

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

**July 23, 2008  
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Celia McGrath; Richard Baldin.

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joey Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**1) PAULA M. SOKOLOWSKI, OWNER**

Requesting a variance from Building Code Section 1436.02 and from Zoning Code Section 1274.06 which requires a Portland Cement or concrete paver driveway and where a gravel driveway exists in order to construct a Detached Garage; property located at 20273 Drake Road PPN 394-23-041 zoned R1-75.

The Board discussed that the applicant was cited for a garage in disrepair and must add a drive to bring the property into conformance. The applicant would need to concrete a drive approximately 305' to the garage.

**2) CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative**

- a) Requesting a 6 Parking Space variance from Zoning Code Section 1270.05 which requires 24 Parking Spaces and where 18 Parking Spaces are proposed in order to construct a Doggy Day Care and Overnight Camp;
- b) Requesting a 3' Front Setback variance from Zoning Code Section 1262.07 which requires a 50' Front Setback and where a 47' Front Setback is proposed in order to construct a Doggy Day Care and Overnight Camp; property located at 14411 Foltz Parkway PPN 393-03-009 zoned General Industrial.

The Board discussed that the applicant will be occupying the whole building and that there is nothing physically keeping them from putting in the required parking.

3) **TODD DUPLAGA, OWNER**

Requesting an 260 SF Floor Area variance from Zoning Code Section 1252.15 which permits a 400 SF Floor Area and where a 660 SF Floor Area is proposed in order to construct an Accessory Building; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.

The Board suggested to Mr. Duplaga that they see no reason for not granting the variance.

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

**MINUTES OF MEETING**

**July 23, 2008**

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

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

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 July 23, 2008 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: ALL PRESENT EXCEPT MR. EVANS

Mr. Harr – I'd like to make a motion to excuse Mr. Evans for just cause.

Mr. Baldin – Second.

Dr. Goist – We have a motion and a second to excuse Mr. Evans. Kathy, would you call the roll?

ROLL CALL: ALL AYES MOTION CARRIED

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have in our packets that we have received, minutes from July 9, 2008. If there are no corrections or additions, I will entertain a motion to approve.

Mr. Baldin – Motion to approve.

Mrs. McGrath – Second.

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



1) **PAULA M. SOKOLOWSKI, OWNER, Cont'd**

Mrs. McGrath – Mrs. Sokolowski, do you want to replace the garage because you want to replace it or because the City told you that you had to replace it?

Ms. Sokolowski – I had intentions of replacing it but I was hoping to get myself to a better financial position before I had to do it but when the City said do it, I said, “Okay, fine, I’ll do it now”.

Mrs. McGrath – Okay, and then when they told you that you had to have it done, and then they said, “If you’re going to do it then you have to put in a new concrete drive, right?”

Ms. Sokolowski – They also told me that if I would repair the existing structure, that I wouldn’t have to do a concrete drive but the contractor’s that I’ve had give me quotes, they met with Keith Foulkes at the house and he told them what would be involved to repair it. They would have to lift it up and pour concrete footers and then put it back down and nobody is interested in that. I’m not interested in that. It would be as much as building a new garage and it wouldn’t be new. So, it was my choice to demolish it but then if I demolish it, then I have to put in a concrete drive. So, it’s kind of a Catch 22.

Mr. Baldin – If she demolishes the garage totally and does not put up a new garage, does she have to put in a concrete drive, Mr. Kolick?

Mr. Kolick - Mr. Chairman? She is required to have a garage under the Code. It doesn’t have to be attached; it doesn’t have to be detached but she is required to have a garage for a single-family residence.

Ms. Sokolowski – I was told by the City that I can’t knock it down.

Mr. Baldin – Okay, I just wanted to clarify that. Thank you.

Ms. Sokolowski – If I may say, I would prefer to have a garage for resale purposes and to put my car in.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Ma’am, did I hear you correctly that you do plan to regrade and regravell the driveway if this variance is approved. Is that the idea? So, a new gravel driveway would be installed? It’s not just leaving the existing one there?

Ms. Sokolowski – Yes, yes, yes, yes.

1) **PAULA M. SOKOLOWSKI, OWNER, Cont'd**

Mr. Harr – Did you price – could you give me an idea if you have had a price with the differences between the gravel drive and the concrete.

Ms. Sokolowski – I have not talked to anyone about gravel because I didn't know what was going to happen here.

Dr. Goist – You mean concrete or gravel? You have talked about gravel.

Ms. Sokolowski – I have not talked about gravel. I have talked about concrete and I've got –

Mr. Harr – What was the bid for the concrete drive?

Ms. Sokolowski – There was one for \$18,000 and there was one for \$20,000.

Mr. Harr – Okay.

Ms. Sokolowski – Concrete is very expensive.

Mr. Harr – You don't have a feel for what reworking the gravel done would cost?

Ms. Sokolowski – No, I don't but I doubt that it would be like –

Mr. Harr – I'm sure that it will be significantly less.

Ms. Sokolowski – Yes,

Dr. Goist – Ms. Sokolowski, I was there and I noticed that your neighbor right next to you has a gravel driveway that is in very good condition.

