

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

**September 12, 2007
7:30 p.m.**

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

The following was discussed:

(G) PUBLIC HEARINGS:

1) WENDY ENGEL, OWNER

Requesting a 5.16' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 25' Side Yard Setback and where a 19.84' Side Yard Setback is proposed in order to construct a Corner Lot Fence; property located at 16922 Deer Path Drive, PPN 397-10-032, Zoned R1-75.

The board talked amongst themselves and concluded that they were not in favor of a 6' board on board fence. They stated that they would talk to the owner during the regular meeting.

(H) ANY OTHER BUSINESS TO COME BEFORE THE BOARD:

2) VAN SIMS, OBJECTING PARTY

Hearing of the objection by Van Sims, property owner at 10788 Pebble Brook Lane regarding the application for a building permit by property owner Richard Moodt, to construct a Garage Storage Addition, pursuant to Codified Ordinance Section 1418.03; property located at 10784 Pebble Brook Lane, PPN 391-05-035, Zoned R1-75.

The board discussed that the Building Department has determined that the building meets the code.

1) SPIRIT HALLOWEEN, TENANT

Requesting a variance from Zoning Code Section 1272.12(h) which prohibits Temporary Signs/Banners and where a Temporary Sign/Banner is proposed; property located at 17260 Royalton Road PPN 396-14-011 Zoned Shopping Center.

The board stated that the owner would not be permitted to place sign on wall but he could place in the window as long as it does not exceed fifty percent.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

September 12, 2007

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

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

Also Present: Mr. Kraus, Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this September 12, 2007 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll, please?

ROLL CALL: ALL PRESENT

Dr. Goist - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – I would like to move that we approve the amended agenda.

Dr. Goist – Okay.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Our first New Application is Spirit Halloween and we have tenant marked as the person who is going to come forward. Would the tenant come forward and if you'll please use that hand held mic and speak directly into that mic, that will help our secretary and if you'll explain to us – I would like your name and address first and then explain to us what you're asking for.

NEW APPLICATIONS:

1) SPIRIT HALLOWEEN, TENANT

Requesting a variance from Zoning Code Section 1272.12(h) which prohibits Temporary Signs/Banners and where a Temporary Sign/Banner is proposed; property located at 17260 Royalton Road PPN 396-14-011 Zoned Shopping Center.

Mr. Clark – I'm Rich Clark, 6013 Delora Avenue.

Dr. Goist – Could I ask for the spelling of your last name?

Mr. Clark – C-L-A-R-K.

Dr. Goist – Okay. Thank you.

Mr. Clark – Cleveland, Ohio 44144.

Dr. Goist – All right. Could you explain to us – we know that you're asking for a temporary banner and we would like you to explain to us what you're doing, what you plans are and then we will go from there.

Mr. Clark – Okay. Spirit Halloween is owned by Spencer Gifts and they operate about 500 temporary, seasonal Halloween stores throughout the county. We have four in Northeast Ohio. What we're looking to do is get a temporary banner, which would, by the time the process is completed with the City would be about two and one half weeks, which would cover approximately forty to fifty percent of our potential business being that it is the latter part of the season. We have a great visibility issue down in the Border's Plaza. We're, kind of, behind the National City Bank so we have very difficult viewing from the street and it's just critical to us being able to operate our business effectively to get some sort of signage higher on the fascia of the building.

Dr. Goist – Okay, let me just correct one thing that I think you said. If you go through the process and if we are to approve this, there is, first of all, a two-week period between now and the next Public Hearing and then there is a twenty-day waiting period after it's approved, which, by my calculation puts you into the middle of October. So, you would, if all of this

1) **SPIRIT HALLOWEEN, TENANT**

Dr. Goist cont'd - were to happen, you would have, probably, two weeks or less that you could put the banner up. I just want to make that correction and distinction so that you would know.

Mr. Clark – We know that October 16, 2007 would be the day the permit would be issued.

Dr. Goist – Okay, and you also should be informed that temporary banners are not legal in the City of Strongsville so you're asking for something that is really not legal. So, I'm going to ask the board members if they have comments and we'll go from there.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans – Mr. Clark, a couple of questions. Has Spirit Halloween been in Strongsville before? Have you been in the mall or is this the one that was down in the old Marc's or where Marc's is now down in Brunswick?

Mr. Clark – No, we're new to Strongsville. Last year our closest store was Middleburg Height's in Southland.

