

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

**August 8, 2007
7:30 p.m.**

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

The following was discussed:

2) SHAWN AND ANGELA PHILBRICK, OWNER

- a) Requesting a 4' Front Yard Setback variance from Zoning Code Section 1252.04(d)(1) which requires a 125' Front Yard Setback and where a 121' Front Yard Setback is proposed in order to construct an Addition and;
- b) Requesting a variance from Building Code Section 1436.02 which requires a hard surface driveway and where a partial hard surface driveway only is proposed; property located at 19468 West 130 Street PPN 399-33-018 Zoned R1-75.

The board stated that the concrete drive would only go back to the edge of the house and that they had no problems with this request for the addition and the partial drive.

3) RICHARD FIGUSH, OWNER

- a) Requesting an 11' Rear Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Rear Yard Setback and where a 4' Rear Yard Setback if proposed in order to install an Inground Swimming Pool and;
- b) Requesting a 3' West Side Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Side Yard Setback and where a 12' Side Yard Setback is proposed in order to install an Inground Swimming Pool; property located at 20340 Arlington Drive PPN 393-29-027 Zoned PDA-2.

Fence will go around the perimeter of the lot instead of around only the pool. The fence post will go to the corner on his lot and will be the allowable 4' from the neighbor's fence. The owner moved the pool south another 2' so that it is 6' from the rear property line and the water will be 9' from the rear property line. Mr. Evans stated that he would prefer to see a 6' variance instead of 9' so that kids won't fall in the pool.

4) **JOHN ROOS, OWNER**

Requesting a 128 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to expand an Accessory Building; property located at 8040 Litto Drive PPN 398-01-001 Zoned R1-75.

The board stated that they don't have any negative issues with this request. The owner brought in an aerial view of the property. Only one neighbor didn't sign the approval. Mr. Baldin stated that the owner has a good-sized yard with a lot of equipment but is not running a business out of the home. Helps the neighbors only. The door will be 4' by 7'.

5) **KENNETH QUINN, OWNER**

Requesting an 18' 6" Rear Yard Setback variance from Zoning Code Section 1252.16 which requires a 36' Rear Yard Setback and where a 17' 6" Rear Yard Setback is proposed in order to install a concrete patio; property located at 13962 Ordner Drive PPN 396-17-003 Zoned R1-75.

The board stated that they don't have any negative issues regarding this variance. The patio is not visible from the street and doesn't infringe upon any neighbors.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

August 8, 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. 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 August 8, 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 July 25, 2007. 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. Evans – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – We have also received Findings of Facts and Conclusions of Law regarding the Lois Bailey property. Everyone received them in their packet. If you have read them, I'll entertain a motion to approve them.

Mrs. McGrath – So moved.

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

Ms. Engel – It will be a wood fence, board on board, 6' high.

Dr. Goist – Members of the board, do you have questions? I happened to see the property. It's a long run and the next driveway from hers is probably 200' away. So, I didn't see any problems in that respect but the neighbors may not necessarily agree with the view when you get done. That could be a possible problem.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans – Just as a point of order, I think we need the applicant to give us her name and address for the record and then we can move forward.

Ms. Engel – My name is Wendy Engel and the address is 16922 Deer Path Drive.

Mr. Evans – Thank you and I do have a question, Mr. Chairman. Ms. Engel, at this point, are there other – you said you were going to go with board on board as a design. Are there other board on boards or stockade type fences that are on other adjoining properties already?

Ms. Engel – On adjoining ones, no. I can see, farther down the road, two from the back of my house.

Mr. Evans – Is the objective of your putting the 6' fence up to give you privacy or to enclose the yard for young people or –

Ms. Engel – I have a dog who is a bit territorial and I realize I could do an invisible fence and give him even more yard to run. However, that doesn't keep a child from coming on to the property. An invisible fence doesn't do that so I would like the fence for privacy but also to have an area that I'm sure my dog – he looks very lovable but if people come onto the property that he's not sure of or that he hasn't met before, he has a tendency to be aggressive.

