

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

**June 25, 2008
7:30 p.m.**

Present - Board of Appeals Members: Glen Goist; Bill Harr; Celia McGrath; Richard Baldin
Administration: Assistant Law Director, Dan Kolick
Building Department Representative: Joe Allen
Recording Secretary: Mary D'Andrea

The Board members discussed the following:

1) RAY HUFFMAN, OWNER

- a) Requesting a variance from Zoning Code Section 1252.22 (c) which permits 1 Garage and where 2 Garages are proposed;
- b) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.15 (a) which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 768 SF Detached Garage; property located at 10798 West 130 Street PPN 398-21-017 zoned R1-75.

The Board agreed that this applicant has a deep lot. Most Board members had not been out to view the lot yet. The one Board member that did view the lot spoke to a neighbor that said they were all for improvements in the neighborhood.

2) SANTOS/ITALIAN CARRY-OUT/Scott Gillespie, Representative

- a) Requesting a variance from Zoning Code Section 1258.02 (a) (2) (A) (5) which prohibits a Stand Alone Sit-Down Restaurant in Local Business zoning and where the applicant is proposing to Expand an Existing Carry-Out Restaurant to accommodate Sit-Down Dining;
- b) Requesting a 17 Parking Space variance from Zoning Code Section 1270.04 which requires 32 Parking Spaces and where 15 Parking Spaces are proposed in order to Expand an Existing Carry-Out Restaurant to accommodate Sit-Down Dining; property located at 10252 West 130 Street PPN 398-12-019 zoned Local Business.

The applicant said that this proposed seating area will not have waitress service. It is an area for food pickup customers to sit and eat their meal. They employ not more than four employees at one shift. Currently, the business has nine parking spaces and the owner stated that they have never been filled. Additional parking, someday, could be placed behind the building. Mr. Kolick suggested that the motion be made subject to additional parking in the back someday.

3) **EDNA VAUGHN, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.22 (c) which allows 1 Garage and where 2 Garages are proposed;
- b) Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.15 which requires a 15' Side Yard Setback and where an 8' Side Yard Setback is proposed;
- c) Requesting a 1,100 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,900 SF Floor Area is proposed in order to construct a Second Garage; property located at 18758 Prospect Road PPN 394-14-008 zoned R1-75.

Mr. Harr asked why the temporary driveway was angled as it is and said he would ask the applicant on the floor if it had something to do with the side yard setback request. The owner may be changing the side yard setback to meet the code which would eliminate the need for variance (b). Mr. Baldin suggested that the Board would be setting a precedent if they approve this variance. Mr. Harr, Dr. Goist and Mrs. McGrath agreed that the side yard setback should be removed and that the proposed building size should not pose a problem. Mrs. McGrath stated that the building would not be visible from the street. The Board reiterated that the building size is 1,500 squarer feet with 400 square feet of patio off of that. The Board confirmed with Joe Allen that a floor drain would need to discharge to the sanitary system or the building would need to be sloped for drainage. Mr. Kolick suggested to the Board that the motion be read contingent upon the building not being used for a business and that the drive be concrete pavers or concrete.

4) **EDWIN AND ADA TORRES, OWNER**

Requesting a Side Yard Setback variance from Zoning Code Section 1252.17 (a) which prohibits a Fence to extend past the Front Building Setback Line and where the applicant is proposing to install a 4' Fence of which 65' will extend past the Front Building Setback Line; property located at 16888 Miller Court PPN 397-14-011 zoned R1-75.

All of the Board members agreed that they don't want to approve a variance this far past the Front Building Line and possibly set a precedent. They agreed that Mr. Torres has had a garden there for many years with no fence. The Board agreed that they would approach Mr. Torres to fence in the pond only and that deer eating a garden is not a hardship. They agreed that the area would only be utilized during the warmer months but Mr. Kolick advised the Board that if they suggested a temporary fence, they have a way of becoming permanent problems. Mr. Baldin stated that the applicant told him that the pond would have a liner. Mr. Allen said the plans did not reflect that the pond would have a liner.

5) **TODD DUPLAGA, OWNER**

- a) Requesting a 256 SF Floor Area variance from Zoning Code Section 1252.21 (c) which permits an 800 SF Floor Area and where a 1,056 SF Floor Area is proposed in order to Enlarge an Existing Attached Garage;
- b) Requesting an 18' Front Setback variance from Zoning Code Section 1252.04 (d) (1) which requires a 100' Front Setback from the Centerline on Westwood Drive and where an 82' Front Setback is proposed in order to Enlarge an Existing Attached Garage; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.

Mr. Allen stated that the numbers have changed since he used the original drawings for the garage to get the numbers for the variance although Mr. Duplaga said he measured the garage and got different numbers. All the Board members agreed that the applicant has a very well kept property. The Board recalled that Mr. Duplaga's application for a variance for an out building is still tabled since Mr. Duplaga did not submit his elevation drawing to Ms. Zamrzla in time for this meeting.

6) **KRAFT FLUID SYSTEMS, OWNER/Bill Davison, Representative**

Requesting an 18' Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Parking Setback from the right-of-way and where a 32' Parking Setback is proposed in order to Expand an Existing Parking Lot; property located at 14300 Foltz Parkway PPN 393-01-012 zoned General Industrial.

The Board members stated that they have no reason to not grant this variance. The business is prospering and they need additional parking although they will have to remove some beautiful trees.

Miscellaneous – Mr. Kolick informed the Board that Sheiban Jewelers has been removed since the administration reviewed his request for an extension and determined that it was not needed since construction had commenced within the required one year period.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

June 25, 2008

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Mrs. D'Andrea, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this June 25, 2008 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Being in our new digs, we are having some differences in our speaker system. When you talk, you will just hear yourself talk. There is no amplification but it's all going directly and being recorded on a CD. So, we want you to know that everything that you say will be recorded. Mary, would you call the roll, please?

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have no minutes as of this meeting to be approved and for all the people who are here in the room who plan to speak this evening, if you will stand now and be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Mary, would you call the roll, please?

ROLL CALL: ALL AYES EXCEPT FOR MR. EVANS

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

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Our meetings are divided into two portions. The New Application and our Public Hearings and we have two new applications this evening.

1) **RAY HUFFMAN, OWNER**

- a) **Requesting a variance from Zoning Code Section 1252.22 (c) which permits 1 Garage and where 2 Garages are proposed;**
- b) **Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.15 (a) which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 768 SF Detached Garage; property located at 10798 West 130 Street PPN 398-21-017 zoned R1-75.**

Dr. Goist - The first one is Ray Huffman. Mr. Huffman, if you would like to come forward and you may tell us what you're asking for and why you're asking for it, please.

Mr. Huffman – I am asking to build a 24' by 32' garage in my back yard. I want to be able to store my boat, classic car, camper, and my lawn equipment in this garage so I have access to use my older garage with the normal daily parking.

Dr. Goist – When you say equipment, tell us what kind of equipment.

Mr. Huffman – Lawn tractor – two of them, eighteen horse riding tractors, nothing big.

