922 Deer Path Drive, PPN 397-10-032, Zoned R1-75.

Ms. Engle – My name is Wendy Engel. The address is 16922 Deer Path Drive.

Dr. Goist – Okay. Wendy, I know that you were here the last time for your first meeting and told us what you want. Would you tell us - we had made some recommendations and I would like to hear what you're still proposing.

Ms. Engel – Yes, with the recommendations it was to possibly do a 5' fence or to do a fence with space between the boards and I seriously did take that into consideration. I called the contractor two weeks ago Wednesday when I got home, asked him – I know we have a contract for a 6' board on board, however, I just had the first meeting, what are the possibilities or altering the contract. He said we can do that. I just need to let him know what I was interested in and he could get me an estimate. In the last couple of weeks, I've been giving it more thought and I have been driving around and looking at other houses. I have some pictures of other houses with corner lots with fences of what I'm looking for. For various reasons, I have ruled out the 5' fence and the fence with the spacing in between and I would like to go with the original of the board on board 6' fence with the extra 5' so I would have a 20' setback instead of the required 25'.

Dr. Goist – I know we had made some recommendations that you consider vinyl and you have –

Ms. Engel – With the vinyl, that went up a couple thousand dollars, he said. That is something that I asked him on the phone. I said, "If I end up going with the space in between, would vinyl be an option?" He said, "It's still going to be a significant price increase versus just the wood board on board".

Mrs. McGrath - Mr. Chairman?

1) **WENDY ENGEL, OWNER, Cont'd**

Dr. Goist – Yes?

Mrs. McGrath – Ms. Engel, you have spoken with your neighbors? They know that this is going up? This is the public hearing and we don't have any objections to this as of yet and you have other fences in the neighborhood similar to this. Were there any other negative comment given by your –

Ms. Engel – Actually, I have spoken to the neighbors behind me. I talked to them probably a day or two after the last meeting and I told the wife that I might possibly be doing a 5' and that that was brought up and I said, "Oh, that's good because I was worried about blocking her son's window". She said, "Don't worry about that. Put up what you want to put up". They didn't have any concerns. They also recently bought a puppy and asked if they could use that as part of their fencing since they're going to put in invisible fencing. The neighbors behind me are the only ones that I have spoken to directly about it. Actually, I take that back. The people on the other side of them as well so they're not directly – we don't share a boundary line but I talked to the woman there. She said, "Oh, you're putting up a fence. That will be fine". Other than that, I haven't directly spoken with any of the neighbors about the fence.

Dr. Goist – Board members, do you have other questions?

Mr. Harr – We have spoken about this before. It's your opinion that the board on board fence will assist with keeping your dog at bay a little bit?

Ms. Engel – Yes.

Mr. Harr – You have a highly active dog?

Ms. Engel – Yes.

Mr. Harr – Not a dangerous dog?

Ms. Engel – No, he is not. Only if he does not know the person and that person comes on the property without me saying it's okay. That's when he has a problem.

Mr. Harr – Is it your opinion that a picket style fence may allow someone to reach through?

1) **WENDY ENGEL, OWNER, Cont'd**

Ms. Engel – Yes. Someone reaching through and also I do think he has a tendency now – I have a sliding glass door and there is a small fence there and it blocks a good portion of the view from the sliding glass door. I think when he can see people walking along the sidewalk, when they get through the area, what the fence doesn't block, he barks. He barks now from the inside of the house. In my mind, I think if he had spaces in the fence, he would bark if he was outside and people were walking by. Like I said, with the people behind having a puppy now, if their dog, when it gets older, when it's outside and he's outside, I could just see them having a nice little barking contest. He is good with other dogs. He loves to play with other dogs and when he can't he will bark until he gets to play with them.

Mr. Harr – The cost differential you were mentioning is between the wood board on board and the vinyl or vinyl covered picket style fence?

Ms. Engel – Yes. Actually, I asked him about the vinyl picket style and also the solid ones with the lattice top. The one with the solid lattice top was much more. That's the one – I may have spoken earlier – that's the one that he said would be a couple of thousand more. The one with the spacing would be more as well. Not as much but when I decided after giving it consideration and it wasn't the route I wanted to go. I never called him for an exact quote.

Mr. Harr – With the setback of the fence there along Hawk's Lookout view, do you intend to do some type of landscaping work or tree work in there?

Ms. Engel – Yes, I'm not necessarily – the fence, hopefully, would go up this fall. Hopefully, next spring I would be able to till the land and get some flowers in, some greenery. I want to do the front of the house too.

Dr. Goist – Not just sixty foot of fence?

Ms. Engel – Not at all. It's just an eyesore. I agree. When you brought it up the last time, aesthetically, it's not going to be nice just to have a 6' wood wall. So, I like the idea of getting gardening – something in there that makes it much more aesthetically pleasing.

Mr. Harr – I have no further questions.

Dr. Goist – Board members, do you have other questions.

Mr. Evans - Mr. Chairman, if I may. Ms. Engel – I know that when you come before us asking for a fence like this, you're not privileged to know the history of fences in Strongsville. The reason that the ordinances have been created for corner lots, the way that they are is to try and prevent the community from becoming, sort of, a stockaded area. It's been about two years now that the requirements for fencing on corner lots were actually