Mr. Evans – One of the things that we try and work with people when they come before us and request a variance is rather than turning the city in a stockaded, if you will, territory, a lot of the corner lots where we have allowed variances, we have worked with the individuals to try and come up with something less than a full frontal boarded appearance and while the board on board does have some openings in it, for general purposes when you're driving down the street, it presents a pretty solid wall appearance and at 6' tall, unless your dog is a Doberman or something like that that's going to heft itself over 5', as a part of our consideration for the variance I might suggest that we would be looking for you to perhaps lower that to a 5' height just so it's not as big and imposing or maybe even going to – if the

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

Mr. Evans continues - dog is not viscous and whatever and you're not trying to completely block it, maybe even a board with a separation of 2" or 3" or something just so it's not a complete solid wall. While the variance that you're looking for is not as great as what some people who have come before us, again on corner properties it just is very imposing when it's a board on board and 6' tall and if you put one up and the neighbor says, I want to match it up to that, then all of a sudden we've got a large area there that really has a stockade look to it. So, I think that, at least, I would encourage you to take a look at alternatives in terms of design and height and things like that as we're considering the variance.

Dr. Goist – Wendy, are you agreeable, to a degree, with what Mr. Evans –

Ms. Engel – Yes, I can look into a 5'. My dog is about 80 pounds, it's a Weimereiner. He is an athletic dog but I don't think he could jump 5'.

Dr. Goist – Would you consider leaving some spaces in between instead of being board on board right together?

Ms. Engel – Yes. Like I said, privacy is not my top priority. I would like to see a sample from my contractor so I know what it would look like but I would be open to a different type of fence.

Mr. Harr - Mr. Chairman? I would echo Mr. Evans' comments as well with regards to the aesthetic benefits. Something that is a little bit less prison looking there. Are there any association requirements? Do you require an approval?

Ms. Engel – No, there is no association.

Mr. Harr – There is no association where you are located?

Ms. Engel – No.

Dr. Goist - Mr. Baldin?

Mr. Baldin – Looking at your drawing here, Wendy, it's vacant behind you and on the side of you? There are empty lots? It's vacant? Or this is an old –

Ms. Engel – That's the old topo from 1976.

Mr. Baldin – So, there are homes back there?

Ms. Engel – Yes, there is a house behind me.

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

Mr. Baldin – I just wanted to make sure.

Ms. Engel – Yes, there is a house behind me and to the side of me.

Mr. Baldin – You're going to put this right on the line, basically?

Ms. Engel – Yes, inside the line. Close to the back property line. I like the idea of maybe not doing a full 6' because I felt bad. They don't have a lot of space on their side and I feel bad that their young son would look out the window at my fence. Five feet might alleviate that.

Mr. Baldin – I have no further questions.

Dr. Goist – Celia, any questions?

Mrs. McGrath – No questions.

Dr. Goist – Wendy, your public hearing will be set for August 22, 2007 so all of your neighbors within 500' will receive a notice and also, while you're here, just so you know, because we've had people – you do not have to stay for the rest of this meeting. Other people have sat here all night long to go through the public hearings and that is not necessary.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Dr. Goist – I would just remind the applicant that the notification process is pretty quick so if you intend to make some changes to the type of fence and the height of the fence that you're proposing here as it would pertain to the variance, then you need to communicate that information to Kathy by –

Ms. Zamrzla – Tomorrow morning.

Mr. Harr – Tomorrow morning.

Mr. Evans - Mr. Harr, the fence itself, the location, won't change.

Mr. Harr – That's true.

Mr. Evans – That information doesn't really go out in the notice. It just talks about the location.

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

Mr. Harr – That's true. You're leaving it in the same place. We're just talking about –

Ms. Engel – Yes, same location. I'll talk to the contractor and find out if I can do the 5' and see if he has any samples that I can see.

Mr. Harr – That's true. For our purposes then, if you have any examples of the fencing or if you have anything from your contractor that shows us what exactly what you intend to put up, we could take a look at it.

Dr. Goist – I know one of your concerns was the cost when I was there talking with you. You may find that if you go and you leave 2" or 3" and you're using vinyl, you may be able to come up with the same cost as if you were doing board on board all the way around.

Ms. Engel – We talked about vinyl.

Dr. Goist – We are really very in favor – this board is telling you we're in favor of some space. We like things other than – you see what happens to board on board. You're tearing down what's there now and vinyl should last a little longer. So, when you talk to the contractor and then if you can get to Kathy, that would be appreciated.

Ms. Zamrzla - Mr. Chairman?

Dr. Goist – Yes?

Ms. Zamrzla - Mr. Kolick, normally I put the height on the agenda but in error I left that off. Do you want that to say a 6' corner?

