

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

**July 25, 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, Keith Foulkes; Recording Secretary, Kathy Zamrzla.

The following was discussed:

- 1) **ANDY GASHO, OWNER/Don Borowske Bldrs., Agent**
 - a) Requesting a 24” Height variance from Zoning Code Section 1252.22 (b) (5) which allows a 24” Height for the First Floor Living Area and where a 48” Height is proposed in order to construct an Addition to a bi-level dwelling which will convert it to a tri-level dwelling;
 - b) Requesting a 6’ 4” Height variance from Zoning Code Section 1252.22 (b) (5) which allows a 13’ 6” Height for the Third Floor Level and where a 19’ 10” Height is proposed in order to construct an Addition to a bi-level dwelling which will convert it to a tri-level dwelling; property located at 22286 Lorraine Road PPN 391-03-122 Zoned R1-75.

Mrs. Gasho advised the board that Mr. Gasho was at the airport and felt that he would be able to make it to the meeting before they were to appear. Mr. Evans had a questions about the 24” variance and it’s relation to the code. The board members expressed to Mrs. Gasho that they didn’t have any problems with their request for the addition.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 25, 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. Foulkes, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist - I'd like to call the July 25, 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 Ordinance of the City of Strongsville. You have been given copies of the minutes of the meeting of June 27, 2007 and July 11, 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 from 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 – Now, for people who are present, our meetings are in two parts. The first portion is the new applications, of which tonight we have four new applications and we have one public hearing. For all the people who may want to come up and speak before the commission, if you would please stand now and be sworn in by our Law Director. We would be happy to have you stand and take the oath.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Our first new application is Angela Philbrick. Angela, if you'll come forward please. Angela is the applicant and I notice that you're not Angela so if you would give us your name and address into that hand held mic. Just speak right into the mic.

NEW APPLICATIONS:

1) **ANGELA PHILBRICK, OWNER**

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; property located at 19468 West 130 Street PPN 399-33-018 Zoned R1-75.

Mr. Philbrick – My name is Shawn Philbrick. I'm Angela's husband. I live at 19468 West 130. We put in plans for an addition, a new family room. It's an 18' by 20' addition on the front of the house that exceeds the setback by 4'. The plans are to turn our current family room into a dining room. We have, basically, outgrown the house that's there. In addition to that, there are several new homes just north of us that are quite larger than ours. This will increase our home size and, kind of, put in with the rest of what has been recently built over there. It increases the value of our home, with the new appraisal, by almost 25 percent. The addition, even with the 4' variance, still leaves us behind from the street behind both of our neighbors on either side. Actually, by several feet on both neighbors. We have a signed letter from both our neighbors approving what we wanted to do. The new homes that were just put in down the street are actually closer to the street, or they appear several feet closer, then our home will be even with the variance.

Dr. Goist – I happened to be at their home the other day and saw where they are adding and they have it all staked out. So, it's all set for the board members. Board members, do you have questions for Mr. Philbrick?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans – I do want to note that we do have a letter in the file here that we received from Virginia Antolik and Michael Novak and we appreciate the applicant having those to us ahead of time. I would just like to ask the applicant, how long have you and Angela lived in Strongsville?

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Philbrick – It's been nine years, close to nine years. In that time, we have added a new roof. We have added siding; we have added a deck. You guys have the permits for all that stuff. We have tried to keep the property up. We actually have plans to improve the driveway and add a garage. The garage, obviously, would be the same length away from the street as the house, which would still, again, be behind both of our neighbors.

Mr. Evans – Okay. I assume that in looking at adding onto the house there that you explored options in terms of adding on so that you wouldn't require the variance. I know that looking at the floor plan, I didn't see that there were any options but I assume that you spent some time looking at options with a builder.

Mr. Philbrick – With the size of the room and we want a fireplace in there and the way that the room is shaped, we can't go to the south because of the property line. We can't go to the north because of the driveway and then, obviously, a family room, you don't want to go to the west because of the rear of the house. Even from the street now and, as he said, he has been there, you can't even see the front of the house through the trees and even with this addition, you won't be able to see the house from the road for the most part.

Mr. Evans – That's all I had Mr. Chairman.

Mr. Baldin - Mr. Chairman?

Dr. Goist - Mr. Baldin?

Mr. Baldin – I noticed here, and you already made a comment, you're planning to put a new garage in eventually too?

Mr. Philbrick – We haven't put plans forth for that yet.

Mr. Baldin – Eventually you will because you still have a gravel driveway there, right?

Mr. Philbrick – Correct.

Mr. Baldin – Okay. So, you realize that when that happens you have to put a concrete drive in.

Mr. Philbrick – A driveway will actually come with it.

Mr. Baldin – That's all I have.

Mr. Harr - Mr. Chairman?

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Dr. Goist - Mr. Harr?

Mr. Harr – I just want to be clear. The fireplace as it juts out is towards the street, correct? In the front of the house?

Mr. Philbrick – I believe it is but I don't know the exact distance outside the wall it protrudes.

Mr. Harr – The fireplace itself does not represent the full amount of the variance, right? It's only a couple of feet out of the wall?

Mr. Philbrick – Correct.

Mr. Harr – Okay. So, the front wall of the addition is in the variance as well.

Mr. Philbrick – We can't come any further than that 4' anyway because, if you're been to the house, there is a 40 some foot maple tree right there.

Mr. Harr – Okay.

Mr. Philbrick – We decided to keep the tree because of it's age and it's size and it does shelter us from the road noise and that kind of stuff and that's the reason why we stopped where we did instead of going up to the same distance away from the road as the neighbors.