Ms. Sokolowski – Yes, and he even told me that if I put in a gravel drive that he will tend to mine as well as his.

Dr. Goist – Yours is like two runways and mostly grass and a little bit of gravel. His is all gravel and it's almost like – it's really in good condition. I don't know, Mr. Kolick, if that makes any difference if we said – the City has passed an ordinance that says if you replace this garage that you either have to have concrete pavers or cement driveway and we as a Board have really held that line. We took one exception and gave the people an exception because of a hardship and after we gave them asphalt, they turned around and put concrete in anyway because they found out the difference in cost between asphalt and concrete wasn't going to be that much and whatever it was going to do to their trees on either side were going to be the same. So, \$18,000 to me with the length of driveway that you have doesn't seem so

1) **PAULA M. SOKOLOWSKI, OWNER, Cont'd**

**Dr. Goist continues** - bad. I'm saying from just looking at it, I would have guessed it to be considerably more. So, I think we as a Board have to decide and you're saying to us that you're maxed out of money. The City is saying you have to replace the garage and so we as a Board are going to have to decide whether we – it definitely would be a variance, correct, Mr. Kolick?

Mr. Kolick – Yes, Mr. Chairman. Mr. Chairman, it might be helpful to the Board, although economic reasons is not a reason for granting a variance, it might be helpful if the applicant did go out though and get a quote to see what the gravel is going to be because the one thing that you may want to take into account is how much that gravel is and how much it's going to cost to maintain it over the years and in the end, it may not be all that much different between it, if you look at cost over a period of time. It would probably be helpful to the Board at least if you have that information and maybe get a quote to do the gravel like your neighbor has if that is what you're planning on doing. At least see what the cost is to compare it to the \$18,000 or \$20,000 that you got quoted for the concrete.

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

Mr. Baldin – Was there a lot split there at one time with the other house being brick right behind you? Was it all one lot at one time and there was a split, maybe?

Ms. Sokolowski – I don't know for sure but yes I think at one time it was all one big piece of property, including the house next to me too, the brick house. I think that was all one.

Mr. Baldin – So, it was all, sort of, split up. I assume the property line runs right down the middle where the trees are, between his gravel drive and your drive and then there is a grassy area? I assume the property line is down the middle of that?

Ms. Sokolowski – Part of that is his and part of that is mine, yes.

Mr. Baldin – You share that?

Ms. Sokolowski – Yes. Yes.

Mr. Baldin – All right, I have no further questions at this time but I think what they suggested here might be a good idea to get an idea of the cost to maintain it and so forth.

Ms. Sokolowski – Can I ask, who do I submit that to? How do I submit that?

Mr. Kolick – It would be nice if you got a written quote and bring it over to the secretary. She can make sure that the Board members get it then.

1) **PAULA M. SOKOLOWSKI, OWNER, Cont'd**

Ms. Sokolowski – Okay.

Dr. Goist – Also, so that you know, all of your neighbors within 500' of your house will be getting a notice that you're going to have a public hearing. So, you want to make sure that you talk to your neighbors and make sure that things are on good terms and you don't have somebody saying, This has to be changed.

Ms. Sokolowski – Okay.

Dr. Goist – Your public hearing will be August the 13<sup>th</sup>. Thank you.

Ms. Sokolowski – Thank you.

**RULING: SET FOR PUBLIC HEARING AUGUST 13, 2008**

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative**

- a) **Requesting a 6 Parking Space variance from Zoning Code Section 1270.05 which requires 24 Parking Spaces and where 18 Parking Spaces are proposed in order to construct a Doggy Day Care and Overnight Camp;**
- b) **Requesting a 3' Front Setback variance from Zoning Code Section 1262.07 which requires a 50' Front Setback and where a 47' Front Setback is proposed in order to construct a Doggy Day Care and Overnight Camp; property located at 14411 Foltz Parkway PPN 393-03-009 zoned General Industrial.**

Dr. Goist – Our next new application is Camp Bow Wow and if you'll give us your name and address please.

Mr. Martien – My name is Bob Martien. I'm the architect for the project and my address is in Cleveland Heights, 3149 Berkshire Road and this is Roxanne Jancsik.

Ms. Jancsik – I'm at 6980 West Law Road. I'm the owner.

Dr. Goist – We understand that you have already gone, am I correct Mr. Kolick, to Planning Commission?

Mr. Kolick – Correct.

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

Dr. Goist – Planning Commission is the department that has asked you to have a minimum of eighteen parking spaces?

Ms. Jancsik – Yes.

Dr. Goist – You're saying that you only want to have – they said you needed twenty-four.

Mr. Harr – The Code requires twenty-four.