Mr. Kolick – Since we don't know, let's leave it off then at this point.

Ms. Zamrzla – Okay.

Dr. Goist – That's all? No other questions? See you on the 22nd. Now we switch to our public hearing section and our first public hearing is Shawn and Angela Philbrick. If you would first give us your name and address please.

(H) PUBLIC HEARINGS:

2) SHAWN AND ANGELA PHILBRICK, OWNER

- a) **Requesting a 4' Front Yard Setback variance from Zoning Code Section 1252.04(d)(1) which requires a 125' Front Yard Setback and where a 121' Front Yard Setback is proposed in order to construct an Addition and;**
- b) **Requesting a variance from Building Code Section 1436.02 which requires a hard surface driveway and where a partial hard surface driveway only is proposed; property located at 19468 West 130 Street PPN 399-33-018 Zoned R1-75.**

Mr. Philbrick – Shawn Philbrick, 19468 West 130 Street.

Mrs. Philbrick – Angela Philbrick. Same address.

Dr. Goist – Okay. We noticed that you have asked for a second variance for the hard surface driveway. If you want to go over what your plans are, we would appreciate that.

Mr. Philbrick – As we discussed at the last meeting, the driveway, for those of you who have been there, it's only a partial. The yard cuts the driveway off at the house, basically. There's a deck, a fence. The shed, as I call it, is another 110' behind the house. You can't get to it with a car so I don't consider that a garage. The doors aren't wide enough to get a car through. As you also have seen, I have a city apron and sidewalk that is in front of the house that is concrete. I have a concrete pad that is about two cars wide at the end of the driveway near the house. Personally, I would like to put in a concrete driveway for many reasons. One is it's code and I don't want to do asphalt for aesthetic reasons, especially with a concrete apron and a concrete pad. It would look terrible in my opinion. It's not going to last as long. I would rather go with the concrete. The problem is with this, with what I'm doing around the house in other regards, you guys have seen all those permits, I don't have the finances to do it now, to do it prior to this. Had I known that was the code, I would have done that before we started on this project. I've got thousands into this project in plans and drawings and I just don't want to lose the timing and then switch these around and do it this way. We talked at the last meeting, with the twelve-month plan and then the six-month addition at the end of that, that puts us at eighteen months. That would be from the time that we start this project, which is looking at right after Labor Day with the twenty days we have to wait after this and then the holiday weekend. That puts me in March, right around the beginning of March of 2009. I can honestly tell you I will have a driveway. I will have a hard surface by that time but I would ask for a few additional months, somewhere between eighteen and twenty four only so that I can put in concrete instead of asphalt. I just don't want to put in asphalt. I want to pay once, cry once. I want the value, the durability, the aesthetics and I don't want to do it

2) **SHAWN AND ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Philbrick continues - in the middle of winter. I want to have it professionally done. I've talked to contractors about it. I can get a saw cut driveway poured and installed. They recommend not doing it. Angela talked to someone at the Building Department and they suggested 24 months for the seasonal instead of twelve or eighteen because of what it puts us in.

Dr. Goist – Board members, do you have comments? I think that is a pretty reasonable request and I myself feel that you're doing the right thing and you're doing it the right way. My personal feeling is that I certainly feel that we could go with that. Other board members?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Mr. Baldin?

Mr. Baldin – Shawn, when I was over there, I was looking around. The concrete that you have there right now, which is a pad where you can park the car to, what have you. Right behind that is your deck. So, when the time comes to put your garage on, which you had told us you were going to try to but it up and so it's going to be even with the front of the house.

Mr. Philbrick – With the deck.

Mr. Baldin – With the deck. So, you're going to move the deck out of there or are you going to move the driveway over more to the right? You have a concrete pad there right now.

Mr. Philbrick – That concrete pad that is there right now, I've been told by contractors, isn't strong enough to be a foundation for a garage.

Mr. Baldin – Okay, so that's got to come out.

Mr. Philbrick – That will come out when the driveway is poured, if I do it the right way. If I get the time –

Mr. Baldin – So, you're going to move it over to – you're going to pour a lot of concrete but your driveway is going to be over more on the other side of the deck then.

Mr. Philbrick – Over to the north of the deck?

Mr. Baldin – Yes.

Mr. Philbrick – No. It will be wider.