Dr. Goist – If I remember, you're still a good 135' off West 130th.

Mr. Philbrick – I believe with the addition and approval of the variance, we'll be 121'.

Mr. Harr – I don't have any other questions.

Dr. Goist – Celia, do you have any questions?

Mrs. McGrath – I have no questions.

Dr. Goist – Okay. Your next hearing will be August the 8th and that will be a public hearing and all the neighbors within 500' of your home will be notified and we will have you back and listen to your request.

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Evans - Mr. Chairman? Before the applicant leaves, Mr. Kolick, am I thinking right that for the applicant that even if they are not planning on putting another garage to replace the one that they have that the way that we have worked it before is that they would be required to put a hard surface driveway in now because of the addition to the house, whether it's a garage or not?

Mr. Kolick – That's correct.

Mr. Evans – That's what I thought. So, I believe that we need to make the applicant aware of that or that needs to be a request for a variance at this time to be added to the other one to make a total of two variances then.

Mr. Philbrick – I guess I didn't understand that. Are you saying we need a concrete drive now? Or a hard surface drive now to have the variance?

Mr. Kolick – Yes.

Mr. Baldin – Because you're remodeling.

Mr. Evans – I missed that on the drawings that it did say there is a gravel driveway, when I was looking at them or otherwise I would have asked that.

Mr. Kolick – Are you prepared to put in a driveway now at this time?

Mr. Philbrick – Not with the expense. The loan has already been applied for, for this, and the money is already in our possession actually. I can't afford to put that in at this time but that is something that we want to do, obviously, in the near future anyway. I can't do it now.

Mr. Kolick – That's a choice for the board. He either has to put it in or he can request a variance but you're going to have to find a reason to grant that variance.

Dr. Goist – He would request a variance, Mr. Kolick, that he could still continue his gravel driveway?

Mr. Kolick – He can request a variance. It would be up to this board whether or not you grant that type of request because normally you would require him to put in a hard surface driveway and just because the funds aren't there, although I sympathize with the applicant, that's not a reason to grant the variance because he doesn't have sufficient funds to put in a driveway. The driveway needs to go in. It needs to be brought up to code.

Dr. Goist – Do you understand that, Mr. Philbrick?

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Philbrick – If I understood correctly, we have to apply for another variance, I believe and that means it would put us back further into the year. My concern is this and it's just a concern with the weather and the time. We originally planned on doing this during the warm weather, obviously, because the front wall of the home needs to be removed and you're going to have to add on and that's not something I want to do in the wintertime. If we postpone it any further, that's my concern.

Mr. Evans - Mr. Chairman? I believe if Mr. Kolick can direct us here that he can add that request onto the existing variance since we have not advertised this for public hearing yet. That could be a part of the variance request here.

Mr. Kolick – He can put in another request for a variance but I would think the situation isn't going to change so maybe he ought to get some direction from the board. I don't recall any time we have ever allowed a gravel driveway other than I think there was one on Royalton Road or something that led a long winding driveway back to a house through a series of trees where it was permitted. Normally, we certainly want to bring these houses up to code. If there is an order of doing things, usually it's the driveway to get done. So, again, can he? The answer is yes. Can we add it to this one? The answer to that is yes.

Mr. Evans – Well, my reason –

Dr. Goist - Mr. Baldin?

Mr. Evans - - for seeing that is that if he puts it in the variance right now then the process continues to move forward on the timeline that the applicant has asked for and, at this point, if they decide between now and then that there is another alternative for them and, at this point, without there being a garage, I would question how far back then the paved surface or the hard surface would have to go but I think if they were to ask for a variance of 12 months, that there was a stipulation of time on it, that I think that this board could perhaps look at that in order to accommodate the project, knowing that they would have to come up with the hard surface driveway within a year.

Mr. Baldin – What was your time frame that you were considering, maybe, to do that?

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Philbrick – Quite honestly, it all depended on the financial end of it. Our driveway, obviously, we wanted to bring it at the front of the house out and then we wanted to put a garage along side the house. Our garage would have to sit back 125'. Our driveway is considerably wide. It's almost a good third of what our expansion would be in the home. My concern, more so, was living space and then the garage and the driveway and the driveway only because we haven't had a garage for nine years. It's not as big of an issue to me as living space. I don't want to do a driveway or feel I should do a driveway without putting in the footer for the garage at the same time and, obviously, I'm not prepared to put in a garage at this time.

Mr. Baldin – As you heard some of this discussion going on here, we can give you a time frame and that is something that has to be done. We can give you some type of time frame. We don't like to extend a time frame too far. That's why I asked you the question of how soon you might do something back there.

Mr. Philbrick – Just out of curiosity, I'm unaware of what happens if that time line fails? If I say a year and that doesn't happen – I don't want to set myself up for fines and those types of things. So, I guess I'm just curious. How long do I have? What are my options as far as a variance for time?

Dr. Goist - Mr. Kolick, can you answer that please?

Mr. Kolick – Yes, you would have a problem. If you didn't do it within the time frame set by this board, you would have to come back to this board to get it extended or lose your occupancy for the house. That's why it would be a condition to the granting of the variance. So, I think it's something that you need to consider as to what you want to do.

Mr. Philbrick – Okay. How do we go about adding that to the variance if we want to do so?

Mr. Kolick – We can add it there but again, you had better, realistically, think about the time frame that the board may be talking about before you proceed with this whole project. If they are talking about a year then they are going to expect you in a year to put the driveway in. If that isn't realistic then I don't know – again, I'm not speaking for the board but if the variance itself is even realistic.