Dr. Goist – Okay, and you're asking for a variance on the side yard setback of 5'. Can you tell us why you want to be 5' off the line instead of 10'?

Mr. Huffman – I wasn't aware of the exact amount of setback that was required and when I made my drawings for submitting it, I did just line the garage up with the other garage that is existing already and I felt that with doing so, I will have access into the other garage with a straight shot out of the garage.

Dr. Goist – If I remember right – I happened to go to your property yesterday – you are going to run a concrete driveway from the existing back of the garage, which you have a garage door on the back of the garage now, run that all the way out, angle it and make it 22' and your building is going to be 24' wide.

Mr. Huffman – That is correct.

Dr. Goist – So, you are going to have all concrete all the way.

Mr. Huffman – Yes.

1) **RAY HUFFMAN, OWNER, Cont'd**

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

Mr. Baldin – Yes, Mr. Huffman, why do you want to angle that little piece back there?

Mr. Huffman – There is no point of cementing straight to the other garage if there is no garage door there for access. It's a small 9' door in the back of the front garage and I'm looking at cementing that path that the vehicles will travel across.

Mr. Baldin – Okay, it just looked a little odd. I hear where you are coming from. It's a few feet of concrete. It could save you a couple of bucks, there is no doubt about it. I don't have any further questions.

Dr. Goist – Okay, I have one more question for you. You had said that you are going to store this back there. Are you going to run any kind of business or are you planning on running any kind of a business out of this second garage?

Mr. Huffman – No. No plans at all.

Dr. Goist – It's strictly for storage?

Mr. Huffman – Storage.

Dr. Goist – How high is the structure?

Mr. Huffman – I believe 12' is what our plan says.

Dr. Goist – So, there is no variance for height. Board members, do you have any more questions for this applicant?

Mr. Baldin – Yes, I do have one more question, So, you're going to run your camper through the first garage, straight back through the door and right into the next one?

Mr. Huffman – Correct.

Mr. Baldin – Okay. Thank you.

Dr. Goist – Any other questions? Okay, your Public Hearing will be July the 9th. All the neighbors within 500' of your house will be notified and will be allowed to come here and speak for or against what your plans are.

Mr. Huffman – Okay. Thank you.

1) **RAY HUFFMAN, OWNER, Cont'd**

Dr. Goist – Thank you.

RULING: SET FOR PUBLIC HEARING JULY 9, 2008

2) **SANTOS/ITALIAN CARRY-OUT/Scott Gillespie, Representative**

- a) **Requesting a variance from Zoning Code Section 1258.02 (a) (2) (A) (5) which prohibits a Stand Alone Sit-Down Restaurant in Local Business zoning and where the applicant is proposing to Expand an Existing Carry-Out Restaurant to accommodate Sit-Down Dining;**
- b) **Requesting a 17 Parking Space variance from Zoning Code Section 1270.04 which requires 32 Parking Spaces and where 15 Parking Spaces are proposed in order to Expand an Existing Carry-Out Restaurant to accommodate Sit-Down Dining; property located at 10252 West 130 Street PPN 398-12-019 zoned Local Business.**

Dr. Goist – Our second new applicant is Santos/Italian Carry-out. Scott, are you going to speak or is –

Mr. Gillespie – Yes. My name is Scott Gillespie, 4555 Summit Circle, Brecksville.

Mr. Santo – Mike Santo, 5281 Redford Drive, Brunswick.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – As I mentioned previously, due to a potential conflict, I will be abstaining from any discussion or voting on this particular variance request.

Dr. Goist – Okay. That does not stop him from asking you questions this evening but he will not vote in any way. I was there; I looked at the property; I saw what you had. I think that I understand what you're trying to do. You're going to put in a small little area for four tables, enough for 16 people and someone can come in, there is no service.

Mr. Gillespie – Correct.

Dr. Goist – No waitress. People will buy a sandwich or whatever they have purchased, sit down and eat, clean up and leave.

2) **SANTOS/ITALIAN CARRY-OUT/Scott Gillespie, Representative, Cont'd**

Mr. Gillespie - Yes, I call it convenience dining. I don't know if the term is coined by anybody but that is what I call it.

Dr. Goist – Well, the other thing is that you had asked for a rather large 17 parking space variance. We realize the building is small. You don't have that many parking spaces now but as you explained to us in caucus, you have never had them totally filled. You do have the land and we'll probably add to the part (b) contingency that should you in the future need to, you could add more parking spaces in the back. Are you okay with that?

Mr. Gillespie – Yes.

Dr. Goist – Board members?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

Mr. Baldin – I would first like to make a comment that over the years that corner was a very distasteful looking piece of property and what you guys have done there in the last couple of years is beautiful. As far as what you're looking for now, and as you already stated in caucus, you don't really utilize the spaces that you have there now. The only thing I would say with the contingency is also as you had pointed out Mr. Chairman, you would add, possibly in the future, if you are going to have service to the diners.

Mr. Santo – No, we will not. It's not made for that.

Mr. Baldin – Okay, you might want to put them in for a contingency if that possibly could come up. If your business really expands and we give you the variance and you get these parking spaces and all of a sudden your business is slammed –

Mr. Gillespie – If our business model changes then yes. That makes sense not only from our side but from the City side. I have no problem with that at all.

Mr. Baldin – That's all I have to say.

Dr. Goist – Any other comments Board members?

Mrs. McGrath – No, Mr. Chairman.

Dr. Goist – We will see you on July the 9th.

2) **SANTOS/ITALIAN CARRY-OUT/Scott Gillespie, Representative, Cont'd**

RULING: SET FOR PUBLIC HEARING JULY 9, 2008

3) **EDNA VAUGHN, OWNER**

- a) **Requesting a variance from Zoning Code Section 1252.22 (c) which allows 1 Garage and where 2 Garages are proposed;**
- b) **Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.15 which requires a 15' Side Yard Setback and where an 8' Side Yard Setback is proposed;**
- c) **Requesting a 1,100 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,900 SF Floor Area is proposed in order to construct a Second Garage; property located at 18758 Prospect Road PPN 394-14-008 zoned R1-75.**

Dr. Goist – Now, we open the Public Hearing section and our first Public Hearing is Edna Vaughn, owner. If you would like to come forward and again, if you will walk through each of the variances that you have requested and tell us – we know the first one obviously you're asking for two garages and you are only allowed one.

Mrs. Kehoe – Connie Vaughn Kehoe, 18758 Prospect Road, Strongsville. We are requesting variances for, again, a second garage with a 7' variance on the side setback. We are also requesting a variance of 1,100 square foot of which 800 square feet are allowed in order for the garage to be a total of 1,900 square foot of which 400 of that is an outside porch. The reason for our project is we are requesting these due to the passing of my father one year ago. We originally were going to sell the home and decided to stay within it, remodel it and combine the households to take care of my mom, who is now 74 years old. Two and one half acres of grass and it includes a couple of cars of ours that we would be moving in with, a camper that is a pull behind – it doesn't have any kind of oil or anything inside of it. The house has been original since 1967. They have been here for 40 years and we would feel that it would improve the property to remove the three dilapidated sheds out back, replace them with one 30' by 50' with the side porch. The only reason that we asked for the side yard variance was to try to connect the driveway with the turnaround to the existing. It's not a necessity. I will say that. We can network around that if that is an issue. We don't want to leave any of our vehicles or campers or yard equipment or anything outside. So, that's why the size of the building that we have asked for. With the yard over 120' feet wide, we didn't feel that a 30' wide garage with a porch would look oversized. It will be running long wise so that it will blend in with the tree lawn. It will look similar to this. (indicating a picture) A little bit smaller but the same coloring so that it will blend in. It will be 66' back from the back side of the house at the furthest point. That's it. Thank you.