2) **SHAWN AND ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Baldin – You're going to put your garage up front then.

Mr. Philbrick – The garage will be up front but it won't –

Mr. Baldin – With the new addition that's going in.

Mr. Philbrick – It will be even with that –

Mr. Baldin – With the new addition?

Mr. Philbrick – Correct. With the existing house.

Mr. Baldin – Right, okay. So, everything is going to stay.

Mr. Philbrick – Right, except for that front rail on the deck, which will be replaced by the back wall of the garage.

Mr. Baldin – Okay. I think your request is somewhat reasonable also and let's see what else we have to say here.

Mr. Philbrick – If I could, just one more thing. We have done a ton with this house in the nine years that we've been there. I've never done anything halfway. We had drainage problems. I didn't put in sump pumps and hoses. I tore out the entire front yard and put in 100 plus feet. Ten foot wide trench of sewer system. Thirty year shingles instead of fifteen. I don't like cutting costs and corners just for the sake of getting something done. I don't want to do that here.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Kolick – If we grant a variance on the hard surface that would stay with the property forever, do we not have an option of granting the a) variance and putting a time stipulation of twenty-four months on that for a hard surface without creating a second variance.

Mr. Kolick – I think the second variance is there because the concrete driveway is not going to go all the way back to the shed. It's going to stop where it's at.

Mr. Evans – Right, but –

2) **SHAWN AND ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Kolick – So, you can still need that second variance but the only thing I suggest is just add after “proposed, to be installed no later than” whenever you want it installed. June 30, 2008 or whatever you want put in there.

Mr. Evans – Okay but I don’t think that there is a variance required to go back to the back garage because there is no overhead garage door on that. It’s a walk-in door.

Mr. Baldin – It’s just a shed.

Mrs. McGrath – It’s not a garage.

Mr. Evans – It’s a shed. I think that we’re out of line even looking at that as being a garage and so I would question that we need to have that variance. I think all we want to do is grant them a delay feature in granting the variance and I think b) is unnecessary.

Mr. Kolick – That’s okay. If that’s not a garage then you can just add after a) “install a concrete driveway” whatever period of time you want.

Dr. Goist – That’s only a year.

Mr. Harr – It would be 2009.

Mr. Evans – Twenty-four months.

Dr. Goist – We’re going eighteen months to two years so we would really have to say if it was two years it would be June 2009.

Mrs. McGrath – Do you want June?

Mr. Philbrick – March doesn’t work. I just need that spring.

Mr. Harr – Needs some warm weather.

Mr. Harr – It’s graded and compacted. It just has to be formed.

Dr. Goist – Any other discussion board members? Mr. Evans, would you like to make the motion?

Mr. Kolick – Public hearing yet.

2) **SHAWN AND ANGELA PHILBRICK, OWNER, Cont'd**

Dr. Goist – Oh, I'm sorry. This is a public hearing and if there is anyone here who would like to speak in favor of this application? If there is anyone here who would like to speak against this application? Hearing none and seeing none I will entertain a motion.

Mr. Evans - Mr. Chairman? I would like to make a motion that we would approve a 4' Front Yard Setback variance from Zoning Code Section 1252.04(d)(1) which requires a 125' Front Yard Setback and where a 121' Front Yard Setback is proposed in order to construct an Addition; property located at 19468 West 130 Street PPN 399-33-018 Zoned R1-75 with the stipulation that the applicant would complete a hard surface driveway within 24 months of the time of construction of the addition.

Mrs. McGrath – Second.

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

Mr. Kolick - Mr. Chairman? If you say by the time he constructs the addition, now you're saying almost three years to do it. I would suggest you affix a date, whatever date it is you want it installed, whether it's June 1 of 2009 or whatever it is.

Mr. Evans – That's probably - you're going to do the addition this fall, right?

Mr. Philbrick – If is approved, the addition will start on the first day after Labor Day of this year.

Mr. Evans - Mr. Kolick, what I would suggest is an October 1 of 2009 date replacing that if that is agreeable with you.

Mr. Kolick – Whatever is agreeable with the board. If you're fine with that, October 1, 2009 then just set it. That way we have a fixed date and there is no question.

Mr. Evans – Very good. So stipulated.

Mrs. McGrath – Do you need another second?

Mr. Harr – Second as amended.

Mrs. McGrath – Second as amended.

Dr. Goist – We have a motion and a second.