1) **WENDY ENGEL, OWNER, Cont'd**

Mr. Evans continues - changed by City Council and they were softened by what they were a number of years ago. We used to have a considerable number of requests for putting up fences on corners and coming right up to the sidewalks and all those kinds of things. We went to City Council and we asked them for some dispensation. They granted that and rewrote the way that the requirements are to be less stringent for corner lots. One of the problems that we encountered is that everybody would like a 6' privacy fence around their property and when you go back into places like Parma and Parma Heights and communities that are little bit older and take a look at the way that fencing has gone up, you begin to understand why it is that a committee such as us looks at this and says, "That's not really what the objective is". So, where we granted variances in the past, to be quite honest, what we have done is tried to work with the homeowner and where you want a variance to come closer to the sidewalk or whatever, what we have tried to do is take down that wall as you described it, which it really is and landscaping it does something to mitigate the size and the intensity of the wall. To be honest, we cannot necessarily require or stipulate what that is. So, while you might be gracious and put pines and whatever else in front of it, the reality is that other people might not choose to do that. So, from at least my perspective on the board, I have a problem with putting 6' board on board fences up on corners lots, whether they are 20' from the sidewalk or 15' because at this point, the City Council has changed the way that the code is and we're charged with dealing with that and when we negotiate, it's oftentimes something that I think we come to a sort-of mutual agreement on when a homeowner who certainly has the right to ask for whatever they are asking for chooses to, sort of, stay with a 6' board on board. To me it's a problem because if we approved yours and we approve a lot of others then I think we wind up with what we're trying to not have as a community. So, I for one would have a problem with approving that and I just want you to know that. Again, you're welcome to request whatever you want but, as one individual on the board, I would say that the reason that we try and work with homeowners is to keep from having that and there are fences in Hunting Meadows that are that way that you're proposing to do it. I understand that. Some of those go back quite a number of years and, again, it represents what I think we're trying to stay away from. Some of the communities in our city do not allow fences at all and people seem to get by okay. So, when we look at fences we try and weigh all of those things in the balance and that's part of the reason that comments such as I made the last time are the way that, at least, I think in terms of trying to work some kind of a balance out with the applicant. Thank you, Mr. Chairman.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – Ms. Engel, why do you feel – you have a fairly nice sized corner lot there.

Ms. Engel – Yes.

1) **WENDY ENGEL, OWNER, Cont'd**

Mr. Baldin – Why do you feel you need the 5' variance to come out further. You have a pretty good sized lot. Why not keep it within the line? Again, versus 5' versus 6'.

Ms. Engel – A couple of reasons for the variance as far as the 5'. There is currently a fence at that line now so I would like to, kind of, maintain that. The patio – it's just a cement block that is level with the ground – doesn't go all the way out to that fence but there is some – where that ends, I don't like the idea of putting the fence even with that cement because down the road I'm thinking of possibly building a deck of enclosing just that area and, kind of, having an enclosed patio or just a sunroom type of addition onto the house and with the fence with off the edge of the house, that's going to interfere with that down the road.

Mr. Baldin – In your future plans.

Ms. Engel – Yes.

Mr. Baldin – You still are very adamantly thinking of doing a 6' fence versus a 5'.

Ms. Engel – I really did consider – I would definitely not do one with a space in between because in know my dog and he is not going to do well if he sees people walking by that he doesn't know or can't get to. The 5' – could I do it? Yes, I could. Do I like it? No and I guess I have – to me, I don't like the idea. Financially, I don't have a lot of money and to spend \$4,300.00 on a fence for a fence that I'm not crazy about aesthetically, to me the 5' – I mentioned I have only seen one of them and it's the people across the street from me. It's just – I like the smaller ones that are just most decorative. That's fine but 5' board on board, to me I don't like the look of those and I understand your point with the 6' because you're looking next to 12" and you don't want that idea of Strongsville enclosing their own property but, like I said, I would like to do something to make it more aesthetically pleasing. My idea for the fence all started with the fact that with my dog, I can't do an invisible fence only because with the number of kids in the area, they would be – obviously, they could come onto the property. So, to me the 6' fence with the dog that I have and the way he behaves and the thing is too, with his size, if he jumps up – not that he jumps up, and he puts his paws up on me, he comes up close to the bottom of my face. So, a 5' fence – he's not going to jump it, I know that but he could definitely put his paws up there and have his head pretty close to the top of the fence, which – not that I think kids are going to be reaching over. That's a danger but it's going to be, to me, a hassle to have my dog jumping on the fence because he's trying to bark at the people on the other side.

Mr. Baldin – You said you like a shorter fence and you like the looks of it. Of course, with your size of dog that just wouldn't fit.

Ms. Engel – Yes, there is no way. He would be able to get over that.

1) **WENDY ENGEL, OWNER, Cont'd**

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes.

Mrs. McGrath – Ms. Engel, you have heard from all of us pretty much and you see our concerns and we try and negotiate this and try and get you as much as you want, as much as we can give you that you want but still with the concerns that we have on the board for the community, would you be willing to make 5' the negotiating point if this were – if we could – if that were the negotiating point or we went – even though we don't prefer the kind of fence you like but we stuck to 5' instead of 6', would that be something that you could live with?

Ms. Engel – With that, I wouldn't want to commit to anything right now. I would like to talk to the contractor because, like I said, I never called him back for a definite quote. When I looked at the 5' I thought, I don't like that and I never called him back to find out exactly what that would cost. So, I wouldn't want to commit to anything.

Mrs. McGrath – It would be less than a 6' fence I would think.

Ms. Engel – I'm assuming, yes.

Mrs. McGrath – So, you know it's going to be – I would figure it's going to be at least less than what you have already discussed with him.

Ms. Engel - I'm assuming – I'm hoping because it's smaller boards it would be a lower price but I don't know for sure. Again, it would be something I would have to consider if and question, if the variance doesn't get approved, can I do a board on board 6' and just go off the setback? Is that – I guess I would have to look at what is most important to me. Doing the 6' board on board or having –

Mr. Harr – Or the location.

Ms. Engel – That's something that I haven't given – thought through completely so it's a matter of, I guess, I would have to weigh what's more important to me. Having those extra 5' so he has more space to run or having that extra 1' of space.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes?

1) **WENDY ENGEL, OWNER, Cont'd**

Mrs. McGrath – Would that be to her benefit then if we wait so that she gets all her information before we vote on this?

Dr. Goist – That's definitely a consideration that we could table it for you to come back at another meeting. I think you have heard enough of the board members express concern and we could sit here and argue all night about the dog and that type of thing. I have a dog that's very similar to yours. I don't care who walks by my house or when, when she is in the house, she tears up my windows and she raises Cain. So, I don't think if I put my dog out in the backyard with a fence, whether it's 6' or 5' it's going to make any difference at all because they can hear as well as they can see. So, we're trying to litigate with you and to compromise with you and we're saying we do not like the 6' fence. If you as the applicant would like to table this motion, go back to your contractor and come back to us, you know 1) we like the vinyl better. You know 2) we like the 5' better. The spaces in between, we could argue that all day and all night. So, if you would like to request that we table this until our next hearing, which is, September 12 we can certainly table that but you would have to request that we table that.