Mr. Evans – Okay. All right. At this point, this is the Norwalk store area?

Mr. Clark – Yes, Norwalk Furniture.

Mr. Evans – I guess, Mr. Chairman, one of the questions that I would direct would be to our Law Director as to – we talked in caucus briefly and you mentioned the fact that since banners are not a part of the code we really could not give a variance on something that is not permitted in the code. Am I correct that we could, because signs in the windows are permitted, that we could change the variance from being a temporary sign, if the applicant wanted to, to changing it to covering more than fifty percent of the windows to do something because I understand the applicant's concern about the visibility behind National City there but we really could not grant a variance on a banner that is not permitted but we could do something such as granting the coverage in windows. Would that not be correct?

Dr. Goist – Mr. Kraus, can you-

Mr. Kraus - Mr. Chairman and Mr. Evans, with respect to the first point, yes you're correct. In view of subsection (h) of the pertinent code section here, 1272.12 sub (h) this temporary banner situation is simply not a permitted use under our code and therefore we really legally are precluded to getting into a circumstance to talk about hardship or variance or any of the criteria because it's just simply not permitted. So, it's not a matter of varying the

1) **SPIRIT HALLOWEEN, TENANT**

Mr. Kraus continues- requirements. Obviously, window signage not exceeding fifty percent of the area is permitted and yes, there could be some, potentially, some leeway there within reason on the fifty percent but only if – fifty percent is substantial as you know and there would have to be demonstrated the legal criteria for variance under the law in terms of hardship and all the other criteria that we look at. So, when you're talking about fifty percent of a window, I don't know how much room there is there and it would go beyond that.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen.

Mr. Allen – My understanding is that a temporary sign may be placed on the inside surface of the window and the door of the building provided that such sign does not exceed fifty percent of the window and is not displayed for more than thirty consecutive days. So, if you wanted to put the sign inside and it was less than fifty percent you can display it for thirty days.

Mr. Clark – Just so I understand, we can have a sign for thirty days in the window but only for thirty days in the window.

Mr. Allen - You can do that as long as it doesn't exceed fifty percent of the window area.

Mr. Clark – Is there any way to get a continuance or to change that since we are open until the end of October? If we had a sign up now, for example, would we be able to renew that and keep it another thirty days?

Mr. Kraus - Mr. Chairman and Mr. Allen, do you know what the Building Department's position has been on that from a time standpoint, a temporary standpoint?

Mr. Allen – I do not know what they're position is. I would have to talk to the Building Commissioner.

Mr. Kraus - Mr. Chairman, I think that is something that we would have to talk to the Building Commissioner about. I'm not aware of what the practice has been with respect to the time frame. Certainly, you could go ahead now with respect to the – if you comply to the fifty percent and just go ahead and put something in so that you have some exposure. I think that's what you're looking for.

Mr. Clark – My concern would be that in thirty days I would have to remove that sign and then have no signage during those critical selling periods.

Mrs. McGrath – For one day. Mr. Chairman?

1) **SPIRIT HALLOWEEN, TENANT**

Dr. Goist – Yes?

Mrs. McGrath – The way – I’m involved in retail and the way we understand that is for thirty days, that’s as long as you can have a banner in the window. It has to come down after thirty days. We take our banners down after thirty days and if we need it up for another four or five days, we take it down for that day and we put it up for another four or five. I think – that’s just been our experience but we know that that’s the rule, thirty days. We have lots of banners that we move in and out so I don’t know how you’re – you’re talking about one banner and I know you have that one banner and you want to have it there for forty-five days at this point, or more but you may have to take it down for a day.

Mr. Clark – Well, if that’s how you want to handle it, we certainly can do that.

Mrs. McGrath – Mr. Kraus, as long as that is within the spirit of the law. I may be getting myself in trouble here.

Mr. Baldin – I hate to say this but I think you’re right. Mr. Chairman, is that within the law?

Mr. Allen - Mr. Chairman? I think it would be good to give Mr. Kraus some time to research it and he can get you an answer.

Mr. Baldin – Mr. Kraus, do we than have him back in two weeks on September the 26 for –

Mr. Kraus – I think that he may want to request that this be tabled and he come back in a couple of weeks so that we can talk about it. We can talk to the Building Department in the interim and take a look at what we have been doing.