ROLL CALL:

ALL AYES:

MOTION CARRIED

2) **SHAWN AND ANGELA PHILBRICK, OWNER, Cont'd**

Dr. Goist – Your variance has been approved. Congratulations, I think you have done a great job and I know that you're going to do exactly what you are planning so it will be a good addition. You do have the twenty-day waiting period as you know. The Building Department will inform you of the permit and the fees and you'll be ready to go. Our next public hearing is Richard Figush. I know we have new plans and you had submitted different things to the board so if you will go over those with us please.

3) **RICHARD FIGUSH, OWNER**

- a) **Requesting an 11' Rear Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Rear Yard Setback and where a 4' Rear Yard Setback is proposed in order to install an Inground Swimming Pool and;**
- b) **Requesting a 3' West Side Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Side Yard Setback and where a 12' Side Yard Setback is proposed in order to install an Inground Swimming Pool; property located at 20340 Arlington Drive PPN 393-29-027 Zoned PDA-2.**

Mr. Figush – Rich Figush. 20340 Arlington Drive. What I have to submit to the board is two more letters. One from either side of my neighbor in addition to the letters that I provided to you two weeks ago, with permission from the homeowners association that I belong to. The reason for this variance in the first place is it is for a health and safety issue with a daughter that I have that is handicapped and most of the friends that she runs with are handicapped too. That's just the way it is. I don't have a lot of wheelchair kids with her friends but I have a couple. I have an existing patio and the table is set up on the patio whereas if someone was sitting at the head of the table facing north, if they back up more that 3' or 5' it could present a safety issue if the pool was close. I relaxed my variance request and heading north by 2' in between our last meeting and I would hope that would not jeopardize the safety of the children but perhaps come to some kind of agreement between myself and the board and I have also talked to you about the fence around the yard. I think I have addressed that and getting another print to show my border on the west side more accurately that before. The fence would preferably be on the outside of the property or on the edge of the property rather than having the fence circling the pool. I just don't feel that if there are children swimming inside the pool, the gate is closed, if something happens or even if the gate is closed, I'm limited to how I can help a child in the water if I'm sitting on the patio, I'd have a difficult time getting to a child that might be in distress. As far as I know, all my daughter's friends can swim but you just never know.

3) **RICHARD FIGUSH, OWNER, Cont'd**

Dr. Goist – Also, I would like to make note that you submitted to the board pictures to show us where the lot line was so that we understood more clearly where you were taking the fence to.

Mr. Figush – Along with a new print.

Dr. Goist – Board members, questions? Any comments?

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – We had talked at our last meeting, as you said, about putting a fence around the pool and I think I understand your concern but taking a look at your site today, our concern is people wandering into the pool, not necessarily what you're taking a look at. The fence around it is that safety precaution. I'm a little curious why – to me it was apparent that you also used some of the back open space for family camps, there's a little fire pit there.

Mr. Figush – That's true. That is not my property. Well, it is 1/289 my property but –

Mr. Harr – There's 6' behind me that I walk on every once in a while.

Mr. Figush – If the fence goes up there then obviously that won't be used. I'm not sacrificing. It's not mine anyway. I am the original owner of that property and I was one of the last lots on the street to go and it's obvious that - my next street north was White Bark and the reason that my lot went one of the last was because when they built White Bark they came through the woods to build my street and it was nothing but mud and dirt and stuff so, if anything, I improved that mud and dirt. I did have grass 80 yards behind my property –

Mr. Harr – Until they put fill in there.

Mr. Figush – until it filled in and then, little by little, I gave it back to the woods.

Mr. Harr – It's your plan, probably as part of the initial construction, to via concrete, try in to the apron on the pool to your existing patio by walkway. Economically, that is your intent to it at that time.

Mr. Figush – It is. It is my intention. Can I afford to do that? The whole total construction but that is in my plan, yes.

3) **RICHARD FIGUSH, OWNER, Cont'd**

Mr. Harr – Can you tell me, based on where the pool is in your new positioning, what you estimate the distance between, without that new piece of concrete that you intend to put in, what the distance between the 3' apron and the existing patio would be?

Mr. Figush – I believe the distance between the patio and the pool would be 7' so I'm guessing that's 4'.

Dr. Goist – Any other questions board members?

Mr. Baldin - Mr. Chairman? Wouldn't that be – with the markers that you have out there, you apparently moved them since I was out there.

