

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

**June 27, 2007
7:30 p.m.**

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

The following was discussed:

(G) NEW APPLICATIONS:

1) CROSSROADS ANIMAL HOSPITAL, OWNER

- a) **Requesting a 5' Setback variance from Zoning Code Section 1272.12(c) (2) A. which requires a 5' Setback from the right-of-way and where a 0' Setback from the right-of-way is proposed in order to replace a Sign and;**
- b) **Requesting a 1' Height variance from Zoning Code Section 1272.12 (c) (2) C. which allows a 5' Height and where a 6' Height is proposed in order to replace a Sign; property located at 12977 Pearl Road PPN 396-08-004 Zoned Commercial Service.**

The board discussed tabling the applicant until the applicant was able to hire a surveyor to locate the right-of-way. In addition, Mr. Kolick advised the applicant that the dog and cat metal cutouts next to the sign are considered permanent fixtures and therefore would need to be included in the 50 square feet of signage. We would need new drawings indicating where the dog and cat are within the sign. Applicant may need another variance.

(H) PUBLIC HEARINGS:

2) DONALD AND PAMELA MUZILLA, OWNER

Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (d) which allows a 29' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a covered deck; property located at 12816 Falling Water Road PPN 396-13-015 Zoned PDA-2.

The board discussed that the covered deck will look nice in the neighborhood and would not interfere with any neighbors. The board also discussed the difference between an enclosed deck and a covered deck. The Building Commissioner had

explained to Joe Allen that an enclosed deck would include windows. Screens only would not be an enclosed deck.

3) **CARMELINA DIFIORE, OWNER/Affordable Fence, Agent**

Requesting a 22' to 29' Setback variance from Zoning Code Section 1252.17 (c) which requires a 22' to 29' Setback and where a 0' Setback is proposed in order to replace a 6' fence; property located at 16972 Hunting Meadows Drive PPN 397-06-057 Zoned R1-75.

The board discussed angling the fence from the garage corner to the fence along the sidewalk to avoid any accidents from the owners own driveway. The homeowner agreed to angle the fence. It was explained to the owner that there is a 10' easement in the area where the fence was going and the homeowner would need to remove the fence at their expense if any utilities need to work in that 10' easement. The homeowner understood and agreed that they had no problems removing the fence if the utilities asked them to.

4) **CHRIS BUDORIS, OWNER**

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 42' Rear Yard Setback is proposed in order to construct a Sunroom; property located at 13686 Hollo Oval PPN 392-34-054 Zoned R1-75.

The board stated that this would be a great addition to the home with no infringements on neighbor's property and there is a lot of green area. Mrs. McGrath stated that the footprint is smaller.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative**

Requesting an 8.06' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 42.94' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 11546 Timber Edge Place SL 1 PPN 398-14-020 Zoned R1-75.

The board stated that they had no problems with this variance but they would wait to hear any audience participant during the public hearing portion of tonight's meeting. Dr. Goist reminded everyone that something will be built on this vacant lot.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

June 27, 2007

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

Present: Dr. Goist
Mr. Baldin
Mrs. McGrath

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 the June 27, 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 EXCEPT MR. EVANS

Mr. Baldin – I make a motion to excuse Mr. Evans and Mr. Harr for good cause. Mr. Evans may show up but right now -

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Goist – I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. I am going to take a moment here right now – one of our members who, unexpectedly, is not here tonight. So, when we vote on any of our variances, there are five members on the board. It takes three votes to pass a variance. So, if there is anybody who – in other words, if you're here for a variance, you would have to have our three votes unanimous in order for it to pass. If you feel that there is any chance that we might not pass it, then you may remove yourself from the agenda this evening and be put on the next meeting, which is July the 11th. So, if there is anybody who would like to have their variance put off tonight, you may ask now. Okay, everybody is okay with that. Our meetings are in two portions and the first portion is our new applicants and our second portion are the people who are here for the second meeting. So, anybody who wishes to speak this evening,

Dr. Goist continues - if you'll please stand and be sworn in by our Assistant Law Director. If you'll do that now please.

Mr. Kolick then stated the oath to all standing.