Mr. Martien – The Code requires twenty-four. We initially went to them with the twenty-four for approval, and subsequently have gone to the Planning Commission with a proposal for two additional spaces in the front and five in the back, to which they said they wanted four in the front with the five in the back. The reason for the change is that the parking in the back didn't really serve the business. The business is pretty much through the front door and Roxanne can speak to you about how many spaces we really think we need but the entire building will be used for a dog day care and the back of the building will be a fenced-in area for an outdoor play area for the dogs. So, that makes it a little tight to get the parking in back there, and to ask clients to come to the rear of the building and park back there **is** a little bit out of the ordinary. The front of the building was really where everybody, including Bob Hill, feels that the parking should be. We tried for two spaces in the front but they really wanted the four. So, that's why we're here for the variance for the 3' because we can't get the thirteen spaces.

Dr. Goist – Thirteen?

Mr. Martien – Well, there are nine now in the front and –

Mr. Harr – The four results in the variance request.

Mr. Martien – Right, and then the area in the back would then be room for five spaces. Do you follow that?

Mr. Harr – Yes.

Mr. Martien – Okay.

Dr. Goist – So, nine and five is fourteen then?

Mr. Harr – There are thirteen in the front with nine existing. They are proposing to add four and five more in the back.

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

Dr. Goist – Okay. I have one question. How far back does your fenced in area go behind the building because I was there and drove around and there is certainly sufficient room to put – depending if you're telling me that this fenced in area is going to go 10' behind the building.

Mr. Martien – It's on the drawing if I can look real quick.

Mr. Harr – Twenty feet.

Ms. Jancsik – That's why we had the parking along the curb just so there was an adequate turning radius and we're really trying to avoid having our customers who – we will have some boarding customers but a lot of our day care customers will be dropping off before they go to work and they'll be dressed up and for safety reasons the front door, the way it's set up, it will have sidewalks and it's easy access with their dogs where in the back it would be nice for employees to park back there but it might be a little bit of a inconvenience for the customers to have to go all the way around the building with their pets and enter from the front. So, the type of business – this is a franchise and there are multiple locations throughout the country and the average amount of spots that most of them do quite well with are ten. Our campus is quite small compared to some of them. We will have about three to five employees working at one time and most of the clients that come and go – the clients that drop off for boarding will come, drop off for multiple days or a week at a time and about 30 percent of the business will be day care and those will be morning and evening drop offs and it's fairly quick to drop off a pet and leave, usually about three to five minutes. So, having sixteen or eighteen spots would be more than adequate for the type of business that we're doing and we just want to make sure that it's safe and convenient for them to come in and out and not have to drive all the way around the building. They can just come in and pull in the front and leave quite easily. So, that was our reasons for doing it that way.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – If I can ask Mr. Kolick, in caucus we talked about an earlier conception of the plan that involved expanding the back parking lot as opposed to moving their spots into the front and how many spots total does that generate, do you know?

Mr. Kolick – A sufficient number to meet the Code is twenty-four.

Mr. Harr – It would actually generate the entire twenty-four?

Mr. Kolick – Yes.

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

Mr. Harr – To the applicant, was there a significant cost differential between expanding the back lot? I don't disagree that I think most of your business, it's reasonable to presume, is going to be a drop and dash type of situation but to that end, we're always interested in avoiding the necessity for a variance whenever we can. I certainly understand your desire to have people park in the front where the front door is but we would like to not have to do variances if we don't have to. Was there a significant cost difference between adding these four spots or pushing the back lot out a little bit?

Mr. Martine – About \$25,000.

Mr. Harr – Difference between the two?

Ms. Jancsik – I think it's between \$40,000 and \$60,000 for the back because its grade is off and it would have to be built up.

Mr. Harr – I have not been to the site yet.

Mr. Martien – There are a number of trees.

Mr. Harr – Right up to the lot right now?

Mr. Martien – Yes and I think the biggest issue was the drainage, the cost to add the property drainage that the new concrete would require.

Mr. Harr - Mr. Kolick, you have been privileged to some of the conversations with Planning Commission as far as these lots go. Was that an option that was discussed? Do they feel that this is a better service for the site as well or if this just a compromise?

Mr. Kolick – Originally, they came before Planning Commission and, I think, it was sixteen spots or something that they proposed. It was less than twenty-four at any rate. Planning Commission turned that plan down and said that they won't accept it with that amount of parking and then they came back with a plan that did meet the parking. Planning Commission approved the plan that did meet the parking with the twenty-four spaces.

Mr. Harr – Which was the expansion of the rear lot.

Mr. Kolick – Which was the expansion of the rear lot. Then they came back to Planning Commission after they got the approval of the use, which they only approved because they had the twenty-four and said now we want to go back to one of the original plans that had less and Planning Commission said that they wouldn't let them go all the way to the lesser number but they'll work with them a little bit and give them a break but it was the Planning

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

**Mr. Kolick continues** - Director who looked at the parking space numbers who said, "Look they need to at least put eighteen spaces in there" and as long as they are putting two in the front, he said putting four in the front was not going to be any significant dollar difference between putting two and putting four. So, it was his recommendation that if the Board of Zoning Appeals would grant the variance, he could live with the eighteen spots for the building and that's how it got to where it's at now.

Mr. Harr – After review, although you had originally planned to do the spots out back, you decided due to financial concerns, number one and then just your business plan or business model that that didn't make sense.