Mr. Figush – I did because I was able to establish –

Mr. Baldin – You came what, 2' further?

Mr. Figush – Two feet further south. I moved the pool towards the house 2'.

Mr. Baldin – Right. So, now you're saying the pool. Are you saying the pool and the concrete pad around the pool between that pad and your patio? The apron? You're only going to have 4'?

Mr. Figush – Correct.

Mr. Baldin – Then earlier when we started with you here, you were saying that you were contemplating to put concrete all the way up to the patio.

Mr. Figush – That is my plan.

Mr. Baldin – That's your plan.

Mr. Figush – That is my plan.

Mr. Baldin – So, you would have approximately maybe 7' or 8' of concrete plus your patio before you get into the water?

Mr. Figush – I would have at the tip of my patio, perhaps, 7' from the tip of my patio to the water.

3) **RICHARD FIGUSH, OWNER, Cont'd**

Mr. Baldin – To the water, right, plus your patio. I think that with the size of your yard, because it's not a very big yard, you're sort of squeezing this in, in my opinion. Okay? I think if you make those changes and do what you're suggesting and what we're thinking about what you should do, I don't really have a problem. I'm glad to see that you're moving it up further because I did think that you were too close to the back property line.

Mr. Figush – Yes, when you visited, you did state that.

Mr. Baldin – Thank God that we found out that your pins and location were off on the other drawing so that you didn't have to go into an easement with your neighbor so we didn't have to go into that.

Mr. Figush – That's correct.

Mr. Baldin – I have no further questions.

Dr. Goist – Any other questions board members? This is a public hearing. If there is anyone here to speak for this variance? If there is anyone to speak against the variance, they may come forward now. Hearing none and seeing none, I would entertain a motion.

Mr. Evans - Mr. Chairman? Before you do the motion, I'm sorry, before you went to public hearing I had indicated that I wanted to address the applicant. I guess at this point, one of the things that I'm not sure about in my mind is - and I understand full well that you're talking about a handicapped child and friends who may be in wheelchairs - if the concern is rolling into the water I guess I would opt to say that you should probably not to opt to connect the deck and the concrete pad from the patio because then you would have a natural break that would certainly stop a wheelchair from rolling in. I guess in my mind, whether it's a 4' distance or a 2' distance, there is still patio, whatever the gaps that gets filled in and then 3' of deck before you get to the water. I'm still, in my mind, concerned that we're only 6' off the back line and again, we just try and minimize variances here and there's not a topography issue. It's an issue of where you would like it to be and for my money I'm still thinking that it ought to be farther off the back line.

Mr. Figush – That may be for your money but I'm speaking for my child and friends safety. That's where I'm coming from.

Mr. Evans – I don't think that an additional couple of feet is going to prevent a wheelchair from getting into the water. If you were that concerned then I would say that you separate the two areas with either a grass so that there is not a direct roll ability, or something like that.

Mr. Figush – That would be a possibility in my plan also.

3) **RICHARD FIGUSH, OWNER, Cont'd**

Mr. Baldin - Mr. Chairman? I would have to concur. The more that Mr. Evans is talking here that might be a better idea than having all solid concrete to the patio. That does give a break there even if it's only two feet of grass. Move that up further. Get it off the back line. I think for safety reasons what Mr. Evans just suggested makes a little bit more sense than doing all concrete because it's much easier just to slide right in. It's all flat. If you do have a break there with a couple feet of grass that could prevent something from happening, since there is no gate. I have a problem not having a gate around that pool period because you're going to have access and if you do have handicapped children in the yard, on the patio, they can go right into the water.

Mr. Figush – That certainly would be my responsibility.

Mr. Baldin – I understand that. I still like Mr. Evans idea. What do you think?

Mr. Harr – I certainly can appreciate both sides of the argument. It is one of our goals here to minimize variances.

Mr. Figush – I understand that.

Mr. Harr – Even if it doesn't make sense and we are always trying to push that envelope downward a little bit. That said, I think what we're talking about here, realistically, I don't think I would want to see the pool right up against the patio from a safety standpoint. So, in my mind when we talk about moving it we're really only talking about a foot or two. Okay? While I understand my committee members arguments, for myself with the open space that is behind you and the property that is even beyond that and what's going to become of that property I don't think I would be quite as concerned about it as I would had you a neighbor or somebody else immediately to the rear of the property, for me.