Dr. Goist – What we’re suggesting – what our Law Director is suggesting is that you table your request at this point, for the variance and then come back and – table it for the two weeks and come back and we’ll discuss it again. You’re really not going to have a public hearing at that point. We’re just going to go – with his research and with the Building Department, we’ll try and have a little more clear understanding of what you can do.

Mr. Clark – In the interim, I can leave my sign up?

Mr. Allen – Is the sign up now?

Mr. Clark – Yes, it’s in the window.

Mr. Allen – You’ll need to take it down.

1) **SPIRIT HALLOWEEN, TENANT**

Mrs. McGrath – It's in the window.

Mr. Clark – It's in the window.

Mr. Allen – It's in the window? No, you just need to get a permit.

Mr. Baldin – Is this the one that you're talking about that's on the inside?

Mr. Clark – Yes.

Mr. Baldin – Yes.

Mr. Clark – I just wondered since we're talking potentially thirty days, is it safe to leave it in now?

Mr. Evans – I guess, Mr. Chairman, I would be inclined to say that if our discussion is about the thirty day limitation that maybe that's where the applicant should still keep this as an active request for the variance and just request a variance from the thirty-day situation because to table this, it's going to take him beyond the point at which that store is going to be open. It would be a moot point then but if on the other hand, our determination comes back that it can only be up for thirty days and at that point it has to come down permanently then at that point he will have sacrificed between now and the next meeting when he could have had an active request in for the variance that way. So, again, I am just trying to figure out – he has already made an application for a variance. Obviously, we can grant it on a temporary banner but maybe because of what the ordinance is, maybe the request should be rerouted to be a variance request for keeping it up longer than the thirty days so that he doesn't have to waste the time.

Dr. Goist – Are you willing to go along with that?

Mr. Clark – Sounds good to me.

Mr. Kraus – I don't have a problem with that, Mr. Chairman. It's a good suggestion.

Dr. Goist – Okay. Then, we will ask you to come back and you'll have to get together with Kathy and change the verbiage on your request and, again, this will be September the 26th. So, we'll ask you to come back and we should have more answers and you can change the verbiage on your variance. Okay?

Mr. Clark – Thank you very much.

1) **SPIRIT HALLOWEEN, TENANT**

Dr. Goist – You’re welcome. Thank you. Our next New Application is Timothy Hietala. Is that the way you say that?

Mr. Hietala – It’s Hi – tell – a.

Dr. Goist – Hietala. Would you tell us what you’re asking for?

2) **TIMOTHY HIETALA, OWNER**

Requesting a variance from Building Code Section 1436.02 and from Zoning Code Section 1274.06 which requires a hard surface driveway and where a gravel driveway exists in order to construct an Attached Garage and Breezeway; property located at 19990 Lunn Road PPN 393-21-004 Zoned R1-75.

Mr. Hietala – Okay, I live on 19990 Lunn Road and I’m trying to build a garage and a breezeway and the breezeway attaches the garage and I was told that I would need a hard surface driveway. I have a gravel driveway now and I feel that the garage is more important to be built than the hard surface driveway.

Dr. Goist – I understand your thinking. The City code now says that if you do any building you have to go to a hard surface driveway or brick pavers and we have not made exceptions recently for that although you could ask to make your building and then have a grace period where you could say that you would build the hard surface but you are going to have to commit to a hard surface driveway and we will work with you and the Building Department would work with you on a period of time but we are not going to allow and the City is not going to allow gravel driveways that are there now without some kind of concession that eventually it will be a hard surface driveway and we’re talking, if you build and you get it built in six months from now then we could give you an extension of maybe another six months or a little longer but we’re asking you to commit, if you will commit, to a hard surface driveway.

Mr. Hietala – If the garage is not attached do I still need the hard surface driveway?

Mr. Allen – Yes, sir.

Dr. Goist – Yes, correct. It doesn’t make a difference whether it’s attached or whether it’s not. You still need the hard surface driveway and to clarify that, we just went through this recently. That does not mean asphalt. It has to be either concrete or brick pavers. Just so we’re very clear because we got into a situation where we were almost allowing asphalt and we did not mean to do that.

2) **TIMOTHY HIETALA, OWNER**

Mr. Hietala – Is six months after I get it built the longest I have to get the driveway done?