3) **EDNA VAUGHN, OWNER, Cont'd**

Dr. Goist – Okay. I am going to speak for the Board. In our caucus, the only thing that the Board members, as a whole, seemed to feel that you really can get along without request (b) and we like to eliminate a variance whenever we can. We're saying that because what you have existing today, I think, looks nice. I think it works well but 10 years from now when somebody else buys that property next to you or if you sell, then that could be an issue. The Board as a whole has, kind of, said that they would like to eliminate that section (b).

Mrs. Kehoe – That would be just fine. That is not a problem.

Dr. Goist – You're fine with that.

Mrs. Kehoe – I'm fine with that, yes.

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

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Just to confirm some of the things that we have discussed. As you mentioned, Connie, you are going to demolish the three existing accessory buildings that are out there right now, and you're aware that you need to put in a concrete or paver driveway back to the structure and that you have no intention of using this building for any type of business purpose, anything like that.

Mrs. Kehoe – No, and the floor will be sloped for drainage issues so that it will come out the front. We're trying to do it right.

Mr. Harr – I have no other questions.

Dr. Goist – Thank you, Mr. Harr. Any other questions from Mr. Baldin or Mrs. McGrath?

Mrs. McGrath – No questions.

Dr. Goist – Okay. This being a Public Hearing, is there anyone in the audience who would like to come and speak for this variance? Is there anyone who would like to speak against this variance? Did you want to speak for the variance, sir? I'm sorry, I didn't see your hand. Would you like to speak against it?

Mr. Swan – Yes.

3) **EDNA VAUGHN, OWNER, Cont'd**

Dr. Goist – Would you come forward please and give us your name and address, and I'm going to just make sure that you were sworn in.

Mr. Swan - Do the people who want to speak for it speak first? Is there any certain criteria?

Dr. Goist – I asked for people who wanted to speak for it first?

Mr. Swan - I didn't want to interrupt you. Can I speak for it?

Dr. Goist – Yes, you may. If you'll give us your name and address please.

Mr. Swan - I'm Tom Swan, 18712 Prospect Road. I'm the house to the north of it facing directly to the house. I know the house. I have known the Vaughn's for years. I've lived in Strongsville about 40 years. My name is Tom Swan. It's a meticulously maintained home. They are real finicky about making sure everything is in the garage and everything is in the right place. I bought the house next to it as an investment. I have another home in Strongsville that I'm in the process of cleaning up to sell. Then, I'm going to be moving in there and I'm going to do the siding and the roofing and really make it our final house in Strongsville because of the five acres. The one thing – I don't know if she pointed it out to the people here and that is – you have a five-acre yard there and that's kind of why I bought there because it has a farm-like setting in the back yard. If you walk in those back yards, barns and out buildings, kind of, add to the character of it and I'm very for that because, number one, I know that it's going to increase the value of my home, which someday when I retire into a nursing home or what have you, the more money it builds the better. So, I saw the plans and the quality of what they are doing and I would estimate it would add probably \$100,000 to the surrounding home of theirs and then eventually add to mine. So, for those purposes plus keeping the neighborhood clean because a lot of my neighbors over there, I'm probably going to be complaining in the future because they have a lot of stuff laying outside and they don't have attached garages. I think Parkview Homes owns some of the properties and they are just laying there dormant. Something like this, I think, will set a trend for the neighborhood that I would like to see for the future.

Dr. Goist – We appreciate your comments. Board members, do you have any other questions of this gentleman? Thank you for your comments.

Mr. Swan - One more thing. That will be in my direct sight line, like what I call my retirement home so I can't think of something nicer back there, as far as the neighborhood.

Dr. Goist – Thank you. Is there anyone else who wants to speak for this variance? Is there someone who would like to speak against the variance? Please come forward and state your name and address.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Sapara – Joe Sapara, 18800 Prospect Road. Our property is just south of theirs and they butt together. I'm a little concerned about the size of this building and the placement of it. We have a pool and a deck off the back of our house and we're going to be looking right at this building. I feel as though it's going to reduce our property value for resale. We have four acres there. I also want to know what the distance is, according to you people, from the property line to the new driveway.

Dr. Goist – Which property line? The front property line from the road or the back property line?

Mr. Sapara – The side property line.

Dr. Goist – The distance currently is –

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – Based on the drawings submitted, the distance from the proposed driveway to the property line is 5'.

Mr. Sapara – Okay. They have it cut in already and I wanted to know if that is within the ordinance.

Mr. Kolick - Mr. Chairman? I guess we should ask the applicant, if they are moving the structure to the center to meet the 15' setback, are you also moving the driveway, I guess is the question from this gentleman, 15' over from the property line?

Mrs. Kehoe – Yes, if the building is moved over, that driveway will curve from the side of the house to around the back just slightly to get to end. If the building is 30' wide and if I started 15' off of that set line – do you know what I mean? It would be 30' off.

Mr. Kolick – What is the closest that driveway would come, let's say, from the rear of your house to your side property line? So, running a line from the rear of your house to your new structure, how close would it be to their property line, I think is the question.

Dr. Goist – There is 30' now between your existing garage and the property line now.

Mrs. Kehoe – About 25'.

Dr. Goist – So, if you move it over another –

3) **EDNA VAUGHN, OWNER, Cont'd**

Mrs. Kehoe – It would be moved over another couple of feet to apron it off. We can't get too close to the house but I have a few feet to move over. That temporary drive actually was cut in more for the house remodel for them to get around the back for them to get the backhoe in to dig the new addition because the house is under remodel as well. So, that isn't set; I have no problem with moving that somewhat. That is more so that they have access because it's gotten rainy and we got it cut in so they could get around the back without making a mess on that side of the lot.

Mr. Harr – What is there now is not necessarily where it's going to be.

Mrs. Kehoe – No, that is not necessarily the final cut in. It can be up a little bit further as the barn moves over.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – I had commented that the drawings show it being 5' off the property line. The scale of the drawing is incorrect. It's really shown at 10' off the property line.

Dr. Goist – So, it's already 10'.

Mr. Baldin – On the drawing here, it shows there is 10' from their existing garage to the new driveway. Ten feet.

Mr. Kolick – Right. Then you have the width of the drive and the entire distance is thirty feet.

Mr. Baldin – So, you're saying it is ten up. What is the rule of thumb on the code for driveways. Can they be on the property line?

Mr. Allen – There is nothing in the ordinance that says they cannot but normally we keep them off the property line so that we can maintain a swale drainage along the property line.