Mr. Engel – Okay. Please, yes. If we could table that then.

Mr. Evans - Mr. Chairman? We do have a public hearing and in the interest in those people who may have been notified I would think that we should go ahead with the public hearing before we would table it.

Dr. Goist – Yes. Okay. If there is anybody in the room that would like to speak for or against this variance. Seeing none and hearing none, we will table this until our next meeting. The next business to come before the board is an objection to an application for a building. The objection is by a Mr. Van Sims. If you would like to come forward please, we need your name and address.

(H) **ANY OTHER BUSINESS TO COME BEFORE THE BOARD:**

2) **VAN SIMS, OBJECTING PARTY**

Hearing of the objection by Van Sims, property owner at 10788 Pebble Brook Lane regarding the application for a building permit by property owner Richard Moodt, to construct a Garage Storage Addition, pursuant to Codified Ordinance Section 1418.03; property located at 10784 Pebble Brook Lane, PPN 391-05-035, Zoned R1-75.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Sims – My name is Van Sims. My address is 10788 Pebble Brook Lane. We are the Moodt's neighbors on the side where the proposed shed is to be to the best of our knowledge. I have outlined my objections to the shed in this letter. I don't know if you want to go over these or not or if you have already reviewed them. There has been several other things that were brought out while you guys were discussing it and we could – I don't know if you want to deal with this first of the other issues first. If you're tired of looking at this then we'll just move on. The actual permit in the front window says it's for a room addition and to the best of my knowledge it's a shed on our side. Meadowood and the homeowner have an agreement to tear down the shed that's in the back. We weren't opposed to that. The building permit would allow the owner –

Dr. Goist – Excuse me. You were not opposed to the shed that was in the back?

Mr. Sims – No.

Dr. Goist – Okay. Just so I understood.

Mr. Sims – The proposed shed would allow the owner to replace the shed that's in the back and put it on the side of the house, attach it the house and call it a home addition. I don't think this makes sense to reasonable people. Again, that's an opinion. To the best of my knowledge, the shed is going to house flammable material, which would be a fire hazard to our house and I was advised by Joe Allen that a firewall must be placed between the shed and their home. The contour of the land when it rains heavy, it rains down that yard side because our property slopes that way. This will just add to the water retention problem. I feel that the vast majority of Strongsville residents would be opposed to a neighbor extending a shed from the side of their home to within 5' of their property line. So, I don't think I'm being unreasonable objecting to this. Meadowood does have some other sheds as I understand. They are all on the garage side. This proposed shed to the best of my knowledge is not on the garage side and it would also preclude us from expanding on that side. Not that we have any plans to do that at this time, or any subsequent homeowner because the shed would be sticking out there and that would invoke the 15' rule. Things that were discussed in there that I'm unfamiliar with is it isn't a continuous roof in my opinion. The roof is now there now and it's actually going to stick out from the side of the house. I don't think the roof is going to be attached to the current roof. I believe it's going to be underneath it and look similar to it. Again, the shed is not on the garage side. It's on the other side. The firewall would preclude it from having internal access, which, I don't think it has and I don't think it's any part of the living area. I think it's designed to store gas grills and lawn mowers and that type stuff. So, essentially, that's my position.

Dr. Goist – Does anybody have questions for Mr. Sims?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes.

Mr. Evans – Mr. Sims, just so that you understand, the Board of Zoning Appeals cannot take issue with nor can we enforce private covenants and restrictions. So, whether or not a shed is permitted within the association, unfortunately, we have dealt with those before and as long as the shed is built according to code, we really cannot have any determination. Therefore, from that, any agreement that might be made between the homeowner association and individuals, unfortunately, is not part of our purview either because that follows the course of enforcing private covenants. So, one of the things that I want you to understand is that while you have identified a number of issues that do relate back to Meadowood, we understand that those are things that you're calling upon as a conditional reflection but it is not something that we can evaluate nor use in our analysis of whether or not this would be an appropriate situation. So, I just want to be sure that we explain that to you on the floor.

Mr. Sims – I understand. I agree. I'm aware of that.

Mr. Evans – Okay. Beyond that, I guess one of the questions that I would ask is when you say that the addition that's proposed is not on the garage side are you saying that you're aware of other additions that have been done in Meadowood that might be a similar situation where an addition has been provided for storage?

Ms. Sims – To the best of my knowledge and having discussed this with Foth, who I believe is the attorney for the association, all of the other sheds are on the garage side and that may be a condition to approving their shed.

Mr. Evans – You're saying that they were not room additions per say but they were storage intended because of the way that they –

Mr. Sims – I don't know what they are. I don't run around looking at sheds to be honest with you.

Mr. Evans – Okay.

Mr. Sims – I just prefer not to have them.

Mr. Evans – Okay. All right. Thank you, Mr. Chairman.

Dr. Goist – Any other questions, board members?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Evans – I'm sorry. One other thing that I should say is your indication that point number 5) here, which you referred to the drainage, anything that would be done, whether it's within 5' of the property line or anything like that, our Engineering Department would require that any swale area or anything like that would still be preserved afterwards. So, just so that you understand, regardless of where an addition might be put in, the Engineering Department is responsible for making sure that drainage is appropriately maintained. So, wherever that would be, an addition would have to have the appropriate gutters and everything to disperse water as well as ground drainage. The swale would have to be maintained so that in theory and hopefully in practice that would not be something that would affect you should that go forward. I'm sorry, number 6).

Mr. Allen - Mr. Chairman, I did visit the site and the addition on the side will not adversely affect the drainage.

Dr. Goist – Thank you.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes.

Mr. Baldin – Mr. Sims, are you aware of this particular rendition or pictures that we received here?

Mr. Sims – No, I'm not.