Dr. Goist - We have minutes before us this evening from our June 13, 2007 meeting. If there are no additions or corrections to those minutes, may I have a motion to approve them?

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

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Our first new applicant is Dr. Peacock. If you would like to come and explain to us what you're interested in doing.

There is a hand held mic right there on the podium. If you will turn that mic on please, there is a little button on the bottom and speak directly into the mic. The hand held mic works better for our secretary, so if you'll just speak right into that mic, we would appreciate that and we'll pick up your words. We would like your name and address, please.

NEW APPLICATIONS:

- 1) **CROSSROADS ANIMAL HOSPITAL, OWNER**
 - a) **Requesting a 5' Setback variance from Zoning Code Section 1272.12(c) (2) A. which requires a 5' Setback from the right-of-way and where a 0' Setback from the right-of-way is proposed in order to replace a Sign and;**
 - b) **Requesting a 1' Height variance from Zoning Code Section 1272.12 (c) (2) C. which allows a 5' Height and where a 6' Height is proposed in order to replace a Sign; property located at 12977 Pearl Road PPN 396-08-004 Zoned Commercial Service.**

Mr. Peacock – Well, after we had heard the discussion in caucus, I would request of the board that we table my application until we can get further verification regarding the right-of-way, which we don't know right now, to the sign and also the total square footage of the sign and have a new drawing.

1) **CROSSROADS ANIMAL HOSPITAL, OWNER, Cont'd**

Dr. Goist – We're going to, first of all I didn't ask you to give us your name and address and there is a little mic right there. If you'll take that mic and on the bottom is a little button. Just flip that button on please. Give us your name and address.

Mr. Peacock – My name is Jeff Peacock. I reside at 11641 Pleasant Ridge Place, Strongsville.

Dr. Goist – Okay, so that you know Jeff, you don't have to put this off if you don't choose to. You can go ahead and find out from the Building Department a surveyor and have that done and we can still place it on the July 11, 2007 meeting. We're not trying to delay your program. We're just telling you, and you happened to hear in caucus, we don't always get to the new applications. So, you know what you need to do. You need to find out the square footage, whether or not the animals that you have on either end count as part of the signage, which they may or may not, and you need to find out where the right-of-way is. So, I think what we'll do is go ahead and put you on for the next public hearing, July 11, 2007.

Mr. Baldin – I had spoke to the applicant a little bit earlier and he feels he has time. He feels he is in no great hurry to get this done and since he has to find out about a surveyor and signage and everything else, he isn't really concerned if he goes on the following in two weeks. Right?

Mr. Peacock – No but if it's – we can schedule for the 11th if I can get all that together or we can always push it back, can't we?

Dr. Goist – Let me ask Mr. Kolick that. Mr. Kolick?

Mr. Kolick - Mr. Chairman, if we set the public hearing, we have to hold the public hearing because people are notified and we don't know who may or may not be here. So, if you think it's a good probability that you'll have everything ready, let's go forward. If you think that you may not have things ready, then I'd suggest we would set the public hearing for the meeting after that.

Mr. Peacock – Could I ask a question of Mr. Allen?

Mr. Kolick – Sure.

Mr. Peacock – Do you think that we can have a surveyor and have him out and have that done prior to the July 11th meeting?

Mr. Allen – You have to have that by July 3, 2007, all this stuff to her so that she can get it sent out. I don't think you are going to make the July 3rd deadline.

1) **CROSSROADS ANIMAL HOSPITAL, OWNER, Cont'd**

Ms. Zamrzla - Mr. Chairman, unless the board wants it delivered to them the night of the meeting instead of in the packets prior to the meeting.

Mr. Baldin – I think we could leave that up to the applicant. Let him make the decision of how soon –

Mr. Peacock – I don't think we can have it done by the 3rd.

Dr. Goist – Okay. If you're not in a hurry, which Mr. Baldin had said, and I can tell you that I'm going to be on vacation July 11 so Mr. Evans, who is not here this evening, would be the Chairman that night. So, you might be better off just tabling it and then he has to reapply. Am I correct?