Ms. Jancsik – Right. Financial and so much was involved with that and the fact that the customers would have to come around, it just didn't make a whole lot of sense and there was already some existing parking in the front and rather than have people drive all the way around, it would just be much easier to go in and out.

Mr. Harr – Looking at the plan, there is no way to configure the existing spots to restripe them or get anything that would result in not needing the front variance if you go with two more spots.

Ms. Jancsik – Well, if we stuck with the nine existing spots plus –

Mr. Harr – But adding the two, there is no way to reconfigure the other seven in that –

Mr. Martien – We have looked at everything.

Ms. Jancsik – The size and it was too close.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes, Mrs. McGrath?

Mrs. McGrath – Does the Planning Commission know that, on average, the others have ten spots? Did they know that?

Mr. Kolick – Yes.

Mrs. McGrath – They knew that this building was no larger than these other buildings that had ten spots?

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

Mr. Kolick – I don't know if there was any detailed talk about sizes of buildings with Planning Commission. They brought up to Planning Commission about the average size and the average number.

Ms. Jancsik – I just pointed out all of the current open camps, their square footage and how many spots they work with and our camp is probably at the lower 20 percent on size. They have camps as big as 12,000 square feet and as small as 4,000. We're about 5,000 and we have camps that have as little as four spots to as many as twenty with the really big camps but the average is about ten and they seem to work. Because of the short time period that people are dropping off and picking up, it seems to flow pretty nicely and we're only required to have one employee for every fifteen pets supervised. So, with the size of our camp, if we were filled to the brim, we wouldn't have to have more than five employees on staff at one time. So, the average would probably be about three to four. So, just looking at that, the amount of parking existing would probably be adequate but we certainly want to have some extras.

Mrs. McGrath – These other franchises, what is their average occupancy on a given day?

Ms. Jancsik – Probably, the ones that have been up and running are maybe seventy to eighty percent.

Mrs. McGrath – If they have thirty, almost forty spots maybe – at least forty spots – the parking that they have, the existing parking, seems to work fine on the drop and dash?

Ms. Jancsik – Yes, ten to twelve spots.

Mrs. McGrath – For the time that they are there.

Ms. Jancsik – Right. They have documented drop off times and really about 30 percent of the business is the day care. Those are the ones that will be dropping off on a daily basis. The rest of the majority, 50 percent to 60 percent will be boarding so they will drop off for the week or the weekend. The flow works out pretty well and certainly if we have a dog trainer or maybe a groomer, an extra spot or two would certainly be helpful.

Mrs. McGrath – Mr. Chairman, am I understanding then that the variance really comes in because we are requiring the extra parking.

Mr. Kolick - Mr. Chairman, let me say, yes if you are building the parking out to the front. If the parking went to the rear, then they wouldn't need that variance. What the City Planner was saying was, "For cost savings, I don't mind recommending that they go to eighteen spots and for their purpose to help them cost wise even more, I'm not going to require them to put

2) **CAMP BOW WOW, TENANT/Roxanne Jancsik, Representative, Cont'd**

**Mr. Kolick continues** - them in the back, then, let's put them in front since it's not that big of a variance". So, that's the two variances. He said he would be willing to work with them but, of course, it's up to the Board to grant or not grant those variances.

Dr. Goist – To the architect, we measured out to scale tonight and it appears that that front setback, rather than just being 3' is a little over 3'. Am I correct, Mr. Allen?

Mr. Allen – Yes, approximately 4'.

Dr. Goist – It's a little closer to 4' so we're changing the numbers to show that you're requesting a 4' and then you need the 46' front yard setback instead of 47'.

Mr. Martien – Okay.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

Mr. Baldin – I don't really have a problem with the parking spaces, et cetera, for their type of business. The only concern that I do have is the fact that you're doing a retail service business in a General Industrial area and don't we need to make some changes there, Mr. Kolick?

Mr. Kolick - Mr. Chairman, in response, since the time that this applicant has been in, City Council has now removed this use from General Industrial. So, you're not going to see it again. I think City Council recognized the same thing that you did and has now taken some action. However, they were in before City Council changed the ordinance. So, they will be permitted to go in with the day care but you won't see any more in General Industrial because they are no longer permitted.

Mr. Baldin – Thank you. That's all I have.

Dr. Goist – Okay. Any other questions? You're hearing will be August the 13<sup>th</sup>. We'll see you then.

**RULING: SET FOR PUBLIC HEARING AUGUST 13, 2008**

3) **TODD DUPLAGA, OWNER**

**Requesting an 260 SF Floor Area variance from Zoning Code Section 1252.15 which permits a 400 SF Floor Area and where a 660 SF Floor Area is proposed in order to construct an Accessory Building; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.**

Dr. Goist – That was our two new applications and now we have, finally, our public hearing and Todd Duplaga, if you would come forward please and again, state your name and address.

Mr. Duplaga – I’m Todd Duplaga. I reside at 19698 Westwood Drive. I’m here for the variance of 260 square feet on the out building on the rear of my property. Like I said last time, I am going to move the building 10’ from the property line as your guys suggested and do away with that variance.