Mr. Baldin – Okay. Apparently, this is one in the neighborhood that's on the garage side. You people supplied this to us. So, you're saying there are a few in the neighborhood that look like this?

Mr. Sims – I honestly don't know. I haven't seen any.

Mr. Baldin – You don't know. Okay. I was just curious. I didn't notice any in the neighborhood either. I had to drive around and take a look. I looked at their property. I didn't notice this and I was very curious when I saw this. Again, I don't know if this ever came in front of our board or not because it doesn't look like they're encroaching too much on property but I assume – this might be a corner lot maybe and there is a sidewalk there. Of course, they did decorate it nicely to hide the shed. I just wanted to comment on that and see if you were aware of this.

Mr. Sims – No, I'm not.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Baldin – Thank you.

Dr. Goist – Board members, other questions? Thank you Mr. Sims.

Mr. Sims – You're welcome.

Dr. Goist – Mr. Moodt? If you'll first give us your name and address please.

Mr. Moodt – My name is Richard Moodt and I reside at 10784 Pebble Brook Lane.

Dr. Goist – If you would please explain to us what your addition is and what your plans are for this addition.

Mr. Moodt – I would be happy to. Prior to commencing any of this, I called the City of Strongsville and I talked to several individuals on several different occasions. I believe at one time I spoke with Mr. Allen and another time Mr. Voller described what I was projecting to add on here and I do plan on using it as a storage area. I will have the ability the way it's going to be constructed that if I choose to access it from the interior of my home in the future I will be able to do so. With that being stated, I did want to make certain what I had in mind was in conjunction with any restrictions and so forth of the City and I was told that this is a perfectly fine idea provided certain perimeters are met, which includes fireproofing, continuous drywall throughout the entire structure and so forth. With that in mind, I decided to move forward and what I'm attempting to do was in that one photo that was there that Mr. Baldin just had, it was submitted to the Meadowood homeowner's association because I have had Mr. Jim Jagers, who is the Architectural Control individual, visit the site. He lives right behind me and discussing different options and so forth to make this addition, I was attempting to show him, Mr. Jagers and his architectural committee what this proposed addition would look like. It's going to be a gable under another gable and with this in mind – I represent a builder here in Strongsville. I've discussed the construction with him. I was given the name of Mr. Guinnip of Strongsville Building who, by the City of Strongsville, who had just built for another resident just two doors down from where that photo is on Briar Bush of a storage addition to the home and that one, I believe, Mr. Allen said was to the rear and to my understanding and it is also. So, from that perspective, I proceeded because I had the belief that I had made several calls to the City and certainly I would build the structure as they would request and furthermore I had the gentleman from Strongsville come out and look at my home and ascertain all sides of it, where the best place would be for this addition and so forth and this is where it's determined to be. I am sorry to be here today and Van and Bonnie, I'm sorry that we're here and regardless of outcome, we're still neighbors and I sincerely hope that we remain good neighbors. We have been for years. With this in mind, I don't see any other place in which I can build it. I would abide by code and I would certainly be more than happy to address any questions that you might have.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Dr. Goist – First of all, our Law Director has brought with us the definition of an addition. Can you give us that, Mr. Kraus?

Mr. Kraus – I can Mr. Chairman but I did have one question, if that's all right, for Mr. Moodt. You indicated that this would be constructed so that you could conceivably arrange for access in the future if you chose to do so but the plan that was submitted does not provide for access at that point. Is that correct?

Mr. Moodt – Correct.

Mr. Kraus – So, the access to this structure will be on the outside of the structure. Is that right?

Mr. Moodt – What I planned on doing is framing in the header for a door?

Mr. Kraus – Into the –

Mr. Moodt – Behind the drywall, correct.

Mr. Kraus – Behind. Okay. Yes, and then in response to the chairman's request, it would appear that item numbers 1) and 3) of Mr. Sims objections really go to the question of use and the definition that the chairman has asked for. Objection 1) is that the permit in the window indicates it's a front room addition. Actually, it's for a side shed and 3) the proposed building permit would allow the homeowner to replace the shed with one attached to the house called a home addition. The question for the BZA ultimately on this is under 1240.08 sub 3 of our code as to whether this is actually, as structured on the plans on the application, a permitted use under the code because under our code if something does not fall under one of the particular categories as a permitted use then it would not be. It would be a prohibited use. Accessory building means "a subordinate building detached from but located on the same lot as the main building, the use of which is incidental and accessory to that of the main building in use". Well, certainly this is not detached because there is a definition for detached that means "a building that is surrounded by open space". So, it would not fall under Section d) so the question then comes down to whether this falls under Section c), which is a main building means "the building occupied by the main use or activity or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof". So, that's really going to be the issue as to objections 1) and 3) of the objector as to whether or not the structure that's proposed on the application falls under the definition of Main Building whether or not all parts of this structure are connected in a substantial manner by common walls in a continuous roof.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Dr. Goist – Thank you, Mr. Kraus. Mr. Allen, from the Building Department, can you give us a definition of what a continuous roof is?

Mr. Allen – A continuous roof is somewhat subjective. In other words, I've seen roofs where when you say continuous you have like an L-shaped roof where both roofs – some are at a lower level. I've seen roofs on houses that they do step down. So, when you say continuous roof what I'm thinking is they don't want a separation from one roofline totally, like a gap, and then another roofline.

Dr. Goist – Okay. I asked that same question. This is the photo that was submitted to us. Does this meet the definition of continuous roof?

Mr. Allen – In my interpretation, it would.

Dr. Goist – It would. Board members, do you all have that?

Mr. Harr – Yes and just to clarify, the gap that we're talking about is a horizontal gap, not a vertical gap.

Mr. Evans – It's a ground gap.

Mr. Harr – A ground gap, yes.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes?

Mrs. McGrath – Mr. Moodt, I have a question. If you were to put – it sounds like if this were to proceed you would have to show us plans with the door actually being built in and able to be used in the future and that's not in the drawings that we have. What would that open on to?

Mr. Moodt – The living room.