Mr. Kolick - Mr. Chairman, he wouldn't have to reapply. We can table it when he has all his drawings and all in. Kathy will post him for the public notice as long as we have sufficient time to post it and as soon as he is ready to go, she'll put him back on the agenda for a public hearing.

Dr. Goist – Okay. So, I think, Jeff, we will leave it that it's tabled until you're ready and then you'll talk to Kathy and we'll get it set.

Mr. Peacock – Okay, that's fine.

Dr. Goist – Board members, any other questions?

Mr. Baldin – The only thing would be the public hearing so I think maybe we should go through a) and b) here, what he is really asking for so we're all on the same page because he will put it back on for a public hearing, period, the next time he's up here. Right?

Mr. Kolick – We will but we don't know if a) and b) are going to change. They may change. We may even need to add an item c) for the total square footage. So, until we get the final drawings we don't know exactly what they're going to be.

Dr. Goist – So, at this point, we will leave it tabled with the consent of the applicant.

Mr. Kolick - We'll show it as being tabled. As soon as he gets the drawings up, she'll get him on the next meeting that we can post. Just be aware that she needs so many days in advance before we can get you on the agenda. Thanks.

Mr. Peacock – Thank you.

Dr. Goist – That is our only application and our first public hearing is Don and Pamela Muzilla. If you would come forward please. Again, give us your name and address and speak right into the microphone.

(H) PUBLIC HEARINGS:

2) DONALD AND PAMELA MUZILLA, OWNER

Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (d) which allows a 29' Rear Yard Setback and where a 26' Rear Yard Setback is proposed in order to construct a covered deck; property located at 12816 Falling Water Road PPN 396-13-015 Zoned PDA-2.

Mr. Muzilla – Don and Pam Muzilla, 12816 Falling Water.

Dr. Goist – Please explain again what your plans are.

Mr. Muzilla – We would like to put in a covered patio.

Dr. Goist – The last time, you said that you do not have plans to enclose this at this point so you did not amend or change the variance that you're asking for. Correct?

Mr. Muzilla – Correct.

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

Mr. Baldin – Excuse me, Mr. Chairman? Did we determine whether there was a homeowners association there or not, last time?

Mr. Kolick – There is. They are part of Falling Water, yes.

Mr. Baldin – We do need to read that in?

Mr. Kolick – No, we have it as part of the record. It's included as part of your packets.

Mr. Baldin – Okay. I have no further questions.

Mrs. McGrath – I don't have any questions either.

Dr. Goist – Okay, I will entertain a motion.

Mr. Kolick – We have a public hearing.

2) **DONALD AND PAMELA MUZILLA, OWNER, Cont'd**

Mr. Muzilla – Thank you.

Dr. Goist – Thank you. Our next public hearing is Carmelina Difiore and her husband. If you'll give us your name and address please.

3) **CARMELINA DIFILORE, OWNER/Affordable Fence, Agent**

Requesting a 22' to 29' Setback variance from Zoning Code Section 1252.17 (c) which requires a 22' to 29' Setback and where a 0' Setback is proposed in order to replace a 6' fence; property located at 16972 Hunting Meadows Drive PPN 397-06-057 Zoned R1-75.

Mrs. Difiore – Carmelina Difiore and Tony Difiore. We live at 16972 Hunting Meadows Drive.

Dr. Goist – We do know but if you would explain to us again, we would appreciate that.

Mrs. Difiore – We're replacing the fence and we would like, as we talked about it, we're going to angle it from the garage corner to 47'.

Mr. Allen - Mr. Chairman? We have a drawing here and I think all we need is for them to sign this and that would be sufficient.

Dr. Goist – If we approve your variance then we would just ask you to sign the drawing that he has made so that we know that we have on record exactly the way that you're going to angle it.

Ms. Zamrzla - Mr. Chairman? The new drawing will be attached to your permit for when you come to pick it up so that you'll know exactly what you signed for.

Mrs. Difiore – When do we have the permit? Can we get that thing going?

Dr. Goist – Again, if it is approved, it will be a twenty-day waiting period and then the Building Department will inform you when your permit is ready. This is a public hearing. So, we're going to ask if there is anyone in the audience who wishes to speak for this variance, they may come forward. Is there anybody here to speak against this variance? Seeing none and hearing none, I'll ask for a motion.