Mr. Baldin – So, you need at least 5', 6', 7', 8' to do that.

Mr. Allen – Depending on the length of the swale it could possibly get as close as four.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Harr - Mr. Allen, if I understand correctly, if the driveway is 10' off the property line roughly at the back of the home and it's going to be curved over to the placement of the building looking at the front elevation of the proposed building, if we move the building to where there is no variance 15' off the line and they're 7' in, in theory the driveway will move back to roughly 22' off the line at the building point. Am I correct in that?

Mr. Allen – That is correct. Normally though, they have the driveway a little bit wider than the garage door. So, probably 25' or something like that.

Dr. Goist – Do you understand that, sir?

Mr. Sapara – Yes.

Mr. Baldin – I have another question.

Dr. Goist – Yes, Mr. Baldin.

Mr. Baldin – Mr. Sapara, your existing home – you live right next door. You have a deck, you have a pool – they have that first shed right off the corner of their garage there. Does that line up pretty much with your pool and your deck or do your pool and your deck extend past that first shed?

Mr. Sapara – It's pretty close to even, to the back of that shed. The back of our pool to their old shed.

Mr. Harr – The first old shed.

Mr. Sapara – The first old shed, yes.

Mrs. Kehoe - Exactly.

Mr. Sapara – You know, we have been neighbors for forty years. We're very concerned, my wife and I, with what is happening here. Connie, you should have told us what you had proposed to.

Mrs. Kehoe – My mom did talk to you.

Mr. Sapara – Your mom talked to me, yes. She didn't tell me the placement of that building. She didn't tell me you were going to cut all those trees down.

Mrs. Kehoe – That will get re-landscaped. That will get all put back in.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Sapara – Too late.

Mrs. Kehoe – No, it's not too late. If we're 15' over, we can do some beautiful landscaping over there.

Dr. Goist – I'm going to stop you because this discussion between the two of you concerns the two of you and should have gone on previously. What we are concerned with is the variance. I hear your neighbor saying that she is willing and planning on re-landscaping that and your objection was that your view was not where you wanted it to be or you think it's going to be an obstruction. It sounds to me like she is going to re-landscape and you're going to have a view of new landscaping.

Mrs. Kehoe – I would never leave it looking as bad as what it does right now.

Mr. Sapara – I'd like to know what the setback is on this proposed new building.

Mr. Kolick – The setback will be 15' from the property line.

Mr. Sapara – But I mean back from the houses.

Mrs. Kehoe – From the end of the new addition it will be 66'.

Ms. Sapara – That's not on this print.

Mr. Kolick – Joe, the question is and maybe you can scale that off, the distance between the back of the house to the front of the new garage structure, I think is the question.

Mr. Baldin – From the new addition to the house.

Mr. Allen – Off of the back from the new addition the plans indicate 50'.

Mrs. Kehoe – Right. I knew the addition is 16' so that's how I came up with the 66'. It's 50' off the addition which is 16' so that's where I came up with the 66'.

Mr. Harr – Sixty six feet from the existing –

Mrs. Kehoe – No, 66' from the new addition. Am I saying that right? I'm sorry, I'm saying that backwards. It is 50' off the new addition, which is 16' so 66' from the corner of my existing house now.

Mr. Harr – Okay.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Sapara – Fifty feet from the new addition.

Mrs. Kehoe – Right and the new addition is 16' deep.

Mr. Sapara – Okay. That's not on there. That is to the start of the building?

Mrs. Kehoe – Yes, and if you would like me to move that back a little bit, I would be happy to.

Mr. Sapara – Well, this is what – we have been there forty some years and –

Dr. Goist – I'm just trying to eliminate the discussion that is going on that should have happened prior. You came to the meeting to speak against the variance and that is what we're letting you do but you're having a discussion between two neighbors that should have gone on before this meeting. Did we answer all of your questions that you asked about where the setback is? She is willing to go back to the 15' so she has eliminated that variance. She doesn't even need it. We don't have to vote on it. She has said that she is going to re-landscape after the new addition is done. She is going to re-landscape it. You had mentioned that you didn't like that way the view was and trees were going to be cut down. We understand that. It sounds to me like she's trying to be a good neighbor and do the right things. Okay?

Mr. Sapara – Yes, I understand that.

Dr. Goist – Any other questions? Any other comments from you?

Mr. Sapara – Yes, are they going to have that property surveyed?

Dr. Goist – For the record, the applicant is indicating yes. Just for the record, I will be saying that she is saying yes.

Mr. Sapara – I don't know the property line exactly and I'm sure they don't.

Mrs. Kehoe – The markers are old.

Mr. Sapara – They're gone.

Mrs. Kehoe - We have a general idea from the last person that was out where we have some stakes but I will pay to have it done.

Dr. Goist – Okay. The answer is yes, she is going to have it surveyed.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Sapara – That's a yes. Okay. I understand that they are going to fence that property in.

Mrs. Kehoe – We would like to fence the back of the – around the general yard – the inside yard area for our dogs. For mom's dog and –

Dr. Goist – Again, this is not part of the variance and they haven't come to us or asked about it but you are allowed a certain fence and a certain height without even –

Mrs. Kehoe – It would just be a chain link.

Dr. Goist – Okay. She'll have to go to the City and ask for a permit. Again, that is between the two of you.

Mr. Sapara – I also would like to know if this is going to be used for a business.

Dr. Goist – The answer, the applicant is indicating no. May I ask, why are you asking that question?

Mr. Sapara – Thank you. It has been indicated to me through my wife, who is here, that Mrs. Vaughn had told her that the reason that this building was going to be put up was because her husband works on cars on the side. Okay? That's why the building was intended to be put up.

Dr. Goist – Okay, Mr. Sapara, I'm going to say to you that I understand what you just said to us but we asked them if they were going to have a business. If he had a garage back there and he wanted to work on his own car, it's no different than working in his garage up in front. If he is doing it for a business and if he is doing it for a fee then that is a different category and then you would have a legitimate claim to say they are running a business out of it. We always ask the applicant if they intend to run a business and the applicant has indicated to us, no.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – I think, also, based on the proposed size of the building, it would certainly be my plan that any variance approval that would be granted here would be conditioned upon the building not being used to operate a business and would be specifically a part of the approval so it's a part of the record.

Mr. Sapara – So, if it does take place, are you telling me that it's too late then?

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Kolick - Mr. Chairman, so that the neighbor here understands, this is in a single family Residential Zoning District. They cannot operate, by City Code, a business out of that and it's not too late. If a business began to be run out of there and we received a complaint at the City and the City would go and investigate it, if they confirm that there would be a business running out of there, they would be cited. They would be first cited criminally and if that didn't remedy the situation, there would be a civil action filed to enjoin the business from going. So, no, just granting the variance does not permit them to run a business and if they would, they would be in violation of the Code and the City could take some action to stop them.

Mr. Sapara – Well, that really concerns me because of the size of the building. This is a small house.

Dr. Goist – We understand what you just said but did you understand what our Assistant Law Director just said?

Mr. Sapara – Yes.

Dr. Goist – Okay. Do you have other questions?