Dr. Goist – Mr. Allen, can you give him an idea once he get's it built of what the Building Department will work with him as far as –

Mr. Allen – I guess it depends when the garage is finished because if it's finished in the middle of winter then they'll probably give you till the end of the summer, the following summer, to finish it. It depends on the weather conditions but the length of time you want to extend it would be up to the board.

Dr. Goist – Board members?

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – Just a couple of questions. What do you estimate the setback of the structure to be presently? How long of a driveway are we talking about? How far back does the house sit?

Mr. Hietala – It sits about 90'.

Mr. Harr – About 90'?

Mr. Hietala – Yes.

Mr. Harr – Okay. What is your proposed time frame? Are you trying to get started and complete this project before the weather this year?

Mr. Hietala – Yes. I was hoping to get it done as soon as possible.

Mr. Harr – Okay. So, if you're not in position to do the hard surface driveway this fall, obviously you're not going to do it through the winter and through the wet months so we're probably looking at through the end of next season to give you the good weather.

Mr. Hietala – So, about a year?

Mr. Harr – Roughly, from this time period, where we are today, roughly about a year.

Mr. Hietala – Okay.

Dr. Goist – Are you saying yes, you will commit to a yard surface driveway in one year?

2) **TIMOTHY HIETALA, OWNER**

Mr. Hietala – Yes or the pavers.

Mr. Allen – Concrete paving stones is what it's called.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – You hear what's going on here and this is the codes here in the city and we try to adhere to them and we also try to work with the people in the town and be fair and I think what they're saying and we know that you want to get this garage in ahead of time before the fall weather and the winter weather hits us and being over at your home, you do also have a turnaround so you probably have more than the 90' because you're on a very busy road. So, you're also going to want to have that little turnaround. So, you probably have a few extra yards of concrete more so than what you're thinking at this present time. You're saying that you probably would like to commit and you think that you could commit if we would give you an extension.

Mr. Hietala – Yes.

Mr. Baldin – We're probably more than likely going to do that and we appreciate the fact that you think you can do this in a time frame that might be reasonable to all of us. Let's make that final decision again when you come back in twenty days. Also, I would also like to bring up a note that you have in your yard a truck that has an '01 plate on it. It's a piece of junk from what I can tell and it's probably something that the City should have been looking at some time ago to get that taken out. Okay? That's all I have to say.

Mr. Hietala – Okay.

Dr. Goist – Board members, any other questions?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – Mr. Hietala, how long have you lived in Strongsville now?

Mr. Hietala – My whole life but I have lived on Lunn Road for six years.

Mr. Evans – So, you have owned the house on Lunn for six years?

2) **TIMOTHY HIETALA, OWNER**

Mr. Hietala – Yes.

Mr. Evans – Have you done any other improvements on the house or is this the first time that you are venturing into the improvement game?

Mr. Hietala – Just small improvements on the inside of the house. Nothing major though.

Mr. Evans – Okay. My suggestion is - because each of us will be, as Mr. Baldin has already done, visiting the property and everything like that, you may want to consider the time frame so that, as Mr. Baldin says that you have an idea of what you think you can and cannot work with. We appreciate the fact that residents try and improve their properties and we understand a garage would be nice to get equipment in. I do know that – is the landscape business your business?

Mr. Hietala – Yes. Me and my brother, yes.

Mr. Evans – Okay. So, do you actually intend on using the garage to house landscaping equipment?

Mr. Hietala – No, I don't.

Mr. Evans – So, is the landscape business run from the Lunn Road property or at another site?

Mr. Hietala – No, it's not.

Mr. Evans – Okay. Very good. Thank you. Thank you, Mr. Chairman.

Dr. Goist – Board members, any other questions?

Mr. Harr – I have no other questions.

Mrs. McGrath – No questions.

Mr. Baldin - Mr. Chairman? Nothing to concern Tim here with but I would like to bring up the fact that next door – for the Building Department – at 20054 Lunn Road. There is something that we should look into. There is a very, very, very large shed in their back yard that has two double garage doors and there is no hard surface drive going back there and they also have another shed behind that. That I think is something that the Building Department should look into.

2) **TIMOTHY HIETALA, OWNER**

Ms. Zamrzla – What was that address, Rich?

Mr. Baldin – 20054 Lunn Road. I believe that is correct. They are right next door to you. Am I right on the address?

Mr. Hietala – I don't know.

Mr. Baldin – It's right next door. It's a green house to the west side.

Dr. Goist – That brings up a question. Do you live in this house?