Mr. Philbrick – That's just the driveway? That's not the driveway and the garage?

Mr. Kolick – No, that would just be the driveway.

Mr. Evans – It would be hard surface, not necessarily concrete but it could be asphalt.

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Baldin – Again, as the comment was made here earlier, you would have to come back and ask for an extension. Sometimes that is granted and sometimes it's not.

Mr. Philbrick – Okay.

Mr. Kolick – What you might want to consider is if the garage is going to be – are you looking at a garage being added to your house?

Mr. Philbrick – No, it would have to be a stand-alone. The way the house is shaped, it's pretty much going to be a stand-alone.

Mr. Kolick – It would have to be stand-alone. Would it be back as far as the one is now, way back behind the house, because I see there is a framed garage back there now?

Mr. Philbrick – There is a storage shed, barn, something along those lines. No, it would not be that far. I was thinking near the side of the house. It would almost be parallel to the addition that we're putting in now.

Mr. Foulkes - Mr. Chairman? What I was going to suggest, the applicant does have the opportunity if he applies for a permit for the driveway and starts work within the six months, you would have one year to complete. So, that would give you one year without going for a variance to apply for that driveway permit.

Mr. Philbrick – It could be eighteen months to put the driveway in.

Mr. Foulkes – The only way that could be done is if you show substantial work and then you would have to formally apply for an extension. That may or may not be granted.

Mr. Philbrick – By substantial work, would that be a contract or would that actually be physical work because there is really not much physical work to putting a driveway to – the aggregate is already there. It's already, basically, graded. The only thing that would need to be done would be the framing and the actual pouring.

Mr. Foulkes – I would think it would have to be close to ready to be poured, formed and ready although that is subjective. The Building Commissioner may have to review it and see photos, or go out and look at the site.

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Mr. Kolick – You would, basically, have eighteen months though if the structure took six months. If you applied for the permit and showed the driveway on it, he could put the structure in before we would require him to put the driveway in. So, if that took a period of time, basically, you could probably have about eighteen months before it would have to go in.

Mr. Philbrick – I can commit to an eighteen-month driveway. That's not an issue.

Mr. Kolick – If that's the case then we, technically, probably are still going to need a variance just for the driveway not leading back to the garage but that's a whole lot different than the entire driveway. So, in other words, he would have to construct the driveway up to the point where his new garage is going to go but we could certainly grant him a variance so that the driveway wouldn't have to go all the way back to the framed garage that he has there now, which is, technically, a code requirement.

Mr. Baldin – Add some parallel to the home site?

Mr. Kolick – What you're going to need to do is show us a drawing as to where the garage is going to be because the paved driveway has to go up to where the garage is going to be. If this drawing at the end of the gravel driveway is where your garage is going to be, that's fine. That's what the drawing should show. You're still going to need a variance because the City requires that the hard surface go from the roadway to the garage structure. Since your garage structure is way back there, I would think that you would have an easier chance of getting that type of variance because you're not planning on using that as the garage. So, what you ought to do is bring us in a drawing showing where the paved driveway is going to go, list it as a paved driveway from the street to where you anticipate where the garage is going to be.

Mr. Philbrick – Okay and we go back to –

Mr. Kolick – That goes to the Building Department. That won't hold you up but get it in and we'll have to put on a second variance then as far as the paved driveway going all the way back to the home. Then, basically, you'll have the eighteen months – roughly eighteen months – to get it in. It's weather driven. If it comes at a bad time, the Building Department will work with you a little bit with it. Okay? Bring us up another drawing and Kathy will put on a second variance then.

Mr. Baldin – In the next couple of days.

Mr. Philbrick – She can have that up there tomorrow.

Mr. Kolick – That would be fine.

1) **ANGELA PHILBRICK, OWNER, Cont'd**

Dr. Goist – That would be great. Any other questions, board members?

Mr. Baldin – No other questions.

Dr. Goist – Your public hearing will still be August the 8th and the second variance will be added and you bring us the drawing. Thank you. Our next applicant is Richard Figush.

2) **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.**

Mr. Figush – My name is Rich Figush. I've been a Strongsville resident for as long as I've owned this house and we had it built here in 1976. I'm applying for this variance for a swimming pool. I probably should have had it done a lot of years ago but the girls are putting a little pressure on old Dad and the reason that I would like to move it further north in my lot is to try to, as a safety reason, stay away from the existing patio, which I just put in last year. Great planning. I would like to be 10' away from it and it's approximately 10' feet away the way I have my plans laid out right now. That would mean that I would need a variance for the north border and behind the north border, my property is a 50' area, which we call the green belt, which belongs to the development either a neutral space or a green belt. Call it what you like. After the 50' behind that is approximately 10 acres that belong to the school board. To my west, I'm applying for a variance of three more feet to make it 12' between my border and the walkway around my pool for a safety reason, again to stay away from my shed by at least 10' therefore, I don't think anybody could possibly jump off that shed 10' to get to the water. That is, basically, what I'm looking to do.

Dr. Goist – The shed is to the east of the proposed pool, am I correct?

Mr. Figush – That is correct.

Dr. Goist – Okay.

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

Mr. Baldin – How big is your existing patio?

Mr. Figush – The existing patio is approximately to the walkway to the east about 20' and the depth going to the north is between 16' and 17'. What I'm trying to do is keep that patio about 10' away from the pool, give or take a few inches.

Dr. Goist – Mr. Figush, you indicated that the 50' behind you is part of your homeowners association?

Mr. Figush – That's correct and I have provided the paperwork. You should have a copy of the paperwork with authorization from my development.

Ms. Zamrzla - Mr. Chairman?