Dr. Goist – So, you have done away with that variance?

Mr. Duplaga – Yes.

Dr. Goist – Okay. Board members, do you have any questions? I think everybody has been through this and – Mr. Harr?

Mr. Harr – Mr. Duplaga, I just want to recall how far back the building is from your structure?

Mr. Duplaga – It was 30’ from my structure, now it’ll be approximately 25’.

Mr. Harr – Okay, so from the original placement we have moved it into the middle of the yard more, which has, in effect, brought it a little bit closer to your house but still far enough away that you don’t have any issues there.

Mr. Duplaga – Yes.

Mr. Harr – Again, just to reiterate, it’s a storage facility for lawn equipment and so forth?

Mr. Duplaga – Yes.

Mr. Harr – Okay, it’s not going to be used for any business purposes?

Mr. Duplaga – No, it will not.

Mr. Harr – No vehicles or anything like that will be stored in there at all?

3) **TODD DUPLAGA, OWNER, Cont'd**

Mr. Duplaga – No.

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

Mr. Baldin – Thank you Mr. Harr. I think you covered our questions adequately enough. I don't have any questions.

Dr. Goist – If not, I'll entertain a motion.

Mr. Kolick – This is a Public Hearing.

Dr. Goist – I'm sorry. This is Public Hearing. Is there anyone to speak in favor of this matter? Is there anyone here to speak against this matter? If you would give us your name and address please.

Ms. Fraser – I am Karen Fraser. My address is 19706 Westwood Drive and I would like to say that this structure is too big in my opinion and it is actually closer to my home than it is to Todd's. He has had the home for six years and it is a constant construction zone. As you have joked very openly that he is here all the time, that he should probably sit actually on this committee, I live next door to that on a daily basis. There is constant construction going on there and the fact that this building is going to be, pretty much, next to my bedroom window, I would like to note my objection.

Dr. Goist – I think your objection is duly noted and I would like you to know that the joking that went on was that Mr. Duplaga has been here before and -

Ms. Fraser – I understand.

Dr. Goist – he has presented himself in every way and agreed to everything that we have asked him to do.

Ms. Fraser – I understand that and he keeps his property up beautifully and I don't have a problem with that. What I have a problem with is that it's been constant for six years. It is not a couple of projects here and there, once or twice a week. It is seven days a week from nine in the morning until after nine at night, constant and to be honest with you, I'm sick of it. It's been for six years and I keep thinking, Gosh, he's got to be done some time. It'll be over some time. Two years in I'm thinking, What else can he fix? It's six years of a constant construction zone and I really don't care what he does on his property except it's getting really old.

Mr. Baldin – Mr. Chairman?

3) **TODD DUPLAGA, OWNER, Cont'd**

Dr. Goist – Mr. Baldin?

Mr. Baldin – I have a question. If I'm hearing you correctly, you're saying that he has lived there for six years and –

Ms. Fraser – No, he does not live there. He owns the property.

Mr. Baldin – He owns the property. He doesn't live there, however, it's constantly being worked on daily?

Ms. Fraser – Yes.

Mr. Baldin – Is there always a construction crew working there?

Ms. Fraser – He is his own personal construction crew. There is hammering. Fourth of July morning we had a wet concrete saw 9:00 a.m. sharp. To be honest with you, he mows his lawn with the lights on. If you have to use your headlights with your lawn mower, it's too late to mow your lawn. There are tractors going between the house, the pick up truck between the houses into the back yard constantly. This is not new but I guess my objection – I haven't voiced my objections before because I keep thinking it's going to end. It's got to taper off at some point. Six years later he still has a construction zone over there. He doesn't live on the property, which, I'll admit is not my business but what is my business is that it's all the time.

Mr. Baldin – Excuse me, Mr. Allen? Are we aware of what has been going on at this place for six years, constant construction and work according to what the neighbor says? Has there been permits for all this kind of work that has been going on? Maybe there is something here that we don't know about.

Mr. Allen - Mr. Chairman? I would have to check the records. I assume permits were pulled but I would not know that.

Mr. Baldin – I didn't think you would but I wanted to bring that up.

Ms. Fraser – And to be honest, not all of his home improvements are – some of them are actually detrimental to my property. He has a drainage ditch that he dug at the edge of the woods that is actually tapered off to flood my whole back yard.

Mr. Baldin – That brings up another good point. I don't know if we should vote on this tonight.

3) **TODD DUPLAGA, OWNER, Cont'd**

Ms. Fraser – I don't have a problem with him improving his property but when I said something to him his response was, "Get your husband out here to dig the rest of the ditch". I shouldn't have to and this is one of many. It's one of many and it's frustrating because I can't do anything about it because it's not my property and I actually wasn't sure of what venue or who I had to complain to. I don't want to be calling the police because he's doing the wet saws at 9:00 a.m. or shoveling rocks at six thirty in the morning in the back yard at a house that he doesn't even reside at. I have four children. I can't tell you how many times I've been trying to read a bed time book through his lawn mower going because he doesn't start mowing the lawn until eight or nine o'clock at night. It's old. So, I know that you guys appreciate, maybe, he is very thorough and he does keep his property very nice and neat but I have to live next door to it and I have for six years.