Mr. Sapara – I think that they have been about all answered. Do you have anything? Thank you. Oh, I have one other question. How high is this building?

Mrs. Kehoe – Fifteen feet to the peak.

Mr. Sapara – Fifteen feet to the peak. Okay. Thanks.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr.

Mr. Harr – I think as discussed previously, the drawings that were submitted contained a cupola and just to reiterate for the applicant, those are going to be removed so that there will be no variance required for the overall height of the building.

Dr. Goist – Is there anyone else in the audience who is here to speak against the variance? If not, and hearing none, I will entertain a motion to approve the variance.

3) **EDNA VAUGHN, OWNER, Cont'd**

Mr. Harr - Mr. Chairman? I make a motion that a request for a variance from Zoning Code Section 1252.22 (c) which allows 1 Garage and where 2 Garages are proposed and a request for a 1,100 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,900 SF Floor Area is proposed in order to construct a Second Garage subject to a concrete or paver driveway to the structure being installed, the demolition of the three existing accessory buildings and that the building specifically not be used for any type of business purpose; property located at 18758 Prospect Road PPN 394-14-008 zoned R1-75 be approved.

Mrs. McGrath – Second.

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

ROLL CALL:	MR. BALDIN – NO	MRS. MCGRATH – YES
	MR. HARR – YES	DR. GOIST – YES

MOTION CARRIED

Dr. Goist – Your variance has been approved and you have a twenty-day waiting period and then you contact the Building Department and they will tell you how to proceed. Thank you.

Mrs. Kehoe – Thank you very much.

RULING: VARIANCE APPROVED

4) **EDWIN AND ADA TORRES, OWNER**

Requesting a Side Yard Setback variance from Zoning Code Section 1252.17 (a) which prohibits a Fence to extend past the Front Building Setback Line and where the applicant is proposing to install a 4' Fence of which 65' will extend past the Front Building Setback Line; property located at 16888 Miller Court PPN 397-14-011 zoned R1-75.

Dr. Goist – Our next Public Hearing is Edwin and Ada Torres.

Mr. Torres – Most people say Ada but that's okay. It's really what it is. My name is Edwin Torres and I'm here with my wife, Ada Torres and we live at 16888 Miller Court, Strongsville. My proposal for the variance that I applied for is to that part of the City Ordinance that states that a fence cannot extend past the front property line, the building line. I proposed this because in front of my home I have a vegetable garden in my side yard and a pond. Previously, I was told that a pond requires a fence around it. It learned at the last

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Torres continues - meeting that it does not but, however, for safety sake I would still like to build a fence around it. It's also going to receive a hand rail all the way around the pond and for the sake of my garden, I need something to keep out the deer and rabbits. That's about the only reason I need a fence.

Dr. Goist – Okay, Mr. Torres. I'm going to ask you a question directly. I know some people who have lived on and owned property on Miller Court for, probably, longer than you have been there and they say you have had a vegetable garden out there for how many years? Twenty-five or thirty years?

Mr. Torres – About 15 years since I have owned it, yes.

Dr. Goist – So, is the deer population and the rabbit population now worse than it has been before because you have had a garden there previously with no fence.

Mr. Torres – I have always been battling with the critters.

Dr. Goist – Now, I'm only asking this because – do you know that there –

Mr. Torres – I think it has gotten worse, by the way.

Dr. Goist – is a material that you can buy now called Liquid Fence. You can spray it and it will keep the deer and the rabbits out and I have used it and it is extremely effective –

Mr. Torres – Does it work well?

Dr. Goist – and so our Board – you weren't in caucus, am I correct? You missed caucus?

Mr. Torres – No, I got there half way through.

Dr. Goist – Okay, and we as a Board do not want to set a precedent and feel that we would be setting a precedent if we allow you to go way out in front all the way to the right-of-way with your fence and we are opposed to taking the fence that far out. However, we did discuss it and say that we would be willing, if you're willing, to let you bring the fence to – Joe, I'm going to ask you for the figures –

Mr. Allen – What we proposed was 56' from public right-of-way and 12' from the existing dwelling. Again, that is plus or minus a foot or so.

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Dr. Goist – So, you would be 12' from the existing house and that would still take you just to the west of your pond and we understand from what you have said and we understand from the Building Department that the pond is going to be natural. There is going to be no plastic liner in this pond.

Mr. Torres – No, there will be a plastic liner.

Dr. Goist – If it's a plastic liner then it becomes a pool.

Mr. Torres – It's going to be lined with rock over that liner.

Dr. Goist – Okay, now I have to ask –

Mr. Torres – It's going to be strictly for koi fish. It's a decorative garden pond. There will be filter elements. It will have electrical running to it for filtration and that sort of thing.

Dr. Goist – Okay, I have to go back to the Building Department and ask them.

Mr. Allen – Mr. Chairman, what I will have to do is get an interpretation from the Building Commissioner and see how he wants to do this.

Mr. Torres – Did you understand that Mr. Torres, because if you're going to put a plastic liner in there – our understanding was that it was going to be natural. You were going to use that slate and rocks in the area and not use a plastic liner. You're going to have to get an interpretation from the Building Department as to whether this now becomes a pool or whether in fact it is a pond.

Mr. Torres – They have already issued me a building permit for that pond.

Mr. Kolick – Mr. Chairman, I think the application for the building permit didn't show a plastic liner in there?

Mr. Torres – Yes, it is very specific.

Mr. Kolick – It did?

Mr. Torres – Yes. It has all the information on it.

Mr. Kolick – Okay. Mr. Chairman, we can look at that issue. I think that we just need to act on the variance here. If something else needs to be done, the Building Commissioner will bring it to our attention. I don't know what he has seen or hasn't seen and how he ruled on it.

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Torres – Okay, could you explain to me exactly where that 56' will put my front fence there. That would put it west of the pond?

Dr. Goist - Mr. Allen will tell you because he took it to scale.

Mr. Allen - Mr. Chairman? Do you see where it says landscape pond under construction?

Mr. Torres – Right.

Mr. Allen – Do you see the top line right above the landscape?

Mr. Torres – Yes.

Mr. Allen – That is the line.

Mr. Torres – That's the line?

Mr. Allen – Yes.

Mr. Torres – I guess I could live with that. This stuff that you recommend better work well.

Mr. Harr – Or we need to move the vegetable garden back into the fenced area or someplace.

Mr. Torres – The wooded area is behind there. Gentlemen, whatever you think is best. I want to build this fence to protect the pond and that's going to exclude my vegetable garden.

Dr. Goist – But you still can garden.

Mr. Torres – Well, hopefully, sure. That's going to save me some money too because I won't have to build such a big fence.

Dr. Goist – Do any other the Board members have any other questions?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – I think, and Mr. Torres I understand your concern. Along the back of my property, I have quite a few lily plants that fall victim just as they are about to bloom every single year. So, I sympathize with your situation. I'm trying that stuff too, Dr. Goist, by the way. I think what we have tried to do here and understanding that your property is a unique

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Harr continues - property - you don't have anybody right across the street from you. The house to the north of you is offset just a little bit. I believe in taking a look at a smaller variance, we keep the aesthetics of the neighborhood without bringing the fence to the right-of-way and hopefully still accomplish what you wanted, two of your main purposes, which was to provide some safety for the pond, number one and two, to enclose an area that you can – did you not call it Shangri-La or I think something along those lines.