Dr. Goist – Yes?

Ms. Zamrzla – Mr. Figush, the letter I received was a letter from you asking the association to make a decision on it. That's all I received. I did not give that to the board because it really didn't –

Mr. Figush – There were two pieces of paper that I turned in at the Service Center. The back piece is the authorization from the development.

Mr. Baldin – Do you want to bring that up?

Mr. Figush – Sure.

Mr. Baldin – How is your contractor going to come in and build your pool? Is he coming from the right side or the left side?

Mr. Figush – That's what I have planned and I have 13' between the two homes and they said that they need at least 8'. Any truck would be within 8'.

Mr. Baldin – You have a wood fence all around, is that correct?

Mr. Figush – I do not. The only fence that I have is on the west side of my –

Mr. Baldin – Oh, proposed wood fence I see here.

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

Mr. Figush – It says proposed wooded fence but it's not going to be a wooden fence. It's going to be an aluminum fence. The aluminum fence will be installed – all I have currently is on the west side of my property from my neighbor on my west side. I have a wooden fence going from the rear of my house to the rear of the lot. It says existing 4' wooden fence on the west side.

Mr. Baldin – I see it. Right, right.

Mr. Figush – That's there and if you see, at the rear of my neighbor's home the property is on a cul-de-sac and it, kind of, goes off on a forty-five and I'm proposing that all four of the other square on the back edge of the property will have an aluminum fence according to code.

Mr. Baldin – So, you have the 4' wooden fence on the left side and between the north and east, you plan to put aluminum fence.

Mr. Figush – That's what I plan on doing. That will be within code and it will go across the walkway on the east side of my home.

Mr. Baldin – So, you're figuring you're going to have about 10' between your existing patio and the 3' walkway around the pool?

Mr. Figush – Yes.

Dr. Goist - Mr. Kolick want to bring up a point.

Mr. Kolick - Mr. Chairman? Your application says that you're part of Echo Lake. You're not part of Echo Lake. You're part of Walnut Creek aren't you?

Mr. Figush – Correct.

Mr. Kolick – Okay, that site there, isn't that the homeowners association common area that sits back there? Not the school board site?

Mr. Figush – The first 50' behind my property belongs to the homeowners. It's common area. Green belt. It belongs to the development. After the 50', then that belongs to the school.

Mr. Kolick – What is on that property, that school board site?

Mr. Figush – Woods.

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

Dr. Goist – It's all woods.

Mr. Kolick – Just woods?

Mr. Figush – Yes.

Mr. Kolick – There is no courts or anything else on there?

Mr. Figush – Not on the school property. There is nothing. On the homeowners there is a part down on the end of the cul-de-sac with, I think, a basketball court, baseball field, soccer, stuff like that, swings. It's not fair going to the school board meetings and telling them to sell that property for you guys. It's not fair.

Mr. Kolick – Be aware the school board, since they are within 500' will get notice of the variance request.

Dr. Goist - Mr. Harr, do you have a question?

Mr. Harr – I have a couple of questions. The existing patio that you put in, what kind of material is that?

Mr. Figush – It's stamped concrete.

Mr. Harr – Okay. As I understand it, you have a 3' walkway to be built around the pool itself so as we look at your variance request for the west side yard, the pool itself is inside but the concrete will require the variance.

Mr. Figush – That's correct. That's absolutely correct.

Mr. Harr – It's your intention to put an aluminum fence along the north, east and, I would say, your side yards but to leave that 4' wood fence as the eastern border, if you will.

Mr. Figush – That's correct and I also want to, at that western border, I'm going to come into my house with an aluminum and on the east end I'm going to come into my house with aluminum and it looks like about 5' on either side. Six feet or whatever. Are you with me?

Mr. Harr – I am. Mr. Kolick, is there any height requirements on if that fence is being used around the pool or –

Mr. Kolick – Yes, we have a minimum height requirement and a maximum height requirement. We have both.

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

Mr. Harr – Does the 4' meet?

Mr. Kolick – Let's run that past Keith. Do you know what the minimum requirement for a pool? Four feet?

Mr. Foulkes – The minimum is 4'.

Mr. Harr – It is 4'? So, you would be attaching your fence to his fence?

Mr. Figush – Exactly.

Mr. Harr – Okay. I don't have any other questions right now.

Mr. Evans - Mr. Chairman? My question to the applicant is that I understand that you just put the patio in last year but I think eventually you're going to wind up connecting the existing patio to the walkway around the pool because there is going to be a path that is going to get worn there. So, I guess my question would be if it were a raised deck I would be concerned about people jumping in the pool but as a patio, I wouldn't see that as being a problem.

Mr. Figush – There is going to be no raised deck back there. The existing patio is stamped concrete on the level with the ground.

Mr. Evans – You said the reason that you didn't want the pool to be closer to the patio was the same or I heard it as being the same as being not closer to the shed. You said people would jump from the patio to the pool.

Mr. Figush – No, that's not exactly true. On the patio outside my door, if you look at the patio at the rear of my home, that's a patio from my kitchen, I have a table sitting there going north and south and that leaves the chair – already with the table there and the chair, I probably wouldn't – if I was within code, that chair could tip back and fall in the pool, perhaps at least on the sidewalk. I don't want anybody falling off that or walking off that patio into the pool. The further back I can get, the safer I believe it would be for non-swimmers.

Mr. Evans – For our purposes for hardships that really would not be a situation that would present itself as a reason for us to grant the variance though and I guess that other question that I would ask is is there a swale across the back of the property there?

Mr. Figush – Everything in the back yard pretty much heads out toward the neutral zone.