Mr. Baldin – Thank you for your comments. Sir, would you like to comment back on this sir?

Mr. Duplaga – Yes, I would. As far as running the lawn mower with the lights on, it's usually in the fall when the leaves are falling and it gets dark out earlier. Yes, I did have a concrete saw on the Fourth of July morning to cut the driveway open. As far as the drainage ditch, that is my footer drain for my house that was there originally from 1941 and all the clay tile was broke in my back yard and it does not go onto her property. The ditch that she is talking about used to be a creek that ran behind Olympia before they put that street in. It used to be a running creek at all times and as the street goes down Westwood, all that water from upstream runs, kind of, toward the back yards and down the street and all that water will flow through the back lot. That's what all the water is. It's coming down the whole street. Not just my property because I get my neighbors' and those neighbors' get the neighbors' next to them and it's just a constant flow.

Mr. Baldin – Does she sit lower than you?

Mr. Duplaga – Yes.

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – Ma'am, could I ask you a couple of questions?

Ms. Fraser – Yes.

Mr. Harr – Are these – as far as – obviously, the City appreciates people who maintain their properties and people have a right to do that. Have you had conversations with the gentlemen with regard to the odd hours worked and some of these other concerns that you have?

3) **TODD DUPLAGA, OWNER, Cont'd**

Ms. Fraser – No, because I don't want to be one of those neighbors that complains about everything. I did have a conversation with him about the ditch and, like I said, he told me to have my husband come out and finish the ditch on my end. I don't understand why it couldn't have been angled toward the woods instead of my property and it doesn't just end. It actually tapers to go into my yard. Do you know what I mean?

Mr. Harr – I don't because I have not seen it but I will.

Ms. Fraser – He has it dug pretty deep. I don't know.

Mr. Duplaga – That's just from the water erosion from over the years.

Mr. Harr – So, you are the house to the north, correct?

Ms. Fraser – I am to the west.

Mr. Harr – Why am I on the wrong side of the road here?

Mr. Baldin – He is north.

Ms. Fraser – I'm between him and then there is a wooded lot next to me. It's a little – I'm directly across from Brigadoon.

Mr. Harr – Okay, I'm thinking the road, kind of, bends and runs north/south at that point but you are, as you look at his house, to the left.

Ms. Fraser – Correct.

Mr. Harr – Okay. Refresh me how your house lot – I seem to - in my mind, when I was out there, I remember your house being fairly equal with where his house was in terms of the setback or are you set back further?

Ms. Fraser – It's just a little bit closer to the street. Just a little.

Mr. Harr – Yours is closer?

Ms. Fraser - A little bit. Not too much but where the shed would sit is directly next to where my children's play set and my bedroom window is, actually, on the back corner of the house where that shed is going.

Mr. Harr – Okay. Twenty feet back.

3) **TODD DUPLAGA, OWNER, Cont'd**

Ms. Fraser – It's back but it's actually closer to my house than to his because my –

Mr. Duplaga – That would be impossible.

Ms. Fraser – Okay, maybe it is closer to his house. I don't - it's very close to my house.

Mr. Harr – From my standpoint –

Ms. Fraser – I guess my suggestion to – I did ask him about the shed before I came here and my suggestion was the neighbor on the other side has a fence and a shed and if he were to build his shed on that side of the house, it would be behind their shed, it would be along a fence – do you know what I mean? Instead of just sticking it in the middle? And his response was that he wanted privacy for his lot and I do understand that. You don't want people staring into your yard or whatever. It just seems like it would be a more convenient area. I don't know what the people on the other side would feel about that.

Mr. Harr – I don't remember the topography of the lot but I know that side of the house goes back further.

Ms. Fraser – Well, where his garage is – he has that garage that he is expanding – and then he's got an extension on the back, which I thought was a shed but there is a fence that runs along side the garage and that smaller shed, and the people on the other side of the fence have a shed there, so if he were to build his shed behind the smaller shed so it's a garage, little shed, big shed, it would actually not be in the way.

Mr. Harr – Is it your concern at all that the placement of the shed presently is going to affect drainage adversely?

Ms. Fraser – Not drainage, no. The drainage didn't have anything to do with the shed. It's more of a concern – the fact - not objecting to another construction project just seemed ridiculous. I understand I don't have a say on what he does on his property.

Mr. Harr – Well, from my standpoint, I would hope that the after hours work or odd hours work is something that certainly could be worked out between homeowners. That would make sense. The drainage issue is something, obviously, that we would have concern about and want to take a look at.

Ms. Fraser – Well, that is actually – it's a pretty far set back lot and it is in the way back along the edge of the woods. It only really concerns me when I go to mow my lawn and I can't because it's a swamp.

3) **TODD DUPLAGA, OWNER, Cont'd**

Mr. Duplaga – In the spring it is.

Ms. Fraser – But it was never as bad as it is now because of the drainage ditch that he dug. It was never that bad.