Mr. Torres – Yes, that is what I'm trying to build there.

Mr. Harr – I understand. So, hopefully, we're getting you close to where you would like to be. Now if I understand correctly too, refresh me on what the height of the fence was going to be because I know there was a break point.

Mr. Torres – Okay. This is what I proposed. From the back property line, a 6' fence and the north property line, a 6' fence that ends at the wooded area.

Mr. Harr – And then drops to 4'.

Mr. Torres – Then drops to 4' for in front of the – for continuation of that line.

Mr. Harr – Then 4' across the westerly line?

Mr. Torres – Yes, then 4' across the westerly line.

Mr. Harr – And that would still be your intentions.

Mr. Torres – Yes, that is what I want to do.

Mr. Harr – Okay, I just want to make sure we know exactly what you would like to do.

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

Mr. Harr – Mr. Torres, just to clarify, you are amending your variance request to what the commission has recommended here, which is a 12' variance from the existing front building line. Correct, Mr. Allen?

Mr. Allen – The variance will be 12' from the existing building line and 56' from the public right-of-way.

4) EDWIN AND ADA TORRES, OWNER, Cont'd

Mr. Torres – So, that would make the drive that I have down the side of the house 12' wide? Is that how I'm reading that? That drive between the fence and the pond? How wide is that going to be?

Mr. Allen – The fence location from the driveway over to where you propose the fence to be will be 20' still.

Mr. Torres – Oh, okay.

Mr. Allen – The fence north and south is not going to move. It's just east and west.

Mr. Harr – If this helps, if you would like to take a look.

Mr. Torres – Oh, did you alter the drawing?

Mr. Harr – I roughly penciled in that green line across.

Mr. Torres – Okay, yes.

Mr. Harr – The balance of your fence in your back yard will stay exactly as it is. It's the tail that kind of comes off.

Mr. Torres – Okay, I can live with that. What is the name of that stuff that you've got.

Mr. Harr – Liquid Fence.

Dr. Goist – I don't want to do any advertising but I know that Petitti's carries it and probably Landmark and probably Maria Gardens. They probably all carry Liquid Fence. So, we're not commercializing this. It's a good product. Board members, do you have any other questions?

Mr. Baldin – I think, Mr. Torres, you have a very unique piece of property there and ever since you added on that other section and now that you people have your water and sewer lines – I know that everything is, sort of, a mess there right now. Let's face it; we all know that.

Mr. Torres – Yes, it is.

Mr. Baldin – And you're trying to clean it up and get it all landscaped and done properly and I want to accommodate you for that to go into the expense to do that.

Mr. Torres – Thank you,

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Baldin – I love gardens as well. You're just going to have to live with what we have proposed here today.

Mr. Torres – As long as I have something. I'm going to try this Liquid Fence.

Mr. Baldin – Very good.

Dr. Goist – We also want to say, for the record, that you are going to replace the entire driveway in –

Mr. Torres – Eventually, yes. Concrete.

Dr. Goist – Do we need to put a time limit on that, Mr. Kolick?

Mr. Kolick – No, Mr. Chairman.

Dr. Goist – But you are going to carry it out because you said the driveway had deteriorated and you are –

Mr. Torres – It was concrete at one point. It's rubble now.

Mr. Harr – Are we considering that as a condition of –

Mr. Baldin – No, that's a necessity thing.

Mrs. McGrath – I just wondered, Mr. Chairman, because on the picture it shows that the driveway is gravel and I didn't know if that –

Mr. Torres – It was concrete. It just deteriorated so badly that it's looks like gravel.

Mrs. McGrath – You're calling it gravel now. Okay.

Mr. Torres – But that is in my grand scheme of things. That will be taken care of, I assure you.

Mr. Kolick - Mr. Chairman? Just to make it clear, we are talking about a variance for a fence. If we were talking about an addition to the structure, if we were talking about a new garage then yes, he would have to bring the driveway in compliance in that instance, but not for a fence permit nor for a pool permit, something that has nothing to do with the driveway. We wouldn't make them bring that into compliance. Okay?

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Dr. Goist – Okay. This is a Public Hearing. Is there anyone in the audience who would like to speak for this variance?

Mrs. Laiying Lum - Yes.

Dr. Goist – If you would like to come forward, please. I'm asking if anyone would like to speak in favor of this variance.

Mrs. Laiying Lum - I just had a question because you changed your plan.

Dr. Goist – Do you want to speak for the variance, first of all?

Mrs. Laiying Lum - I just have a question. I don't know -

Mr. Kolick – Let's just hear the question.

Dr. Goist – Okay, come forward. Give us your name and address.

Mrs. Laiying Lum - I am Mrs. Laiying Lum. I live in 17198 Park Lane Drive, Strongsville and I think it's east to this construction and my back yard is faced to his side yard. Since you changed your plan, you say you moved some footage and I don't have those maps.

Mr. Harr - Mr. Chairman? I believe the property line that you're referring to would be the easterly line.

Mr. Kolick – Why don't you come up and look at the plans? Come up forward and you can take a look.

Mr. Harr – This is your property here. (indicating on the plan) This is the easterly property line. We did not change that at all. It is a 6' chain link fence. What we changed was actually directly opposite so it's the westerly property line. This is what was proposed and this is what we have discussed, squaring it off.

Mrs. Laiying Lum – Okay, so this will be a 6' fence. Okay.

Mr. Harr – And this will be 6' here and then it drops down to 4' and this is all 4' here.

Mrs. Laiying Lum – Okay. When I built this house seven years ago, the builder told me that my backyard and my side yard, they had an easement underground and I cannot build anything over on that area. Is it true, because –

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Harr – The plan that I do have here shows that there is a storm sewer easement that runs through your backyard.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – She cannot put any structure within that easement but you could put a fence if you wanted, if your covenant and deed restrictions in your subdivision allow it.

Dr. Goist – If I remember correctly, when they were putting the water line in and the sewer line in, you were here previously. You came to a meeting previously because you were worried about your children in the backyard. If anything, this fence seems to be a separator for the children. It doesn't do anything different other than to give them protection from getting over here and into the pond.

Mrs. Laiying Lum – Okay, but it's strange for me because his side yard is only partial of my backyard. It's not the whole thing. You know? And then the other one, he won't put any fence on it. So, it seems, my side yard has a corner on it after he puts a fence on it.

Dr. Goist – Your question is what?

Mrs. Laiying Lum – Is this dangerous, if they have a corner in my yard if my kids play around that area with 6' tall with the angle?

Mr. Kolick – We can't form an opinion as to whether it is dangerous or not. The only other thing I would say is that if it is troublesome that the fence doesn't go all the way across, you may look into the possibility of fencing your yard where you could put the fence all the way across in your yard. You can explore it with the Building Department and as long as you're not blocking that swale, normally we make you keep an area to keep that swale open, you can probably fence right over that swale. So, if it's troublesome that that fence doesn't go all the way across your back yard, you can consider putting your own fence across there. Just stop up at the Building Department and talk to them.