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

Mr. Evans – Okay. I guess, Mr. Chairman, I would also want the Building Department, before we consider the variance, to at least tell us whether or not there is some kind of drainage or swale back there and moving it closer to the property line would be impeding.

Mr. Kolick – Yes, it would be appropriate to turn it over to the Engineering Department to look at the topo map and let's see if they are showing a swale in the rear yard. So, Kathy, we'll need to do that.

Dr. Goist – Also, would you consider just putting the fence around the pool and then there is no way that someone can fall into the pool if they fall off the back of the chair or if they are non swimmers if the fence is around the pool, not tying it into your neighbors fence.

Mr. Figush – To be honest with you, I haven't considered that.

Dr. Goist – We're asking you, would you consider that?

Mr. Figush – I would consider that.

Dr. Goist – To me, that seems to be a safer solution than to go out all the way to the neighbor's fence. You would be just outside -

Mr. Figush – I think I don't understand what you're saying. A safer solution?

Dr. Goist – You had mentioned someone backing up in the table and chairs that you have and falling backwards into the pool.

Mr. Figush – Correct, off of my patio.

Dr. Goist – Correct and I'm saying if you have a fence around your pool then you would not have any kind of dangerous situation.

Mr. Harr – Potentially being able to move the pool further south and creating less of a variance.

Mr. Evans – Or eliminating it.

Mr. Baldin – Is the wooden fence your neighbor's wooden fence there now?

Mr. Figush – Yes.

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

Mr. Baldin – Okay. So, you're only going to do two sides for fencing, which is the north and east side, right? But if you would put a complete fence around your pool, it would probably be a little shorter in distance right? You're talking about doing an aluminum fence anyway, correct?

Mr. Figush – Correct.

Mr. Baldin – So, you do an aluminum fence around your pool, it would probably be, not quite with all four sides, that this might be a little bit longer than what you're talking about doing the two sides but not by much. It might not be much difference in cost. That may be something to look at and it would be much safer and the board would be very happy to put it bluntly. As our chairman said, that may be something for you to consider when you come to the next meeting.

Mr. Kolick - Mr. Chairman? Along that same lines, for the applicant, are you talking about hooking your aluminum fence across your property line to your neighbor's fence to the west? Is that what you're looking to do?

Mr. Figush – Correct. I have to maintain a safe yard for my guests and for people that might be trying to get in.

Mr. Harr – He'll be encroaching.

Mr. Kolick – All I'm looking at is have you talked to your neighbor? Is he in agreement with going –

Mr. Figush – Yes. Yes. Whatever I want to do, he is in.

Mr. Kolick – Does he realize that he may lose a couple of feet of his land because over the years you'll own that property by adverse possession being inside your fence.

Mr. Figush – Truthfully, he is only – it's not a couple of feet. I already had it surveyed and the pins are there. His fence is inside his property line only by 4" or so. It's less than a half a foot for sure.

Mr. Kolick – Maybe your drawing is not to scale because according to your drawing, it looks like a couple of feet. Again, if your neighbor gives you permission to do so but I hope he realizes what he is doing with it because whatever land is on your side of the fence, after a period of years it becomes –

Mr. Figush – It's not 6".

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

Mr. Kolick – Okay, whatever.

Mr. Figush – I understand what you're saying.

Mr. Kolick – I think those are the issues the applicant needs to think out before he comes back but we can certainly set him for a public hearing.

Mr. Evans - Mr. Chairman, one other question.

Dr. Goist – Okay. Yes, Mr. Evans?

Mr. Evans – Has the applicant considered reducing the size of the pool? This is not a pre-fab. This is a custom, right?

Mr. Figush – That's correct. To be honest with you, if I have to go with a smaller sized pool, I think I won't do it. That's a very small pool. Sixteen by thirty-two. It's pretty small. It's pretty small. I think anything smaller than that might be called a hot tub.

Mr. Evans – Well, it's taking up the majority of the back yard there though.

Mr. Figush – Well, my back yard is 75' wide and only 50' deep and if I was to go within – if I had to take the whole 15' from the rear of my property from the north side of my property that pool would be pretty much on that patio and I just got a new driveway, a new patio, a new walkway back there. I have new siding, a new roof. I've been there since it was a new home.

Mr. Baldin – Do you have some shrubs and trees around your property line now?

Mr. Figush – To the north I do. Well, actually, not directly to the north but maybe 30' behind my property line there.

Mr. Baldin – The reason why I ask you that question is because if you put the fence around your pool area there and drop in a couple of shrubs so it doesn't look so open or vacant there, on the sides or maybe around the back side. It would look much more attractive with the beautiful fence around the pool. You have a grassy area between your patio and the pool, right?

Mr. Figush – Yes, I do.

Mr. Baldin – All right. Put a nice fence in, it's there. Everything is confined. You drop a couple of shrubs around the other side instead of putting a fence up out there.

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

Mr. Figush – Okay.

Dr. Goist - Mr. Kolick, do we need to change the variance then?

Mr. Kolick – No, only if he would change the configuration in some way but it will be advertised this way unless he informs us he is going to do something different to change the variances but he is probably going to need another variance. If he is going to run a fence across his neighbors lot line, he is not permitted to do that under the code. He is going to need a variance for that and we ought to really see – he should be granted an easement from his neighbor to run his fence over his property line. You really need to get an easement from your neighbor indicating that you can do that because we can't give you authority to run across your property line into your neighbor's yard. Only your neighbor can do that. So, you need to get an easement from your neighbor. If you're truly going to connect your fence into your neighbor's fence, you need to get an easement from your neighbor and we're going to have to include another variance on here to allow his fence to go on a neighboring property. We would only do that if we do have an easement, if you want to consider it at all.