Dr. Goist - Mr. Kolick? That doesn't change any of our variances at this point, am I correct?

Mr. Kolick – The only way it would change it is if, what I'm hearing from Mr. Baldin and Mr. Evans, they want to see him move it a little more off the property line even than the 6'. I don't know whether they are thinking 8' or something to pull it off the line. If you do that you would change the variance, yes.

Dr. Goist – Would you consider coming off the back line?

Mr. Figush – I would consider coming one more foot off the back line, yes.

Dr. Goist – So, it would be 8'?

3) **RICHARD FIGUSH, OWNER, Cont'd**

Mr. Kolick – No, he is saying 7' then. No, 8', yes.

Mr. Harr – We would go to an 8' variance with a 7' –

Mr. Baldin – So, if you did that, if you went 8', where does that put us from your concrete pad to your patio? What is that going to give you in between?

Mr. Figush – That would give approximately 5'.

Mr. Baldin – Five feet of grass between your patio and the concrete pad around the pool.

Mr. Harr – No, from the pool that would be.

Mrs. McGrath – Five feet from the pool.

Mr. Harr – You have 3' – if we pull the pool south 1' we end up with roughly 2' of grass between the apron and the patio based on our earlier discussion.

Mr. Figush – Okay.

Mr. Harr – If we pull it back 2' and you end up with 1', it's kind of impractical. I don't think you can even get a mower between there.

Mr. Baldin – That's true. Are we sure we have our numbers right. First of all, we really don't have an accurate measurement from the pin right now to the patio. We don't have an accurate measurement there. We're guesstimating all of this, 5', 6', 7'.

Mr. Figush – It's approximately 7' right now, give or take a couple of inches. I'm not giving or taking a half a foot. I'm giving or taking a couple of inches.

Mr. Baldin – So, then if you moved it two more feet –

Mr. Figush – That would be 5' from the patio.

Mr. Baldin – Okay, now you've got 3' of concrete apron so you have 2' of grass.

Mr. Harr – That's how I understand it.

Dr. Goist - Mr. Baldin, are you proposing an 8' rear yard setback?

3) **RICHARD FIGUSH, OWNER, Cont'd**

Mr. Baldin – Seven and a half, how's that? We're splitting hairs here. Let's make a final decision. We're going to give him 2' or 3' in between. I still think we ought to have some grassy area in between.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes.

Mrs. McGrath – An 8' variance from the back would give him 2' of grass between the patio and the concrete part of the pool, right.

Mr. Harr – That's our understanding according to his measurements. It would be a 7' setback off the back property line.

Mr. Figush – Okay, that's fine with me.

Dr. Goist – We already asked for the public hearing and we had no comments either way. Board members, are you ready to make a motion?

Mr. Baldin – It's going to be 8' rear yard and 7'.

Mr. Harr – Eight-foot variance, 7' setback.

Mr. Figush – That's correct.

Dr. Goist – I would entertain a motion.

Mr. Harr - Mr. Chairman? I would make a motion that an 8' Rear Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to install an Inground Swimming Pool and a request for a 3' West Side Yard Setback variance from Zoning Code Section 1252.29 (b)(1) which requires a 15' Side Yard Setback and where a 12' Side Yard Setback is proposed in order to install an Inground Swimming Pool; property located at 20340 Arlington Drive PPN 393-29-027 Zoned PDA-2 be approved.

Mrs. McGrath – Second.

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

Ms. Zamrzla - Dr. Goist?

3) **RICHARD FIGUSH, OWNER, Cont'd**

Dr. Goist – Yes.

Ms. Zamrzla - Mr. Baldin?

Mr. Baldin – Before I vote, you're still planning to put 4' wood fence around?

Mr. Figush – Aluminum or vinyl.

Mr. Baldin – You're only going to do 4'? You might think of 6'?

Mr. Figush – I think not. I'm going to do whatever the code tells me to do. When I go to the fence company, I'll ask them to show me only what is Strongsville code and I have the Strongsville code and that's what I'll produce.

Mr. Baldin – Yes.

CONTINUED ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – The variance has been approved. You have a twenty-day waiting period. You will be informed in twenty days for your permits and you can proceed.

Mr. Figush – Thank you.