Mrs. Laiying Lum – Okay. One more question, on rainy days and stormy days, that area is a small pond. There is a lot of water in that area. So, after they put the fence in, will they improve that or will that make it worse?

Mr. Kolick – It shouldn't have any affect on it because they aren't going into the swale itself. It shouldn't affect it one way or another. It shouldn't make it any worse but it's not going to make it any better either. It should be just the way it is now.

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mrs. Laiying Lum – All right. That's all my questions.

Dr. Goist – This lady came and asked a question. Is there anyone who wants to speak for the variance? Is there anyone who wants to speak against the variance? If not, I will entertain a motion?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin.

Mr. Baldin – Mr. Torres, let me ask you another question. You had pointed out to me, also, the area that floods back there. What causes that? Is there any way to eliminate that because you can definitely see that that is a very sloppy and wet area. It's going to be in your fence line, 50/50?

Mr. Torres – Correct. That area used to drain from Miller Court, which is the high spot there all the way down to the creek that ran north and south. When they built their development, they put that creek in the culvert that runs parallel to Miller Court on the east side of all our properties. So, when they built that culvert, they put a swale in the backyards of all of those properties that Ryan Homes built. That dammed up my property, that swale they put there. The runoff from Miller Court, now for a good extended amount of time in the springtime, will get about 4" of water back there. My intention was to eventually fill that low spot up so it continues to run where it should have ran.

Mr. Baldin – Okay, so you didn't cause that. Ryan Homes caused that and the City let them put that in and so on and so forth and then it caused a water problem on your property.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – Based on the topo and the site plan submitted for this project as well as when the subdivision went in, it shows 1', 2', 4', 6' feet of fall to the swale. So, if it is put in according to this plan, there shouldn't be a problem.

Mr. Torres – Well, there is a puddle, sir. It's a puddle that's approximately 30' or 40' or 50' long and it's maybe 15' wide. That is directly caused by the architecture of the backyards that are behind me because Ryan homes built that and they put that swale there and that dammed me up.

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Dr. Goist - Mr. Kolick, do we need to have the Building Department go out and revisit that area?

Mr. Kolick – If we're hearing that there could be some water back there, I don't think that it's a problem requesting the Engineering Department to take a look at it. That's who would do it. We can put that request in.

Mr. Allen - Mr. Chairman? All the applicant has to do is fill out an Action Request form and the City Engineer will send an inspector out to look at it.

Mr. Torres – An Action Request form at the Building Department?

Mr. Allen – That's correct, sir.

Dr. Goist – And to the lady who came forward, did you hear what he just said? You fill out an Action Request form to the Building Department and ask them to come and visit that swale area.

Mrs. Laiying Lum – But that area is not actually on my property. Can I request it?

Mr. Kolick – You can request that the engineer look at it, yes.

Mrs. Laiying Lum – Okay.

Mr. Baldin – You seem to make a point to the fact that there is a big pond there as well and that you notice it as well when there is a heavy rain or what have you. Is that correct? It's not good. It's going to breed mosquitoes, etc. and so forth.

Mrs. Laiying Lum – Okay, the last question. I saw you put the post on the right hand side but I didn't see the post on the left hand side so I really didn't know the length.

Mr. Torres – One hundred and sixty eight feet across the back of my property. It's on the other side of my property. It's on the other side of my house. That's why you don't know where it's at because you can't see it.

Mrs. Laiying Lum – Okay. Thank you.

Mr. Kolick – Mr. Torres, before you go changing any grades or low spots or anything else, make sure you stop up at the City. We certainly don't want you to do anything that would cause a problem anywhere and if there is some water problem, the Engineering Department could look at it to just make sure it doesn't cause a problem.

4) **EDWIN AND ADA TORRES, OWNER, Cont'd**

Mr. Torres – Sure. I appreciate your input.

Mr. Kolick – Okay.

Dr. Goist – Is there anyone else to speak for or against this variance? If not, I'll entertain a motion for the variance with the changes that have been made.

Mr. Harr - Mr. Chairman, I make a request that a Side Yard Setback variance from Zoning Code Section 1252.17 (a) which prohibits a Fence to extend past the Front Building Setback Line and where the applicant is proposing to install a 4' Fence of which 12' will extend past the Front Building Line approximately 56' from the public right-of-way; property located at 16888 Miller Court PPN 397-14-011 zoned R1-75 be approved.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved with the changes and you have a twenty-day waiting period and then you can contact the Building Department and they will tell you how to proceed.

Mr. Torres – Okay. I'm going to need a copy of these changes that have been made.

Mr. Harr – You can have this drawing.

Mr. Torres – Thank you for your time.

Dr. Goist – You're welcome.

Mr. Baldin – When are the vegetables coming in? We'll be over.

Mr. Torres – Let's see how well the Liquid Fence works.

RULING: VARIANCE APPROVED

5) **TODD DUPLAGA, OWNER**

- a) **Requesting a 256 SF Floor Area variance from Zoning Code Section 1252.21 (c) which permits an 800 SF Floor Area and where a 1,056 SF Floor Area is proposed in order to Enlarge an Existing Attached Garage;**
- b) **Requesting an 18' Front Setback variance from Zoning Code Section 1252.04 (d) (1) which requires a 100' Front Setback from the Centerline on Westwood Drive and where an 82' Front Setback is proposed in order to Enlarge an Existing Attached Garage; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.**

Dr. Goist – Our next Public Hearing is Todd Duplaga. Todd, if you'll come forward please? If you will give us your name and address, please.

Mr. Duplaga – My name is Todd Duplaga. I live at 19698 Westwood Drive. This is for the proposal of the attached garage in the front of my existing garage. It would be 84' from the right-of-way to the front of the new structure, which is the one variance and the 324 square feet that you mentioned in the caucus, which would exceed the 800 square feet that you allow now.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Can we just clarify the setback because Mr. Duplaga mentioned to me when I was out there that he believed it was 84' from the right-of-way.

Mr. Duplaga – What I measured from the right-of-way was 84'. For some reason it was 82' posted in the window.

Mr. Allen - Mr. Chairman? There was no site plan on this project. So, what we did was we took an aerial picture and we overlaid it and it appears it's 100' from the center of the public right-of-way and based on the aerial overlay it appears that the proposed structure will be 82' from the center of the public right-of-way.

Mr. Harr – If we were to grant the 18' that would be more than he would need so we are better served to leave it as it is.

Mr. Allen – Yes, sir.

Dr. Goist – Okay. You do understand that we are not going forward on that other structure because you didn't get your topos and drawings in.

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

Mr. Duplaga – Yes, sir.

Dr. Goist – Any other questions from Board members?

Mr. Harr – Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – Sir, were you here for the caucus where we discussed that the square footage changed slightly from what was posted.? We went to 324 square feet?

Mr. Duplaga - Yes.