Mrs. McGrath – You would be comfortable with a storage shed opening on to your living room?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Moodt – No, and to be frank with you, I don't know that that is going to take place. It probably would not take place but conceivably, it would be very easy to have a double door open to a study off of the living room if that was a choice that I had in the future. I'm not going to suggest to this panel that I'm not going to currently use it as a storage room and I don't think I ever attempted to make my inquiries to the contrary inclusive. Do I need an access door and so forth and I had been advised prior to this that I did not need such a door but I did need the fireproofing. So, if you will, just kind of look at that as a guy that had a home without a garage and now he's putting a garage on the side of his home. This type of architecture, the gable under a gable is quite common throughout virtually all of Meadowood, whether it houses a storage area or a bedroom or a bathroom, it's a very normal architectural style.

Mrs. McGrath – Was there any thought given to putting this shed on the other side of the house?

Mr. Moodt – Yes. I have – like I said, I talked to three different entities in which to ascertain – I would love to put it on another side of the home because I would have more room and I would be able to make it a larger area. Because of the restrictions in Strongsville, the 10' and 5' there are \$400,000, \$500,000, \$600,000, \$1,000,000 homes in Strongsville with the same side yard setbacks and it would be far better if I could put it on the other side. However, I am dealing with two bedrooms and a heat pump and frankly, I do not really feel that it would look as good from the street that it is here. Plus, the slope of the grade of the lot on that side is a bit more challenging that you virtually have to probably step down into it to have a full 8' wall. I would be happy to put it back further on Mr. Sims side except I run into roof tie-in challenges. I have pictures of the side of my house if anyone would like to see them.

Mr. Harr - Mr. Chairman? Okay, just to clarify as far as the door goes, you intend to frame in a header for the door. It will be drywalled over. It's really just a contingency plan, if you will, so that if some point you're able to, if the association allows sheds, detached sheds and what have you, you can go back to an external arrangement and then use the room as actual living space –

Mr. Moodt – That's correct.

Mr. Harr - - that's the idea but the intent, as it stands today is external access only, really no windows or anything. It's just a storage facility for your equipment and so forth.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Moodt – When I applied for the permit and I just filled out the necessary paperwork, if it's the wrong semantics, I apologize. It's an addition and I just – how you use your addition could be a bedroom, could be a bathroom, could be for storage but I don't mean to try to tell anyone that I'm not going to use it in that fashion. The other challenge is this is the only way Meadowood permits additional storage, period and in my discussions with them over the years, they have told me that they have granted these on more than one occasion. This is the only way that they will permit any type of storage, if it's attached to your home. No external buildings are permitted at all.

Mr. Harr – You are aware of other homes that have similar type structures being used for similar purposes?

Mr. Moodt – I'm going by what they have told me.

Mr. Kraus – With no access?

Mr. Harr – With no access to the home?

Mr. Moodt – To my knowledge, that's correct. Inclusive is the most recent one that was just completed weeks ago on Briar Bush Lane, which is just two doors from where this photo was submitted.

Mr. Kraus – Do you know what the address is for that?

Mr. Moodt – The builder was given to me and I don't know if it was Kathy or someone else. I had just made inquiries and they said, "Well, we just approved one and here's the gentlemen's name. You may want to give him a call" and I did. So, my assumption was at that point in time that a very similar addition for a very similar use was approved by the City provided it was fireproofed and so forth.

Mr. Harr – I guess because – my initial reaction for an external access only shed, if you will, attached to the home, is that it really doesn't meet permitted use. However, if we have as a City allowed and permitted very similar structures to this and allowed them with the knowledge of what that use was going to be and interpreted it in that fashion then I think it's worth our investigating it further. I know for my own sake, before any type of decision is made, I would like to know what else we have agreed to that, or disallowed, that was very similar in nature to your request.

Mr. Moodt – Mr. Allen, are you familiar with that home that I'm speaking of?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Allen - Yes, there was one previously. The only one I have ever dealt with was put on the back of the building and it was just recently. That's the only one that I have had any contact with.

Mr. Harr – It was similar from the standpoint of external access only to your knowledge?

Mr. Allen – That is correct.

Dr. Goist – Mr. Moodt, I have a question. Could you put this on the back of your home?

Mr. Moodt – No, unfortunately the back of my home – I can show photos if you would like – I have a study with a gable and a window and a kitchen and a family room all windows with an interior courtyard and then I have a master bedroom with a gable and a window that precludes me from attaching it anywhere on the rear of the property.

Dr. Goist – I have one more question. I realize that this is going to be history and I realize that this history is almost over. How did you originally get the permit to build this accessory shed away from the home and have an agreement that said that you would either move or you would tear down the shed in two years. Was there a different board in Meadowood at the time? A different chairman? Someone who approved that other than the current members of the board? I'm trying to get at the fact of how you built a shed in the back that was not allowed, is not allowed and they, in fact, if I'm correct, got a court order that says that you will take that down. It's been two years and you will take it down. Your neighbor has no objection to that but that's a moot point at this point. The court has said that you have to take this down. So, I'm trying to ask how you got that permit.

Mr. Moodt – Unfortunately, it's a long story Dr. Goist. I can try to give you a very shortened version of it. My initial intention when I chose to build that storage building was to remove flammable, etc., insecticides from my living quarters. I feel that that is a safer way to live in one's home if one has that choice. Throughout Meadowood at that time, there was a number of free standing storage buildings, many of which the Meadowood Architectural Control people looked the other way because people were not coming forth applying for building permits. They weren't submitting photographs and so forth to the architectural department. They popped up and they left them because the alternative was a lawsuit. With that in mind, I followed all the procedures. I applied for a building permit with the City of Strongsville. I submitted my application to the Meadowood architectural people and I might add that I was the sales manager for Bob Schmitt for 14 years while most of Meadowood was being built and with this in mind, I was quite, quite familiar with the by-laws, which simply stipulated if you're going to add onto your home whether it be an addition, a deck or a fence, you must submit your drawings first for architectural approval i.e. harmony. It does not preclude sheds. The by-laws are quite specific in that respect. They have the same by-laws that our other