Mr. Kolick - Mr. Chairman? We should have them come up and sign and date the drawing and then you'll add onto the motion pursuant to the drawing dated 6/27/07 and then initialed by the applicants here this evening.

4) CHRIS BUDORIS, OWNER, Cont'd

Mr. Baldin - Mr. Chairman? I looked at the property and I think this gentleman is going to have a nice addition to his home there. He has a nice big back yard. A lot of green area back there. I have no further questions.

Dr. Goist – I also concur with those comments. This is a public hearing. If there is anyone here to speak for the variance, they may come forward. If there is anyone to speak against this variance, they may come forward. Seeing none and hearing none, I'll ask for a motion.

Mrs. McGrath - Mr. Chairman? I request that we make a motion to approve the request for an 8' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 42' Rear Yard Setback is proposed in order to construct a Sunroom; property located at 13686 Hollo Oval PPN 392-34-054 Zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – Your variance has been approved. There will be a twenty-day waiting period as you have heard previously and the Building Department will let you know –

Mr. Budoris – Can I have them start construction on that date or do I have to wait for notification or something like that?

Mr. Allen - Mr. Chairman? You'll have to wait until the permit is issued.

Mr. Budoris – I'll tell my company that. Is this mine?

Mr. Baldin – Yes, you can keep that.

Mr. Budoris – Okay, great. Thank you very much.

Dr. Goist – Okay. Our last public hearing is Sweetbriar Homes. Jeff Massie.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative**

Requesting an 8.06' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 42.94' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 11546 Timber Edge Place SL 1 PPN 398-14-020 Zoned R1-75.

Mr. Massie – Jeffrey Massie representing Sweetbriar Homes, 6362 Norwalk Road, Medina.

Dr. Goist – Okay. Do you want to tell us about the variance that you're asking for?

Mr. Massie – We're requesting the 8.06 rear yard variance due to the recorded plat did not show the 50' rear yard and the home was sold as a late start and six or eight months in when we were ready to apply is when we were notified that we need 50' in the rear yard.

Dr. Goist – I have been to see the property and I saw where you had the markings and I really did not have a problem with it. Board members do you have a problem or a question?

Mr. Baldin - Mr. Chairman? I went out and looked at the property and there have been some questions on this property in the past and some of the other homes that have been built there but I see no problem here with this request for this particular lot.

Mrs. McGrath - Mr. Chairman? I agree with that. I know that they have to put their house at a different angle from the others to make it fit on this pie piece and I think they have made a great effort to make it work here.

Dr. Goist – This is a public hearing so I will ask if there is anyone in the audience to speak for this variance. They may come forward. I'll ask if there is anyone to speak against this variance, if they would come forward. Give me your name and address, please.

Mr. Beran – Scott Beran, this is my wife Debbie. We are at 11542 Timber Edge Place. We are the property adjacent to where the proposed house is being built and our concern with the proposed layout of the house is that with our house, kind of, being not straight on the circle but really having a pie shaped lot where it's an angle and the fact that the back of this house is going to have big windows and it's going to be very visible into their house. Not from our backyard but when you look out our front windows, across in that lot, it's going to be a poor position for us to look out at. The way that our house is positioned, it's going to look, what we feel, is going to be right into the house and the back yard of this new property. We just feel that the way it's laid out, it's going to negatively affect our property as opposed to a house that would have been formatted another way on this lot.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Dr. Goist – When you bought your house and built your house, did you build it with the understanding or buy it with the understanding that you knew there was going to be a house built next to you?

Mr. Beran – Yes, we did.

Dr. Goist – How did you think that it was going to be configured different than what it is in this drawing.

Mr. Beran – Well, the two things were that I would have thought that it would have been configured to face the same way that my house faces where our house, looking out the front window, would have looked at the side of the house or the garage, which would have no windows that we would be looking into, or would be looking into our house, where the house would have been flipped to be facing the same direction our house faces, or we would have thought it would have been the 50' back from where our yard was.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes.

Mrs. McGrath – It appears that – you'll have to help me with the drawing and the house again but I thought that the garage was in the front of the house and that – you're the house east of this, right?