Mr. Harr – My only comment, Mr. Chairman, is that I was at the property this afternoon. It's very well maintained. The property looks in good shape. I don't see any significant sight line issues or anything like that. It really looks in good shape.

Dr. Goist – I would agree.

Mrs. McGrath – Me too.

Mr. Baldin – Absolutely.

Dr. Goist – Okay, being a Public Hearing, is there anyone here who would like to speak for this variance? Is there anyone who would like to speak against this variance?

Mr. Guerrero - My name is Angelito Guerrero and I live at 19825 Westwood Drive. Actually, I am on the other side of the street and farther along the way. I want to know if this structure is going to be a business and will it be a precedent now that he would have this variance and everybody can now push forward some structure now from the setback that is required by the City.

Dr. Goist – The answer to your first question is this is zoned residential and it would be illegal for him to start a business, and it would be a legitimate avenue to ask for an inspection if that happened, and to answer your question, he has come to ask us for a variance, and that is the way that people are able to change where their property is, and where things are set. The answer is we do have a code and we try and stick to the code but when someone has a legitimate request and hardship and wants to change it, that's why we are here to grant variances.

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

Mr. Guerrero – I am an architect as a profession so I have been through this kind of a case and I just want to make sure that the structure that is going to be put on there or added is not going to be a business.

Dr. Goist – Correct.

Mr. Guerrero – Okay, it's strictly for a garage and the reason for that is that because when I look at the property, the building itself, and there was a structure behind it where the garage is now and the reason for doing that is he is going to add to the existing garage to be his living space or just an extension of a garage?

Mr. Harr – As I understand it and I don't want to answer for the applicant but a portion of the existing garage area will be converted into breezeway space. Correct? The garage is on the right but it is two-car deep right now, the existing one. Correct?

Mr. Guerrero – So, then there is already an extension of the garage out the back? That's what I'm looking at, one extra car. So, this is not an addition of one. He is going to tandem his car when he goes in because it's only a one-car garage, isn't it?

Mr. Duplaga – One car wide.

Mr. Harr – It's one car wide presently but two cars deep.

Mr. Guerrero – So, he is going to tandem three cars conceivably.

Mr. Kolick - Mr. Chairman, for the neighbor who is here, you should be aware that there is another variance that he is requesting for another structure that is really not before us tonight but will be coming to us in the future for another accessory building in the rear yard. So, don't be surprised if you receive another notice in the mail because you're within 500'. There is another request that this applicant has made that will be coming back for another structure. So, I'm not here to discuss it tonight but feel free to come up to City Hall. You can see whatever drawings there are for this other structure.

Mr. Guerrero – Sure. I don't have the drawings and conceivably, if you look at all the houses on that side, they are all on the same line and this will be sticking out farther 18'. Is it 18'?

Mr. Kolick – The required setback is 100' and he is going to 82' back from this setback so 18' closer to the road, you are correct. That is what he is proposing.

Mr. Guerrero – I am not opposed to any structure being built as long as it is not going to be used for something else other than residential. Thank you very much.

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

Dr. Goist – Thank you. Anyone else who is here for or against the proposed variance? If not, I'll entertain a motion.

Mrs. McGrath - Mr. Chairman, I would like to request the approval of a 324 SF Floor Area variance from Zoning Code Section 1252.21 (c) which permits an 800 SF Floor Area and where a 1,124 SF Floor Area is proposed in order to Enlarge an Existing Attached Garage and approve a request for an 18' Front Setback variance from Zoning Code Section 1252.04 (d) (1) which requires a 100' Front Setback from the Centerline on Westwood Drive and where an 82' Front Setback is proposed in order to Enlarge an Existing Attached Garage; property located at 19698 Westwood Drive PPN 392-29-009 zoned R1-75.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – You're variance has been approved. You do have a twenty-day waiting period and then contact the Building Department and then they will issue you your permits. Thank you.

Mr. Duplaga – Thank you very much.

RULING: VARIANCE APPROVED

6) **KRAFT FLUID SYSTEMS, OWNER/Bill Davison, Representative**

Requesting an 18' Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Parking Setback from the right-of-way and where a 32' Parking Setback is proposed in order to Expand an Existing Parking Lot; property located at 14300 Foltz Parkway PPN 393-01-012 zoned General Industrial.

Dr. Goist – Our last variance request is Kraft Fluid Systems, Owner, Bill Davison, representative. Mr. Davison, if you will give us your name and address and then we'll let you both speak.

Mr. Davison – I'm Bill Davison, 26031 Center Ridge Road, Westlake, Ohio.

Ms. Baker – Diane Baker, 2521 Pearl Road, Medina, Ohio.

6) KRAFT FLUID SYSTEMS, OWNER/Bill Davison, Representative, Cont'd

Dr. Goist – All right. I think we have all looked at this and understood and talked about it in caucus. Were you in our caucus? We understand what you are trying to do is to gain some additional parking and the only way that you have to do it, or that's the way we understand it, is to come closer to the road.

Mr. Davison – That is correct. There is no other property available.

Dr. Goist – Okay. Board members do you have any questions? I don't. I understand completely. I have been by it many, many times and you're just trying to get more parking space and need it.

Ms. Baker – The good news is, we're growing.

Mr. Baldin - Mr. Chairman? They have been there a long time. It's a great business. It's an asset to the city, they take good care of their property there and they need the room. It's as simple as that. I have no objections.

Mrs. McGrath – I have no objections, Mr. Chairman. I'm glad to see a business expanding and growing.

Mr. Harr – I echo those comments as well.

Dr. Goist – Thank you. Being a Public Hearing, is there anyone in the audience who wishes to speak against the variance? Is there anyone here to speak for the variance? Hearing none and seeing none, I will entertain a motion.

Mrs. McGrath - Mr. Chairman, I would like to request that we approve an 18' Parking Setback variance from Zoning Code Section 1262.07 which requires a 50' Parking Setback from the right-of-way and where a 32' Parking Setback is proposed in order to Expand an Existing Parking Lot; property located at 14300 Foltz Parkway PPN 393-01-012 zoned General Industrial.

Mr. Harr – Second.

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

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – Your variance has been approved and again you do have a twenty-day waiting period and then you can go to the Building Department.

6) **KRAFT FLUID SYSTEMS, OWNER/Bill Davison, Representative, Cont'd**

Mr. Kolick - Mr. Chairman? They need to get back to the Architectural Review Board and then back to Planning Commission, which they are aware of.

Mr. Davison – Do we go to ARB next?

Mr. Kolick – Yes, you go to ARB next. Contact Carol and she will set you up for the next meeting.

Mr. Davison – Thank you.

Mrs. Baker – Thank you.

RULING: VARIANCE APPROVED

Dr. Goist – Okay, then our Assistant Law Director has a comment to make.

Mr. Kolick – Just one item under Miscellaneous Business here. Mr. Chairman, you recall that we had the Sheiban project that was on the last agenda for an initial hearing. Subsequent to that hearing it was determined administratively that they did not need to extend the variance. So, they did not come back for a Public Hearing. So, you know why it's not on your agenda.

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

Meeting adjourned at 9:10 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

July 9, 2008
Approval Date