4) **JOHN ROOS, OWNER**

Requesting a 128 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to expand an Accessory Building; property located at 8040 Litto Drive PPN 398-01-001 Zoned R1-75.

Dr. Goist – Our next public hearing is John Roos. I know that you had shown us an aerial view of where it is so all the board members have seen that. Do you want to submit that to the board?

Mr. Roos – Yes.

Dr. Goist – Would you give us your name and address please?

Mr. Roos – John Roos. I live at 8040 Litto Drive in Strongsville.

Dr. Goist – Go over your request for your variance please.

4) **JOHN ROOS, OWNER, Cont'd**

Mr. Roos – Add 6’ to the already existing shed. Six foot wider.

Dr. Goist – You’re still asking for the same 128 square foot variance? All the numbers stay the same.

Mr. Roos – Oh yes.

Mr. Baldin - Mr. Chairman? Mr. Roos, would you tell us again why you want the additional square footage?

Mr. Roos – You’ve seen all that equipment that I have. I want to move it all out of my garage into my garage. Out of my wife’s garage into my garage. You see, that’s a two-car garage in the front. It’s a one car garage, hers.

Mr. Baldin – You’re not running or planning on operating any kind of business out of there?

Mr. Roos – No, not unless you bring something over and I’ll fix it for you.

Mr. Baldin – Okay. No further questions.

Mr. Roos – You can ask my neighbor here the amount of things I fix for other neighbors.

Mrs. McGrath - Mr. Chairman? I don’t have any questions but I would like for you to talk to my husband about some things that need to be fixed.

Dr. Goist – Board members, any other questions?

Mr. Evans - Mr. Chairman? I caucus, we did mention the fact that there is a 4’ wide door on that and the applicant had indicated that he had no plans on changing that to a larger door. I just wanted to be sure that that was on the record.

Mr. Roos – That door is not going to be moved. The only change is the roofline is going to be whatever wood I have available. It’s actually probably going to be a little lower than what it is now and the existing wall is just going to be moved out 6’ and I have a wall that goes in the front, a wall that goes in the back and a completely new roof but it will look identical to what I have now only 6’ wider. I can fix just about anything.

Dr. Goist – Okay. Any other questions from the board members? If not, this is a public hearing and I’ll ask if there is anyone to speak in favor of this request? I noticed a gentlemen that raised his hand in the back and I also know that when we asked people to be sworn in you did not stand up and be sworn in. So, if you would like to come forward we would be

5) **KENNETH QUINN, OWNER**

Requesting an 18' 6" Rear Yard Setback variance from Zoning Code Section 1252.16 which requires a 36' Rear Yard Setback and where a 17' 6" Rear Yard Setback is proposed in order to install a concrete patio; property located at 13962 Ordner Drive PPN 396-17-003 Zoned R1-75.

Mr. Quinn – My name is Ken Quinn. I live at 19959 Shenandoah Ridge. I'm requesting a 10' by 25' patio on the property on Ordner.

Dr. Goist – Board members?

Mr. Harr – Mr. Chairman? I would just comment on visiting the property today, a non-raised concrete pad out back, there is a relatively small amount of space to use at the property there. It really abuts the side of the garage of the property fronting onto Royalton Road there and some very tall hedges. I didn't witness any obstructions, any view problems, any neighbor problems that you might encounter there.

Dr. Goist – Any other comments from board members?

Mr. Baldin - Mr. Chairman? I would concur with what Mr. Harr said after viewing the property.

Dr. Goist – Okay. This is a public hearing. Board members, if you have no more questions, if there is anyone here to speak for the variance, please come forward. If there is anyone to speak against the variance? Again, hearing none and seeing none, I would entertain a motion.

Mr. Harr - Mr. Chairman? I would ask that a request for an 18' 6" Rear Yard Setback variance from Zoning Code Section 1252.16 which requires a 36' Rear Yard Setback and where a 17' 6" Rear Yard Setback is proposed in order to install a concrete patio; property located at 13962 Ordner Drive PPN 396-17-003 Zoned R1-75 be approved.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved. You have a twenty-day waiting period. You will be informed by the Building Department for your permit and you can proceed from there.

Mr. Quinn – Thank you.

5) **KENNETH QUINN, OWNER, Cont'd**

Dr. Goist – Thank you. If there is no other business to come before this meeting, meeting is adjourned.

Meeting was adjourned at 8:44 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

September 12, 2007
Approval Date