Mr. Harr – Mr. Allen, is that something that we could take a look at?

Mr. Allen – The Engineering Department can take a look at it.

Mr. Harr – All right.

Dr. Goist - Mr. Kolick, could you give us some guidance here?

Mr. Kolick – A couple of items. One, on your drainage thing, there is some recourse. Go up to the Engineering Department. You can file a notice with them. Give them the addresses and they will come out and see. No one is permitted to go change the grades to funnel more water on a neighbor's property. I don't know if that is being done but if it is, it is something that the City can look at because that is not permitted. So, clearly, with that, stop up there. As to the size, he's asking for a larger size than is permitted in the code and if you have a complaint about its location in relation to the size, that is something the Board should consider when voting on the variance. I don't know what the applicant's thought is about moving it to the other side of the property when there is another fence and another shed. Maybe it would be less obtrusive there but that would be up to the applicant to determine if he willing to do so.

Mr. Duplaga – I would rather have it on their side just for the main reason that I don't have to look at what's going on in their back yard because there are old buildings in the back of their yard, which have been like that since I've owned the house. There is no paint on the building out back, all the paint is falling off. The sides are terrible. All it is is a bat house because all the bats come out at night and it's got a little metal shed behind that and a little building in front of that. I would rather just have it right there because I have new neighbors now that are manicuring their lot, nicer than mines going to be. I have to keep up with them now. I think it would be ridiculous to try to block a nice yard instead of one that is neglected. That's my reason.

Ms. Fraser – The buildings that are on my lot, I agree, are definitely not up to Todd's standards, however, they were there when we bought the house. They were not built by us. As far as the bats go, the bats don't live in there. They live in the trees in the woods next door to us. I think we're just getting petty at this point. We did not build those buildings and I have no intention of taking them down and, like I said, the way that he has this set up, he is plopping this building right in the middle of an open area instead of just making it a nice flow and I understand the privacy issues but I think we're just getting petty at this point.

3) **TODD DUPLAGA, OWNER, Cont'd**

Mr. Baldin – Todd, can I ask you a question? I grabbed the wrong papers. Tell me again the size of your lot.

Mr. Duplaga – My lot is, I forget the square footage. It's 650' one side and 560' on the other.

Mr. Baldin – Okay, it's very deep.

Mr. Allen – It's 100' wide. One side is 563' and the other 694' so it's a substantial lot.

Mr. Baldin – And the size of the building that you want to put up is 22' by 30'. Thank you.

Mr. Harr – Todd, is there any movement that could be made on the building at all either further into the lot or back a little bit or anything that could mitigate your neighbors concerns?

Mr. Duplaga – I honestly – well, you were there one evening. You saw where the building was going to start, where the wire was coming out of the ground. It was going to go back. There is still a good 30' to 40' of back yard between my house and her house. She doesn't even realize where the building is going because it had stakes in there temporarily when I was first –

Mr. Harr – For us to take a look at. I understand.

Mr. Duplaga – And they have moved several times since. She has no idea exactly where this building is going to be.

Ms. Fraser – I know it's going by the wires.

Mr. Duplaga – But it's going to start there and go back so our back yard is still going to be – you can still see through our back yard. It's going to be like a normal city back yard. By having a deep yard, it's going to be like a normal city lot in Strongsville. There is going to be a pass through there. I'm not putting up a fence or anything. She'll be able to see right through my back yard. I just can't see putting it like she said. Our lots all slope back. I don't want to put it in the back of the lot where all the water drains down in there. It would be senseless to stick it in a low spot.

Mr. Harr – I do recall beyond where the structure was placed that the grade does fall away a little bit.

Mr. Duplaga – That is what she is talking about with all the water and the water erodes and erodes.

3) **TODD DUPLAGA, OWNER, Cont'd**

Dr. Goist – I'm going to take just a short time out here because this is the first time that we have heard this but I want to say to Mrs. Sokolowski and Bow Wow that you people do not have to stay here, that if you would like to leave, you are certainly welcome to leave. If you want to stay and listen to the discussion, you may. I felt like you were being held here and we didn't mean to hold you hostage.

Mr. Baldin – One thing that I have to make a comment about is that you understood and you have been very understanding with us and you did make a change in your request already. You wanted 5' off the side line and you voluntarily said you would do 10'.

Mr. Duplaga – Yes, that's fine.

Mr. Baldin – And we certainly appreciated you doing that but to move it any further into your property, you think it's a bad situation or a bad location.

Mr. Duplaga – It's going to be farther away from her.

Mr. Baldin – Yes, by doing the 10' but if you moved it any further in or further back, it's sort of detrimental to your property.

Mr. Duplaga – Yes, because then it would be in the middle of my back yard. The lot is only 100' wide.

Mr. Harr – I think further back is an issue because of the grade. Based upon the size of your parcel, I don't think the square footage is really an issue. I think some of the other things have been brought up, certainly the drainage issue, on both of your behalves. Whether –

Mr. Duplaga – She is more than welcome to call the Engineering Department tomorrow.