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Moodt continues - Schmitt developments – Longbrook in Berea, Forest Park in Strongsville, Ledgewood in Strongsville – all of these communities have the same by-laws and they all have free standing storage buildings, which are permitted. So, with this in mind that was the foundation of my application and within that body, it simply states that once you submit your application, if we do not get back to you as an architectural panel within 30 days, consider it approved. It's in writing. Thirty days came and went, 45 days came and went, 55 days came and went. I had an attorney. I said, "Here is what's going on, what do I do?" He said, "It's clear, put your shed up". I ordered the materials, they're in the driveway, I got a letter from an attorney here in Strongsville stating that, "it has appearance that you're going to build such a building. If you do so, we're going to take legal recourse" and that "you have been told not to do so". I responded with certified mail, return receipt requested to every trustee on the Meadowood Board of Trustees simply stating "here's the rules. If you have a letter of denial, please show me a copy of it and I will not build this shed." Not one person responded to those and to this day I have the return receipt requested on certified mail. I build the shed and they sued me. Cut and dry, plain and simple, their pockets are quite deep. We fought long and hard. Both parties made motions for summary judgment. It went in front of a judge in common pleas court and I think that morning she heard a murder trial and on that afternoon the Moodt shed was on the agenda, which is silly. With this being stated, unfortunately, she did not rule on either motion for summary judgment and my attorney said, "Dick, you know what can happen? We can go in there and she could toss you out in a heartbeat or she could toss Meadowood out in a heartbeat and then this was the first time the Meadowood trustees spoke to my attorney and said, "Look, take a couple of years. Maybe we'll see things differently down the road. If you move you can agree to take it down". That was the settlement. It wasn't that we went to trial and I lost the trial. It was the first time that these folks were willing to speak to us and frankly we made a decision to go with that figuring in two years we'll have a different board, different trustees, people will see that this is taking place in Ledgewood, etc., etc. We have the same people on the board and this is what position they're taking. I will just honestly say and I'm not using it as a crutch but the reason we did this, there was a lot of – we had a suicide in the family and it was just several weeks before and there was just a lot going on. So, it was just like, "Well, we'll take their two years". Well, two years have come and gone and we're going to take it down but I don't feel that that has any bearing on what we're here this evening for and I will abide by that agreement, which is unfortunate and they said, "Fine, you need to take this down but you need to build it someplace else" and that's what I'm doing. Sorry, for the long story.

Mr. Kraus - Mr. Chairman?

Dr. Goist – Yes?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Kraus – I would just reiterate that certainly Mr. Evans earlier statement was correct regarding the history was correct. In other words, we appreciate the background but it is not really directly relevant one way or another to the issues before the board.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans – If I may, a couple of questions. Mr. Moodt, I don't see and I don't remember that on any of the drawings that we had there were doors indicated for this addition. Which way would the doors face?

Mr. Moodt – The door is going to be facing west on the back of it.

Mr. Evans – So, they would be facing toward the back yard?

Mr. Moodt – Correct.

Mr. Evans – Okay and there were no windows that were proposed for this? It was just going to straight wall?

Mr. Moodt – Not at this time.

Mr. Evans – At this point, you had indicated that you wanted the shed primarily to be able to get pesticides and flammable things out of the garage or the living area of the house?

Mr. Moodt – That was my intention when I built the detached one. I think in January there was a fire directly across the street from me and understand that these homes are thirty years old and I think fireproofing and fire walls in the garages are far different than there are today. A thirty-year old Meadowood home – a fire in your garage is going to race across the home and the Strongsville Fire Department put out that fire from the time they received their 9-1-1 call in, I believe, twenty-two minutes and that happened the first week in January and those folks are still not back into their home.

Mr. Evans – Right.

Mr. Moodt – I have – if you would like to see the door.

Mr. Evans – No, that's all right. As long as I know which way it was facing.

Mr. Allen - Mr. Chairman?

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Dr. Goist – Mr. Allen?

Mr. Allen – Based on the drawings submitted to us, it appears that the door is going to be facing the adjacent neighbors house.

Mr. Moodt – That was an incorrect submittal and I have the correct one here. That was an error on my part in submitting it. It will face the back.

Mr. Evans – Okay. You had indicated that it could not be put on the opposite side of the house? I remember seeing a heat pump and I remember seeing windows but it seemed to me that on the opposite side, which would be the garage and bedroom wall that faces the other side there, it seemed to me that there was an appropriate amount of space to get that in. Although the roof lines would probably not be as accommodating, it looked, at least space wise, like it could be put on that side of the house though. So, when you said you had people from the City who recommended that particular –

Mr. Moodt – Not City. If I said City, then I misspoke. I had a builder I deal with on a regular basis. I had the builder come out that recently dealt with the City and then the framing carpenter. Yes, it is far more challenging for the roof line and, frankly, from a personal use, it's much more difficult for me because I have a court yard that is fenced and to get to it if I'm on one side of the home, I would have to go all the way around the other side of the home.

Mr. Evans – The roof on that side is all slanted so –

Mr. Moodt – Right, it's a gable roof.

Mr. Evans – Right, it's a gable roof so you could build and put an extension out on the roof and tie that in to make it look different than the photos that you had furnished in terms of providing a high enough. It might not be the perfect way and I'm guessing that it would probably cost somewhat more to be able to do that but I think it could be done just in terms of logistics and everything else.

Mr. Moodt – I'm sure that it could be done but honestly I don't feel the look pushed back with two windows and then a bedroom window now facing that – on this side I have one dining room window that faces that side. Mr. Sims has no windows facing that side of the property.

Mr. Evans – I thought there was one window on the house. Those were all the questions that I had, Mr. Chairman.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Kraus - Mr. Chairman?

Dr. Goist – Yes?

Mr. Kraus – Just a technical point but if there was some error in the submission or if you're submitting some substitute page for one of the drawings reflecting where the door is proposed, I think that needs to be formally submitted to the Building Department, doesn't it Mr. Allen?

Mr. Allen – That's correct. These drawings have not been totally reviewed here. We're still waiting for a decision here.