Mr. Beran – We're the only house adjacent to it that butts up to the house. I can't tell what you're – we're subplot 2 if that helps at all.

Mrs. McGrath – Is that subplot 2 there?

Mr. Baldin – That's 2.

Mr. Kolick - Mr. Chairman? I don't know if it's of any help to the board but the house itself does comply with the setback requirements. The only thing that doesn't is the garage. So, the house could be situated the way it is with the windows where they are as the house is being proposed. The only thing that couldn't be situated that way without the variance is the garage. I don't know if there is any windows proposed for that garage either in the rear of it or on the side of it but that would be the only thing that's going to be infringing on the setback, would be the garage. Just so the neighbors understand. The house itself does meet all the code requirements. The garage is part of the house because it is attached.

Mr. Beran – It is part of the house, since it's attached.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick – I just wanted to let you know.

Dr. Goist – If you want to speak, you have to speak into the mic.

Mr. Kolick – Yes, we can't pick it up on the tape, otherwise. That's all.

Mr. Beran – Sorry. I'm hoping this is the proper venue but my – I don't know why we can't move the house closer to the other street that it still maintains it's 50' setback instead of breaking the 50' setback that goes to our property.

Dr. Goist - Mr. Allen from the Building Department has a comment.

Mr. Allen – Yes, Mr. Chairman, they could possibly move the house 1.33'. That's about the best they could do.

Mr. Beran – 1.33'?

Mr. Allen – Right now, they're 51.33' away. There are required to be 50' so they could move it 1.33'.

Dr. Goist – Does that answer your question?

Mr. Beran – Well, I understand that they could move it but I don't understand why the back yard variance is the one that is being addressed as opposed to that 50' front yard variance.

Mr. Allen – They meet the 50' front yard variance. There are exceeding it.

Mr. Beran – I would like to see it pushed 6' closer that way instead of 6' closer to my house.

Mr. Allen – They would then have to ask – if it was 6' – they would have to ask for a 5' front yard setback variance but that's not what they're asking. They are asking for the rear.

Mr. Beran – I feel that as the resident next door who is being directly affected by the proposed 8' setback, I think that that would be something that, as the board is making their decision, would be something that would help maintain some of the distance between the two houses and help maintain some of the property value that we have by keeping that distance in the back side and putting it toward the front side where there is no other house that is being infringed upon.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick – Again, that certainly can be done. They can request that variance. I think the rationale though is all the other houses on the cul-de-sac are set back 50' from the right-of-way. So, you're going to start losing some uniformity of where those houses are set around the right-of-way once you start moving one of the houses forward. So, I think that's the rationale. I'm not saying it can't be done but if you look on your plans there, there is at least 50' for all the other homes. I think your house is set back 65', subplot 3 is setback, maybe, 55'. Sublot 4 is setback right at the 50' line. Sublot 5 is right at the 50' line. Sublot 6 looks like it may be vacant. Sublot 10 across the street is setback right at the 50' line. So, all the other homes that are constructed so far are all at least 50' from the right-of-way. I think that was probably some of the rationale. Again, it's the applicant's that make the application. That's the way they made it. That's the way we have to act on it.

Mr. Beran – In looking at all the other houses, kind of face – if you drive into the street, all the other houses, kind of, are uniform in facing the one way where the 50' uniformity make it, kind of, congruent with the house next to it. This house is, kind of, one off, so to speak because of the way that it's positioned on this lot.

Mr. Baldin - Mr. Chairman? Let me ask the builder here, the developer, this house cannot be turned to fit on this lot right, because of the way it's built.

Mr. Massie – No and the reason why the front and rear is –

Mr. Baldin – Did we get your name and address?

Mr. Massie – Yes. Jeff Massie. The reason it's positioned, the front and back the way it is, if we was to put the front facing the other way, we would have to have a a 50' front yard setback and we're working with 30' at max. If you look at the topo, that would change that 25' setback to a 50' setback and there is just no room. No matter what house we build, even if we find one that fits in that footprint, it's still going to face – they're going to be looking at the front of the back of the house.