Mr. Baldin – A fence around the pool, I think, is a great idea.

Mr. Kolick – You may want to consider that because a fence around the pool wouldn't require any of these items that I just talked about. It wouldn't require a third variance and it wouldn't require an easement from your neighbor then.

Dr. Goist – I think you're hearing Mr. Figush from the board –

Mr. Figush – I think I hear.

Dr. Goist - - that may be the better solution.

Mr. Figush – That may be the only solution for the board. That's what I'm hearing, correct?

Dr. Goist – So, the variances would stay the same.

Mr. Kolick – We can leave the variances the same but in the meantime, if you decide to put the fence around, if you can move it back from that north property line, then we can always come to the hearing and change the size of the variances and then we wouldn't need a third variance for a fence across the property line. You need to let us know so we can get it properly posted and advertised. Let the secretary know tomorrow what your decision is so she can send out the proper letters.

Mr. Figush – All right. Thank you.

Dr. Goist – Thank you. Our third applicant is Mr. John Roos.

3) **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.

Mr. Roos – I'm John. I've lived at the same property since 1969.

Dr. Goist – Give us your address.

Mr. Roos – 8040 Litto Drive.

Dr. Goist – Do you want to tell us your request.

Mr. Roos – I want to add 6' onto the width of my shed.

Dr. Goist – And tell us why.

Mr. Roos – Space. My space and my wife's space. I have recently retired and she needs her space and I need my space. Right now, it's full.

Dr. Goist – One of the requirement's as you heard from the board earlier is you need to show us a hardship and the reason that you need all of this extra space.

Mr. Roos – Well, it's not a lot because of all the equipment that I have in there.

Dr. Goist – I'm not arguing with you about the amount. You just need to show us that there is a hardship.

Mr. Roos – Right. I have a hobby of woodworking, making things for the granddaughter and I have a table saw back there and any time I want to do something I have to clear half of everything out to work in there.

Dr. Goist – Your plans on this 6', when I was at your property the other day was that you're going to put lawn equipment and snow removal equipment in there. Is that correct?

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

Mr. Roos – Snow blower. I have a big rototiller. You see how many trees I have. I have a big leaf blower. A lot of the neighbors that I have around me are the original neighbors that own the homes. They are older. I help those people out. I clear their driveway and whatever. Once every two weeks or so a neighbor comes over and asks me to help and I have the equipment to do it.

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

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – Well, I might also contend that close proximity to your spouse could be considered a hardship. So, you have an existing shed there right now?

Mr. Roos – Right.

Mr. Harr – The highlighted area is what you're adding and I'm sorry, what is the width of that area that you're adding?

Mr. Roos – Six foot.

Mr. Harr – Six foot. The woodworking that you intend to do in that shed is not for profit? It is not a business in any fashion or anything like that?

Mr. Roos – No, I built a dollhouse –

Mr. Harr – It's purely hobby based.

Mr. Roos – These are my neighbors behind me and all around me. They have already signed this paper saying they have no problem with me doing it.

Mr. Kolick – Why don't we turn that in so we have it.

Mr. Evans – We'll be happy to accept that.

Mr. Harr – I see the lot is sizable. You have about 268'.

Mr. Roos – This is 150' from my house and it's probably 200' from my neighbor's house behind me.

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

Mr. Harr – What is directly south of your lot, sir?

Mr. Roos – It's another house. Their name is on that list. They are 200' from me. Their name is already on that list.

Mr. Harr – Their house is 200' from your back property line?

Mr. Roos – Yes.

Mr. Harr – Okay. So, they have a very deep lot as well?

Mr. Roos – Yes.

Mr. Harr – They're both all the same. From my house to their house is probably 400'.

Mr. Baldin – Okay. What kind of doors are on the structure right now?

Mr. Roos – Wooden door. Everything that is there, what I'm going to do is take the existing wall, move it out 6' and put a –

Mr. Harr – You're not adding an overhead door or anything?

Mr. Roos – No, I'm putting 6' on the front, 6' on the back and a new roof because my wife does not want me adding a shed roof. So, I'm putting a new roof on it. Today is my anniversary, so she is being patient with me. Forty-three years.

Mr. Evans – Mr. Roos, you said that you're adding 6' in the front and 6' in the back?

Mr. Roos – No, just 6' to the side.

Mr. Evans – That's what I thought. You just said it differently.

Mr. Roos – It's 10' wide now and I'm going to add 6'.

Mr. Evans – Right, to make it 16'.

Mr. Harr – No new doors, no overhead doors or anything like that?

Mr. Roos – No, it's going to look identical to what it is now. The same existing wall and I'm going to put a new roof on it so it looks the same when I'm done as when I started. It will look the same as it is now only it will just be 6' wider.

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

Mr. Harr – There is power out there now?

Mr. Roos – Yes.

Mr. Kolick - Mr. Chairman?

Dr. Goist – Yes, Mr. Kolick.

Mr. Kolick – Do you back up to a lot that comes off of Webster? Is that what it is?

Mr. Roos – Yes.

Mr. Kolick – Okay, thank you.

Mr. Baldin – I have no further questions.

Mrs. McGrath – No questions.

Dr. Goist – Okay, Mr. Roos, your public hearing will be August the 8th and we'll see you then. Our last new application is Kenneth Quinn. If you would like to come forward and give us your name and address first, please.