Mr. Kraus – I would respectfully suggest, get a copy with just a short note or a letter formally indicating to the City that you want that substituted. There was an error and that this is the drawing.

Mr. Moodt – I have it with me.

Mr. Kraus – Thank you.

Dr. Goist – Board members, do you have any other questions?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I would submit for me that it really comes down to a question or not if this is a permitted use. I don't know if I can ask to charge the Building Department with any information on any similar structures or approval or denials that have been handled in the fairly recent past that might meet the same type of criteria we're dealing with here with an external entrance only storage shed type use so that we could evaluate how these have been treated in the past before we pass judgment.

Mr. Allen – I'll provide any information I can gather for you.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Evans - Mr. Chairman? I would echo that and, I guess, pose the additional question that on the photographs that were provided by Mr. Moodt we show the one home with a storage addition that looks like it was added on the front. I would be very curious as to where this one is and whether or not a variance was needed because most of those homes are built at setback and this looks like it was added on the front. Whether it's corner or facing the street, I would be real curious, Mr. Allen, whether this particular one we have in photographs was done properly or not.

Mr. Allen – I'll have to research it.

Mr. Moodt - Mr. Evans, I certainly hope that my taking a photograph to just have the Meadowood architectural people visualize what I was proposing – that's all it was and I certainly would hope that this would not spill over. This home very well may have been built that way but I would not want to get someone else in trouble.

Mr. Evans – No, it's a rhetorical question at this point that will help us evaluate the situation. Mr. Chairman, one other thing. I guess I have a couple of other questions I would like to redirect back to Mr. Sims if that would be appropriate when Mr. Moodt is finished and the other board members have finished with questions for him.

Dr. Goist – Mr. Moodt, are you finished?

Mr. Moodt – Yes, I believe so.

Mr. Evans – That wasn't what I intended.

Mr. Sims – Back on the firing line.

Mr. Evans – Mr. Sims, I guess at this point, I understand your concerns and I think that we're going to address the number 1) which is whether it's a room addition or whether it's an acceptable use and whether or not the Building Department has already approved similar ones. I guess in terms of the location, you had said that you were not objecting to the shed remaining where it was. Since that's not an option, were this to be constructed where it is, if the City says, Yes, this is a permitted use, everything is being done such that it meets building code, were you aware of where the doors might be located on this?

Mr. Sims – As I understand it – again, I didn't do the plans – but as I understand it, they were originally scheduled to open to or over my property line, depending on how large the doors were. As I understand it, Meadowood told him he would have to put them in the back and as I understand it, Meadowood also wants him to put it on the garage side, which he apparently isn't willing to do. I don't know. That's what information I have.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Evans – Again, at this point, Meadowood unfortunately is not something that we're going to be concerned with. What I'm looking at is that if the Building Department has already allowed this to be a permitted use by allowing other ones in Meadowood, then what I was trying to do was to look at it from trying to determine what might make it less objectionable to you that we could, sort of, influence because we cannot directly say one way or the other but obviously at that point the placement of the doors to me would be important and because I didn't see in here where it said the doors would be or anything, obviously to me it would be less objectionable if they didn't face out to your house. So, I'm just trying to think of ways that that might be accomplished.

Mr. Sims – If it were not 10' and coming to within 5' or 6' of the property line, if it were not so close – the way the house slants that way it would be hidden to some degree depending on how far it came out. The other thing that I'm really confused about is if there has to be a firewall between the house and the shed, how do you put a door there?

Mr. Evans – Well, I think the answer would be – I heard that and thought about that as well – the answer is it could not be used as a shed once the opening is created there.

Mr. Allen - Mr. Chairman? What we would do is they would have to have a fire rated door. As self closing fire rated door is what they would have to do.

Mr. Evans – Or abandon the use as a shed if they turned that into a room, having the fire wall dry wall there would not be preclude as using it as a regular room if they had built it to specifications, putting in a footer and whatever else might be required to turn that into a room at some point down the road. They would have to give up using it as a shed and contain the outside doors and turn it back into a normal room then or whatever. Then my last question for you Mr. Sims is I thought I remembered seeing a window that did look out from your side of the house on that. There is no window?

Mr. Sims – No, there is not a window on that particular side. The house does windows but none on that particular side.

Mr. Evans – All of Schmitt's house have windows. I remember that. All right. Very good. There is no special garden that you have on that side of the house or anything that you have on that side of the house or anything. That's all just regular yard and trees and landscaping.

Mr. Sims – Regular yard.

Mr. Evans – I just wanted to make sure I asked those questions to get those answers. Thank you, Mr. Chairman.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Dr. Goist – Mr. Moodt, would you come back again, please?

Mr. Evans – Thank you, Mr. Sims.

Dr. Goist – Do you have plans to – again, we see the plans that were submitted – are you planning on putting electricity to this shed?

Mr. Moodt – Currently, I did not plan on doing so and, once again, I was advised that that was not necessary in my discussion previously with the Building Department.

Dr. Goist – Nor any plumbing?

Mr. Moodt – No, sir.

Dr. Goist – Okay. I did see your other shed – you're not going to run any kind of a business or any kind of a woodworking shop or anything out of the shed? I say that just because I saw your other shed.

Mr. Moodt – No, I don't. Board members, any other questions?

Mr. Baldin - Mr. Chairman? The other comment that I would like to make and everything I've heard here this evening is to get an opinion, again, from the Building Department, what has happened in the past, exactly how they have looked at some of these situations before I would ever make a vote on this issue. That's all I have to say.

Dr. Goist – Thank you, Mr. Baldin. Mr. Kraus, does that mean in this situation we would then want to table this until we hear from the Building Department?

Mr. Kraus – Yes, I think we would want to ask Mr. Moodt if he would have any problem in requesting that this be tabled under these circumstances so that the board can obtain this additional information that almost every board member in one form or another has indicated that they would like to have before them before rendering a final determination on the objection.

Dr. Goist – We need to have you request that we table this until the next meeting.