Mr. Kolick - Mr. Chairman? For the applicant, would you consider, though, what the neighbor is requesting. Maybe you move that front up a little bit into the front yard setback so that it doesn't impact as much on the rear setback line.

Mr. Massie – Wanting nothing more than to make everybody happy, this issue is a timeframe issue. This was a delayed start and we have been going through this variance process. Would I have to reapply and start this whole process over?

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick – No, we can act on it tonight. We can just change the variance from the front to the rear or part front and part rear. Let's get all the comments and then we can discuss what to do.

Dr. Goist – Thank you. Okay, do we have someone else?

Ms. Zamrzla - Mr. Chairman? I would like to address Mr. and Mrs. Beran, real quickly, if I may. You did not get a public hearing notice.

Mrs. Beran – No, we didn't.

Ms. Zamrzla – Okay. The reason why you did not is because the County Auditors website, which tells us who owns what house, is not correct. So, if you could call them and have that corrected because any public hearing about any subject in the City of Strongsville that your property may be included in, you would not receive. It does not have an address on there for you and it lists it as residential vacant land. So, you need to – how long have you lived in your home?

Mrs. Beran – We have lived there for seven months. Last time I checked online, the Cuyahoga County Auditors, it was listed.

Ms. Zamrzla – If you go to the taxes tab – when you check there, there is general, there's all these things across it. There is transfer information and when you go to taxes that tells us who owns that property. It has a name there. It has no address and it has residential vacant land. So, if you could update that with the County Auditors office that would be great because otherwise, you won't receive any subsequent public hearing notices until they update that.

Mr. Beran – Kathy, is that always, any time you move into the city, you have to go onto this website and update that in?

Ms. Zamrzla – No, we have to notify the Auditors office whenever a permit is issued. We notify them at the end of the month after a permit is issued and they wait and see how long it takes – they send an appraiser out to keep track of how long the house is taking to build and so on. I don't know how far behind they are in updating their website and their information but they know that a house was built on that property because we told them a month after the permit was issued and Jeff, I don't know if you can tell me how long ago that permit was issued for that house.

Mr. Beran – It was probably this time last year.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Ms. Zamrzla – Yes. So, that's a concern because I know other entities use that website, as well, for mailings and so on, not just within the City of Strongsville. So, it's important that it be updated at least with an address. If it still says residential vacant land until they start putting taxes down on there, for the building, that's one thing. To have an address on it would be very helpful, otherwise you don't get the proper notices.

Mr. Beran – Okay, Kathy. We'll look into that. We were not aware that we had to notify anyone else about the new address. We have been getting mail and everything. I don't know.

Mr. Kolick – You are not required to. Kathy, is just suggesting, if you want to get future public notices, clear up the error.

Mr. Beran – Okay. We would so if that helps us get it, we'll check that out.

Ms. Zamrzla – Absolutely. Call them and let them know that you missed something important because it's not correct. Thank you, Mr. Chairman.

Dr. Goist – You're welcome.

Mr. Baldin – They may not have you down for taxes either.

Mr. Beran – I'm sure they'll find us.

Dr. Goist – We have someone else who would like to voice their objection.

Mrs. Quaid – Good evening, my name is Sandra Quaid. I reside at 11538 Timber Edge Place. One of the primary reasons why I am objecting to this ranch home is because I am the first resident to sign a contract there in Timber Edge Place. My husband and I were told that there would be no ranches built in that development. At the time, he was suffering from COPD. He passed on. He is deceased and I think it is very unfair that we were told no ranches. We were, basically, given three designs to pick from and now, approximately, two years and three months later, now a ranch is being proposed within the development. I think that is absolutely unfair. Second of all, I would like to know, how – I had a discussion with Jeff out in the hall – I would like to know how the proposed common area that has been identified by Sweetbriar is going to impact where that home is going to sit. Right there, in the center of the street and also to the right of the home, there are two common areas. How is that going to impact, actually, pulling into the development, number one, for safety reasons. Number two, for overall access and also I firmly believe that aesthetically having a home sitting sideways in a cul-de-sac would not be conducive to the homes that are there in that area already. Current homes.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Dr. Goist – Let's let Jeff answer some of those questions, if you can Jeff.