4) **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 purchased the house on Ordner last July. I have been a resident of Strongsville almost 5 years. At the request of the tenant, she wanted to have an area to entertain. The house is only 1,100 square feet and the back yard is obviously small too but when you walk out the breezeway to the back yard there is just not much there. There is a couple of patio stones so I was just trying to give her another area to exist on the property. I believe the house is already out of code. Originally, the lot used to be 150' back and a long time ago, someone sold it off before I got to it. So, the whole lot is like 50' deep or whatever.

Mr. Baldin – Where is this house on Ordner?

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

Mr. Quinn – It's right on the corner, near 82. It's the first house on the right, on the west side. It's a little brick house.

Mr. Baldin – Oh, the little brick house.

Mr. Quinn – Yes.

Mr. Baldin – Is there a vacant lot next door?

Mr. Quinn – No, that's part of mine.

Dr. Goist – So, he's adding 10' off the back and 25' wide. There is a fence there, currently. Are you going to take that fence down?

Mr. Quinn – The makeshift fence she had?

Dr. Goist – There is a fence. I don't know.

Mr. Quinn – She put that up to keep her dog in so it doesn't run out, if it's the one you're seeing from the back of the garage to the back of the lot. I wouldn't have a problem taking it down because it's not that hot.

Mr. Harr – What was the back land sold off to? Is it a lot coming off of Royalton? Did they combine that with –

Mr. Quinn – The two houses on 82 probably bought it off so they could extend their back yards. Right now, there is a garage directly behind my property.

Mr. Harr – I see on your drawing here this is the back of someone's home or garage, I take it, on 82.

Mr. Quinn - Right.

Mr. Kolick - Mr. Chairman?

Dr. Goist – Yes, Mr. Kolick?

Mr. Kolick – Just to point out to the applicant, there is plans now before the City to construct an office building on that opposite corner, you know. I'm just alerting you to something – the corner where that brick house was, which would be the corner of Royalton and –

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

Mr. Baldin – Southeast.

Mr. Kolick - - Ordner.

Mr. Quinn – That's news to me.

Mr. Kolick – I'm alerting you because the other thing is our master plan also shows all these lots and again, it may not be something that is imminent, but our master plan shows all these lots being rezoned over to a General Business use and I'm raising these things with you because I don't want to see you sink a lot of money into something unless you have some ideas about what may be happening in the future. Again, it's not something today or tomorrow but our master plan and recommendation from the master plan committee was to rezone everything on Route 82 from Ordner all the way down to Pearl, over to a business use because of the concentration of traffic and everything that is there, which would probably encompass this parcel 3 because I don't think the parcel – you front right on Royalton or does it front on Ordner?

Mr. Quinn – On Ordner.

Mr. Kolick – On Ordner but the parcel on Royalton is very small so I guess I alert you to those things while you're thinking about what you want to do with this property. I know there is a rezoning request before City Council now to turn that other corner piece, that would be the southeast corner, over to General Business and it wasn't an office building. I'm sorry, I misspoke. It was General Business. There is a project right now on the drawing boards for a strip center on that parcel. A small strip center about three different units. That is currently before City Council. So, I guess I'm alerting you to that because if you're talking about building on a patio or something on the rear, you ought to know what maybe is going across the street from you.

Mr. Quinn – I don't have issue with it.

Dr. Goist – Board members, any other questions?

Mr. Baldin – Just have it staked out. That's it.

Mr. Harr – Stake out the dimensions so that when we come, we can see exactly what you're putting in there.

Dr. Goist – Show exactly where you're going to put it and outside where it's going to go where that fence is because that fence may come down too. Okay?

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

Mr. Quinn – Yes.

Dr. Goist – Your public hearing will be August the 8th. The next section of our meetings are public hearings. We have one public hearing and it's Andy Gasho. Mr. Gasho, if you would like to come forward and give us your name and address and explain your request.

(G) **PUBLIC HEARINGS:**

5) **ANDY GASHO, OWNER/Don Borowske Bldrs., Agent**

- a) **Requesting a 24" Height variance from Zoning Code Section 1252.22 (b) (5) which allows a 24" Height for the First Floor Living Area and where a 48" Height is proposed in order to construct an Addition to a bi-level dwelling which will convert it to a tri-level dwelling;**
- b) **Requesting a 6' 4" Height variance from Zoning Code Section 1252.22 (b) (5) which allows a 13' 6" Height for the Third Floor Level and where a 19' 10" Height is proposed in order to construct an Addition to a bi-level dwelling which will convert it to a tri-level dwelling; property located at 22286 Lorraine Road PPN 391-03-122 Zoned R1-75.**

Mr. Gasho – My name is Andy Gasho. I live at 22286 Lorraine Drive. My request is to go up on my home, adding an office space up there. I'm a sales rep on the road and it's not a business or anything. It's just an office space for myself. As I mentioned at the last meeting, I have a ten state territory. Actually, just added one state so I have eleven now so I just needed a space to consolidate all of my work material in one spot. Then I'll actually have a guest bedroom again.

Dr. Goist – Members of the board that were here the last time – there were only three people here. I was not one of them. I have been out and visited the site so I do have a working knowledge of what he's doing. Do you have questions?

Mr. Harr - Mr. Chairman? Procedurally, were you sworn in today? Were you here?

Mr. Gasho – No, I came in late.

Mr. Kolick stated the oath to Mr. Gasho.

Dr. Goist – Thank you, Mr. Harr. Thank you.

5) **ANDY GASHO, OWNER/Don Borowske Bldrs., Agent, Cont'd**

Mr. Harr – I visited the site and it's wooded to the back with some open space there. I didn't see a whole lot of issue with the request.