Mr. Moodt – Short of that, if I don't request to table it then I'm saying, Make a decision. Just so I understand the procedure.

Mr. Kraus – We really want both parties to request that it be tabled. Both Mr. Sims on the objection and Mr. Moodt on his application for permit.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Moodt – May I ask when a response would – just planning in the future when I would have an idea to a decision?

Mr. Kraus – Hopefully at the next meeting. I don't see any reason why – the next meeting is September the 12th. That would afford the Building Department more than ample time to pull together the information and funnel it to the members of the board.

Mr. Moodt – No, I have no problem with the request that you table it. I want to make certain what I'm doing is agreeable and safe and to the Strongsville Building Code. So, I request tabling it.

Mr. Kraus – All right. Then we're going to ask the same question of Mr. Sims on his objection. If you have any problem in our tabling –

Mr. Sims – No, I would like you to table it to September 12, the year 2030.

Dr. Goist – Strike the last numbers from the record.

Mr. Sims – Thank you.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes?

Mrs. McGrath – Does it behoove the Moodt's to – just to save some time – to redo their – if they want to – to redo their drawings so that a door is shown, electric is shown so that it appears that this could be usable.

Mr. Evans – If that's not required - if the Building Department has approved similar ones for similar purposes –

Mrs. McGrath – Then they don't have to. Okay.

Mr. Moodt – I might add, if it's required I would be more than happy to provide that.

Mr. Harr – I think that mentioned as we previously discussed the Building Department does need the accurate drawings for what you intend to do.

Mr. Allen – We do need the corrected drawings.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Kraus – I was just going to indicate, what it might be again – in previous discussion with both myself and Mr. Harr, I think this was really clarified, what it might, hypothetically, be used or possible be utilized for in the future is not really the issue. The issue is what is it going to utilized for now and how is it structured to be utilized for now. I think we all know that.

Dr. Goist - Okay. Since both parties – yes, Mr. Baldin?

Mr. Baldin - Mr. Chairman? Knowing that this is not really a public hearing but I see that there is another gentleman in the audience as an observer. Do we have the opportunity to ask him if he has any questions or to speak at this particular hearing or not?

Dr. Goist – I don't think the other gentleman was – were you sworn in?

Unidentified audience participant - No, sir.

Mr. Evans – It wouldn't matter because it's not a public hearing.

Mr. Baldin – I understand that.

Mr. Kraus - Mr. Chairman? Sir, do you want to speak to this issue? I can swear you in.

Dr. Goist – You have to be sworn in if you would like to speak. Do you want to stand and be sworn in?

Unidentified audience participant - Sure.

Mr. Kraus stated the oath to the gentleman standing.

Dr. Goist – Would you come forward and take the mic please? Give us your name and your address.

Mr. Bartos – Yes. My name is Joe Bartos. I live at 10780 Pebble Brook Lane on the north side of Mr. Moodt. I've been there for twenty-nine years. I guess all I wanted to say was that obviously he seems to have gone through all the channels that Strongsville and Meadowood require. He has put up a shed that – shed/house, whatever you want to call it. First off, I'm not verbal like a lot of people, okay, but he has put up a shed there or something that has gotten his gas and lawnmowers away from the house, which went up across the street from me here a few months ago and done a real nice job at it. If you don't know the shed's there, you don't see it. It's hidden behind the house, it's on a cul-de-sac where you're not looking

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Bartos continues - to see this building. That's all I can say. He's done a real nice job. He's been a real good neighbor and maybe I'm not –

Mr. Baldin – I have a question for you sir. Would you prefer to see the shed that he has stay there and not build this new one that he is proposing?

Mr. Bartos – I'm sorry?

Mr. Baldin – What he is proposing is to add something to his home. Would you prefer to see the shed that's there?

Mr. Bartos – I don't see the shed that's there.

Mr. Baldin – I know but would you prefer to see that shed stay there instead of maybe adding this new addition onto his home.

Mr. Bartos – Whatever he decides to do is his business.

Mr. Baldin – Okay, thank you.

Dr. Goist - Mr. Baldin, let me just interject here. Mr. Moodt is under court order to take that shed down.

Mr. Baldin – I understand that.

Dr. Goist – So, I think that's almost a moot point.

Mr. Baldin – Okay.

Dr. Goist – Mr. Kraus is that correct.

Mr. Evans – Mr. Kraus, is that a court order or is that just an agreement that Mr. Moodt – I think there is a difference between a court order and –

Mr. Kraus – Well, Mr. Chairman and Mr. Evans it sounded to me like since I haven't read the final paperwork out of the litigation but it sounds to me like - most settlements are in effect that are agreed to are in effect embodied within a final entry or order if you will and so there would be some obligation certainly, although I haven't seen it on the parties to carry out the settlement that was agreed to, which apparently was to give it two years and then take it down. They are nodding their heads yes to that.

2) **VAN SIMS, OBJECTING PARTY, Cont'd**

Mr. Baldin – The only other comment I have on that is if there are other sheds in the neighborhood, I don't understand what it happening here. Somebody's got something against this gentleman? That's why the association wants him to tear it down and other sheds have been approved by the association and yet apparently you incurred a lot of court costs already. This is the reason why that you're saying, Okay, and you throw up your hands and said it's time to quit. It doesn't seem right.

Mr. Moodt – It was a frustration.

Mr. Harr – I don't think that's our issue here today.

Mr. Baldin – I understand that but still it's not right.

Mr. Harr – They have made an agreement to move the shed so I think that's history. Safe to say sir that you have no objection.

Mr. Bartos – To the shed?

Mr. Harr – To the proposal to add onto the other side of their home at this point.

Mr. Bartos – He is closer to my house then he is to Van's house. It doesn't bother me at all.

Mr. Baldin – I have no further questions.

Dr. Goist – Thank you for coming forward. We appreciate it. This matter will be tabled if, Mr. Moodt, you will get together with the Building Department. We will revisit this whole situation on September the 12th. Thank you. If there is no other business to come before this meeting, meeting is adjourned.

Meeting was adjourned at 9:10 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

September 12, 2007
Approval Date