Mr. Massie – First, I have seen her drawing with what looks like a little planter in the center. We weren't the developer and it does not show it on the plat. So, I have no idea. This is just a rendering that we gave out.

Mrs. McGrath - Mr. Chairman? Is this true to anybody's proposals? Is this going to happen?

Mr. Massie – I would say no. There is no curbing in. Like I said, the plat doesn't show a planter in the center of the cul-de-sac.

Dr. Goist – Mr. Allen, from the Building Department.

Mr. Allen - Mr. Chairman? Normally, if there is a planter, it's a common area in the center of the cul-de-sac. There is no common area indicated in the center of this cul-de-sac from the plat. The only common area in the subdivision is the detention basin area and that is behind subplot 4. That's the only common area indicated on this plat.

Mrs. Quaid – Well, that was given out by Sweetbriar.

Mr. Baldin – Let me ask a question. When the developer and Timber Edge was going to take place and they came to the City with a plan and it has to go to Planning Commission and it has to be approved. Was this approved as all one style of homes or was it approved to put any kind of homes on those lots?

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen.

Mr. Allen – What we would have to do is go back and see what Planning Commission approved. I don't have the notes from the Planning Commission if they were specified during the Planning Commission meeting. If there was any special type of home to be built. I do know that per the Codified Ordinances in the City of Strongsville as long as they meet the minimum square footage for a ranch or a two story or a one and one half story, there is nothing that we as a municipality can deny them unless Planning Commission specifically puts limitations on them.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick - Mr. Chairman? I might be able to shed some light on this because I sit with the Planning Commission. We don't ever specify the type of home. We may specify, once in a while, no basements or something because of drainage problems but we never specify it has to be ranches, colonials or whatever because our ordinance permits, as Mr. Allen stated, any type of home as long as it meets the requirements of the code. Now, that's not to say Sweetbriar or someone else may not have told individuals that were buying homes but as a City, we can't enforce what they may have said or not said. All we can do is enforce our code provisions. So, if they want a colonial there and it meets the provisions of the code, we would be duty bound by law to approve it. If it's a ranch and it meets the code, we're duty bound to approve it. So, we really can't take into account the type of home that would be. Only the placement we can because that does not meet the code requirements here.

Dr. Goist – Sandra, does that answer your question?

Mrs. Quaid – Yes, it does.

Dr. Goist – Okay, thank you and back to you, Jeff.

Mr. Massie – With the concern of which way the house is facing, like I said, we have a 25' side yard on the one side. If we were to turn the home we would have to have a 50' setback. It would leave no room for any type of house.

Dr. Goist – Were you willing – you were talking about you could move it.

Mr. Massie – Absolutely.

Dr. Goist – How far Mr. Allen?

Mr. Massie – It would then end up 6.73' on the front.

Mr. Allen – That would be up to the applicant. Do you want to move so there is no –

Mr. Massie – Actually, that would be the rear of the house.

Mr. Allen – Presently, I don't know exactly what it would be because it's not parallel. You're at a right angle, or a 45 with a 42.94. So, if you move it forward approximately 7' you're 1.33' so you would need about a – again this is approximate because it's not at a right angle, it's going to be –

Mr. Massie – I can have the exact measurement tomorrow. I can have my surveyor do a new topo.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Allen – Yes, it's 7' but it's going to be 5.5' approximately.

Mr. Kolick - Mr. Chairman? I think if he was going to move the whole thing forward then you grant a 6' variance and you're not going to have a problem. That's what you need. You would need a 6' front yard setback variance because the rear then would be in compliance, is what I'm hearing, correct?

Mr. Allen – Correct.

Mr. Kolick – So, that would take care of the neighbor's problem. Just keep in mind, you would be 6' into the front yard setback, that's all.

Dr. Goist – So, both rear yard setbacks would be the same. Correct?

Mr. Kolick – No, the rear yard setback you would not even need a rear yard variance for then because they are moving the whole structure 6' forward. They have 1.33 that they are allowed to go so if you take that whole 8' from the rear. So, we have to move it 8' forward so it's 8' minus the 1.33' so you need basically a 7' variance. You need a 7' front yard variance.