Mr. Baldin - Mr. Chairman, I concur with what Mr. Harr said. I've been there and I don't see any problem. He explained to us last time exactly what he was going to do and why. My only question is maybe you want to hire another salesman.

Mr. Gasho – That's not my job.

Mr. Baldin – I have no further questions.

Dr. Goist – Any other questions? If not I will entertain a motion.

Mr. Kolick – Public hearing.

Dr. Goist – Oh, yes, this is a public hearing. I'm sorry. If there is anyone here to speak in favor of this variance, you may come forward now. If there is anyone here to speak against his variance? You were not sworn in either, correct?

Mr. Alaimo - No.

Dr. Goist – If you wish to come and speak in favor of the variance, you need to be sworn in and you may come forward and we would be happy to have you.

Mr. Kolick – Come on up. We'll swear you in.

Mr. Kolick then stated the oath to Mr. Alaimo.

Mr. Alaimo – My name is Frank Alaimo, Jr. 22278 Lorraine Drive. You said to speak in favor of this. I do, tremendously, because if you come down our street, you notice how many people around our neighborhood are starting to improve more of the property values and it's going to help our neighborhood, thoroughly. He has done a beautiful job with his yard, his lot and right across the street, just in our general vicinity, more people are increasing the value of their homes. I'd appreciate you approving it.

Dr. Goist – If there is anyone here to speak against the variance? Seeing none and hearing none, I will entertain a motion.

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

Mr. Figush – Sure.

Dr. Goist – Let the record show that Mr. Figush –

Mr. Figush – The question that I have is you folks are trying to say it would be a better idea if I had a fence around the pool. I'm not in disagreement with you but would I be able to leave the pool as it is in the print – do you have more of a problem with the fence than the placement of the pool? Is that what I'm seeing? Or are you asking me to move the pool back another way so I don't need the variance on the west side of me? Is that what you're kind of asking me? If I go back – if I remove the variance from the west side of me, that would put me maybe too close to the shed. If I move 3' over then the shed becomes a problem too close to the swimming pool.

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – I certainly don't want to speak for any other members of this committee but for me the westerly variance is not quite as much an issue. It's concrete. The pool itself is far enough back but I think the whole idea of putting the fence around the pool itself is so that the pool can in fact be moved farther south, I believe it is. A little bit closer to your patio. Will that completely eliminate the variance request? I don't know that but I think we need to explore, at the very least, minimizing that variance. You're putting the pool very close to the property line.

Mr. Figush – About 4'.

Mr. Harr – By putting the fence around the pool area itself, you eliminate the possibility that someone might tumble off your patio or what have you and fall into a dangerous situation. They can't put patio furniture inside the fence area.

Mr. Figush – I'm not trying to argue. I'm just trying to state my case. If I'm within 4' of the rear, that's where the walk would be. Not the pool. Do you understand that?

Mr. Harr – I do.

Mr. Figush – If I move the fifteen foot that's required of me, that concrete on the walkway would be right where the patio – I might have to slice some of the patio off, existing.

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

Mr. Harr – I understand that too. In my mind, I think it's reasonable to at least pull that pool back somewhat to the south. I don't know that it's going to eliminate that variance entirely but I think there is a little bit of room to pull it back and still have an aesthetically pleasing situation and a non dangerous situation where the use of your patio isn't impeded in any fashion.

Mr. Figush - What would we be talking about? Is there a foot marker that you're comfortable with?

Mr. Harr – I think that's for you to take a look at and come back to us with what you think is a workable situation.

Mrs. McGrath - Mr. Chairman? It's possible that you could move this so that you don't even have a rear yard setback variance needed.

Mr. Figush – That would put the pool right on the edge of the patio.

Mrs. McGrath – You may have a tiny variance just because you're going to need to put the fence around it. You may get to the point where you're not even going to have a variance or you would have a tiny one on the rear yard setback if you were to do that.

Mr. Figush – You would be willing to let me go on the shorter amount between the shed and the walkway? That doesn't seem to be a problem? It seems to me that the 10' I have there is for safety reason, nobody jumping off the shed into the pool.

Mrs. McGrath – The 10' would stay, wouldn't it?

Mr. Harr – We're talking about the north end.

Mr. Figush – We're talking about both of them because they didn't want me to take that one on the west because of the fence problem, with the fence problem, tying into his fence. I would have to get another additional variance for that. So, if we're going to –

Mr. Harr – What I said is –

Mr. Baldin – No, you wouldn't. If you're going to tie a fence into the back, you would but if you're going to put a fence around the pool, you wouldn't need that.

Mr. Figush – Okay. I'm with you on that but then are you saying to give me the 15' back on the west side? That would leave me with 7' between the –

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

Mr. Harr – You would still have the westerly variance.

Mr. Figush – You would give me the westerly variance?

Mr. Harr – That one doesn't trouble me quite as much. It's the north end that is a little bothersome, for me and I appreciate the fact that you put this patio in but you did that a year ago and you did that.

Mr. Figush – Yes, I did that.

Mr. Harr – So, it's not a pre-existing condition or something that was there when you bought the property. That's a planning issue on your part and I have two eighteen year olds at home and I'm not able to make decisions always in a vacuum either. That's something that you did to your situation.

Mr. Kolick - Mr. Chairman? For the applicant, you need to look at it aesthetically, decide what you can live with and come back to the board because the board can't tell you what they're going to do. They haven't even had the public hearing. That's all we can do tonight.

Mr. Figush – I understand that. I think I have a feel for what the board is going to do. I understand that and I appreciate everybody's honesty. Thank you.

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

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

August 8, 2007
Approval Date