Mr. Harr – I think that if you're having flooding issues back there both of you should get the Engineering Department involved and try to remedy that situation. I would hope that having heard her concerns about late night work and some of the things that may be affecting them as neighbors, that you would curtail that activity and try to find ways to improve the property. Everybody likes a neighbor who improves their property next to them providing it's not disruptive to what are considered normal business hours and how you work on the property. That's all I have.

Dr. Goist – Mr. Duplaga, I'm going to ask you again, this building does not exceed 15' in height, is that correct?

Mr. Duplaga – It will be 14' 6".

3) **TODD DUPLAGA, OWNER, Cont'd**

Dr. Goist – I just wanted to make sure. I think at one time the building was 19’.

Mr. Duplaga – That’s changed since then.

Mr. Baldin – I have no further questions.

Dr. Goist - Mr. Kolick, I would ask you to give us some guidance. Should we ask the applicant again to table?

Mrs. McGrath - Mr. Chairman? I don’t think the drainage issue is affecting the variance.

Mr. Harr – I don’t think they are related. I agree.

Mrs. McGrath – It isn’t affecting what we’re doing here. I think we vote on the accessory building.

Mr. Duplaga – It has nothing to do with what I’m doing here.

Dr. Goist – Okay. Any other comments from anybody? Would you like to say anything more?

Ms. Fraser – Do you make your decision now or how does that work?

Dr. Goist – We make our decision now.

Ms. Fraser – So, you decide whether or not he gets to build this? Okay.

Mrs. McGrath - Mr. Chairman, could I ask one more question of Todd?

Dr. Goist – Yes.

Mrs. McGrath – What is going on in this building? Is she going to hear anything going on in this building?

Mr. Duplaga – No, and as far as the late night work, it doesn’t happen. By nine o’clock, it’s quiet there because I know she has kids and I respect that. Where she is coming up with that, I don’t know. Whether or not I do this structure, I’m still going to do – if this didn’t happen, I’m still going to put a structure there so I don’t know what to tell her.

Mrs. McGrath – You’re saying that whether or not it’s the size within the code or not, it’s going to happen.

3) **TODD DUPLAGA, OWNER, Cont'd**

Mr. Duplaga – I just want to get all the garden tools in there.

Mrs. McGrath – Whether or not, it's going to happen. Right?

Mr. Duplaga – Right. It's going there. It's the only spot in my yard that it can go.

Dr. Goist – How much of a variance?

Mrs. McGrath – Two hundred and sixty square feet. Not even half. It's a third. Is that right?

Dr. Goist – What he is saying is that if he had to, he would put in a building to Code.

Mr. Duplaga – She is not going to be happy either way.

Mrs. McGrath – That's my point, is that your neighbor is not going to like this either way.

Ms. Fraser – No, and if I could sell my house on Westwood I would, but I can't. It takes two or three years for a house to sell on that street.

Mr. Baldin – Have you been doing a lot of fixing up on this place? When you originally bought it was it in disarray? Did you have to do a lot of construction there?

Mr. Duplaga – Originally, yes sir.

Mr. Baldin – So, you did some constant remodeling on this place and you've had tenants renting from you there?

Mr. Duplaga – No.

Mr. Baldin – Nobody lives there?

Mr. Duplaga – Well, I stay there occasionally. I'm trying to finish the house inside so I can live in it instead of living in a mess and being in the middle of a remodel.

Mr. Baldin – So, no one lives there and hasn't for some time. You have totally been remodeling this place over the years.

Mr. Duplaga – Yes.

Mrs. McGrath – And you have been doing this yourself? Excuse me, Mr. President. Mr. Chairman. You're not Mr. President.

3) **TODD DUPLAGA, OWNER, Cont'd**

Mr. Harr – Not yet, anyhow.

Mr. Baldin – I have no further questions.

Dr. Goist – Any other further questions? Let's caucus for just a minute.

The board breaks for caucus.

Dr. Goist – Okay, after our caucus I will entertain a motion for this variance.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes, Mrs. McGrath?

Mrs. McGrath – I move that we approve the request for a 260 SF Floor Area variance from Zoning Code Section 1252.15 which permits a 400 SF Floor Area and where a 660 SF Floor Area is proposed in order to construct an Accessory Building; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.

Mr. Harr – Second.

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

ROLL CALL:                      ALL AYES:                      MOTION APPROVED

Dr. Goist – Mr. Duplaga, your variance has been approved. There is still a twenty-day waiting period and then you go to the Building Department.

Ms. Fraser – May I ask one question? What exactly is the point of an ordinance?

Ms. Zamrzla – She is not going to be picked up by the microphone if she doesn't come to the podium.

Mr. Baldin – Ma'am, if you want to be speak, you can come up to the microphone and speak. That is what we're here for. (Ms. Fraser left the room).

**RULING:     VARIANCE GRANTED**

Dr. Goist – This meeting is adjourned.

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Meeting adjourned at 8:50 p.m.

**Signature on File**  
Glenn Goist, Chairman

**Signature on File**  
Kathryn A. Zamrzla, Sec'y

**Sept. 24, 2008**  
Approval Date