Mr. Allen – Again, that's approximate because it's an angle.

Mr. Kolick – So, you would do that with an approximation Mr. Kolick?

Mr. Kolick – Well, if it's 7' forward that would be enough to cover it no matter how –

Mr. Allen – Yes.

Mr. Kolick – Just to make sure there is enough to cover it no matter how –

Mr. Allen – If you used the 7' you can have the 50' in the back.

Mr. Kolick – That's what I'm saying.

Dr. Goist – So, we're not asking for any of these variances that are here. We are asking for 7' front yard setback.

Mr. Allen – What is required is 50' and what he is requesting is 43'.

Mr. Baldin – Does the neighbors understand what is going on here? How do you feel about this?

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick – Does that take care of your problem?

Mr. Baldin – It may not be total but we're trying to work things out.

Mr. Beran - I definitely think that the best interest of the lot, in my opinion, for overall property values, is to have a house built there and I feel that there were few options with the way this lot was formatted that this could have been done. I think that this could have been addressed maybe when these plans for this street was presented however many years ago. It could have been maybe one less house and everything would have been moved over. I think it might have removed this situation at the beginning but I think that the 50' setback in the back, for us, would be a better solution than the back yard variance request.

Dr. Goist – Thank you.

Mrs. Quaid – I agree with Scott because here in the covenants and restrictions for this specific lot, parcel number 1, there is absolutely – and I have it right here – there is absolutely no description period. On the rest of the lots there in the development, there is a definitive description for each lot. The builder had to know that there was nothing existing in reference to this lot, parcel number 1.

Dr. Goist - Mr. Kolick, can you address that.

Mr. Kolick – Two things, Mr. Chairman. One, we can't, as a City, enforce private covenants and deed restrictions so it's really irrelevant to the issue but secondly, if there was nothing in there as to parcel 1 anyway, that would mean there would be no covenants and deed restrictions that would bind them to have to do anything more than what the City would require anyway. I don't think that should effect your judgment. I think your judgment here needs to be should you grant any variance at all, number one, and number two, if you want to grant a front yard variance of a rear yard variance. That's the decision the board needs to make and if you're more comfortable with granting the front yard variance, they could still construct this home and move it further away from the neighbors property but it will move it 7' closer to the right-of-way. That's the trade off that you're utilizing.

Dr. Goist – Thank you. Board members, any other questions.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen.

Mr. Allen – If you want to do like the other one, have him sign this before you vote.

5) **SWEETBRIAR HOMES, INC./ Jeff Massie, Representative, Cont'd**

Mr. Kolick – We could do that. Additionally, you'll change the variance then to a 7' front yard. The code section is 1252.04 rather than 05 and the other there where it says 43' becomes 43'.

Dr. Goist – It's a 43' rear yard setback.

Mr. Kolick – No, the rear yard is out.

Dr. Goist – Okay.

Mr. Kolick – Which requires a 50' rear yard setback. Take rear out of everywhere. In other words, it's going to read requesting a 7' front yard setback variance from the Zoning Code Section 1252.04, which requires a 50' front yard setback and where a 43' front yard setback is proposed. The rest of it reads the same.

Mr. Beran – Just one other question. Would we be able to get – just to see that this does happen – any type of the final plans or a measurement of the fact that is going to be not 50' or do we have to take a tape measure and measure? Just how do we verify that the actual building ends up being in line with what has been recommended here?

Mr. Kolick - Mr. Chairman? I guess one way is they are going to have to take their stakes from where they are now and move them 7' forward. I suppose if you have any doubt you can measure 7' forward to satisfy yourselves that it's gone. That's the only way to do it. That's all the City is going to look at is where it's staked on the lot.

Mr. Beran – Okay.

Dr. Goist – Mr. Kolick? Do we want Jeff to sign –

Mr. Kolick – You're okay with that, the applicant?

Mr. Massie – Yes.

Mr. Kolick – No, we know what we're doing.

Dr. Goist – Okay.

Mrs. McGrath - Mr. Chairman, are you ready for a motion?

Dr. Goist – I'm ready for a motion.