Mr. Hietala – Yes.

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

Dr. Goist – Any other questions? Your Public Hearing will be September the 26th and we will have you back then. Thank you. Our third new application is Schneider Reserve, owner Pulte Homes and their representatives. Gentlemen, if you're all going to speak, if you'll each just give us your name and address.

3) **SCHNEIDER RESERVE, OWNER/Pulte Homes, Representative**

Requesting a 22' Rear Yard Setback variance from Zoning Code Section 1252.04 (d)(1) which requires a 100' Rear Yard Setback from the centerline of Whitney Road and where a 78' Rear Yard Setback is proposed in order to construct Single Family Dwellings in Schneider Reserve Subdivision Phase 1 and Phase 2; property located at Sublots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 38, 39, 40, 41 and 42 within PPN 395-22-001 and PPN 395-22-004 Zoned R1-100.

Mr. Katanic – Sure thing. Greetings and thank you. My name is Stanley Katanic, Pulte Homes, 30575 Bainbridge Road, Suite 200, Solon, Ohio.

Mr. Catanzarite – Mike Catanzarite, 13000 Darice Parkway, Strongsville, Ohio.

Mr. Wise – Gerald Wise, Donald G. Bowning and Associates, 7979 Hub Parkway, Valley View.

Mr. Dean – Tim Dean, 22100 Horseshoe Lane, Strongsville, Ohio.

Mr. Catanzarite – We are here to request a variance on fifteen lots that back up to Whitney Road in the Schneider Farms development.

3) **SCHNEIDER RESERVE, OWNER/Pulte Homes, Representative**

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – When they were in front of us a year or so ago, we gave them quite a few variances, I think at the time, and Mike could you tell us why all of a sudden you need these other variances. I understand that some of them have been taken off, you said Kathy in caucus?

Ms. Zamrzla – Yes, sublots 44, 14 and 13.

Mr. Catanzarite – Any lot that was taken off was something that was abutting a current residence. This current zoning here is 100’, which is old and it was really that way for when the driveways were all facing on Whitney Road. If you look here, here is the new variance. If this person never gets a sunroom, they don’t even come close to that anyway. So, the bottom line is it’s for product that people are requesting.

Mr. Dean – I would also like to mention we did have several meetings with Bob Hill, Lori Daley, Tony Biondillo to run by the variance. What you also may see – I know it’s hard to depict on here – in addition to the rear yards, we have a 30’ common area here as well in addition to that there is 17.5’ of additional space that – we widened Whitney Road. We were asked by the City to widen Whitney Road and put a sidewalk in there. So, if you’re viewing from the centerline of the road to the maximum variance, after caucus with Bob Hill and them, they said to “go for the 22’, you’re still 80’ away from the back of that new maximum unit with a sunroom on”. If you have driven Schneider Reserve in Phase One, we left that natural barrier of evergreen trees as well as in Phase Two. We have plans that were approved by the Architectural Review Board that there is a lot of trees that are going down here, landscaping mounds that will also buffer the back of these units.

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

Mr. Harr – Is this really just driven by the fact that some of these additions or sunrooms or extra space off the back of the homes wasn’t really just contemplated in the initial plans and the consumers are driving this?

Mr. Dean – Correct.

Mr. Harr – People are asking for more square footage?

3) **SCHNEIDER RESERVE, OWNER/Pulte Homes, Representative**

Mr. Catanzarite – That is correct. They were originally going to go to the City and ask for a variance of 2', 3', which is all they need. So, we went to Bob Hill. Bob Hill said we should take the whole thing and take it 22' but it's driven by what the people want.

Mr. Evans - Mr. Chairman? I guess the other question is that this is also driven by the fact that this backs up to Whitney and we have a wider setback because the right-of-way is on Whitney. Would that not be correct, Mr. Allen?

Mr. Allen – That is correct.

Mr. Evans – When we looked at this for doing the original variances and we considered the product mix from single family to cluster and a number of other setback variances within the development, I think that we didn't necessarily know a lot about the product and I think that some of this is being driven by the customers. I was out at the model this past weekend just to look at the development and see what they're doing and how they're doing it and obviously with the style of housing that they're building, the sunrooms are going to be critically important. We know that certainly from all the other developments that we have coming in after the fact where they are sandwiched in and don't have the benefit of the greenbelt area that they have behind it. So, I guess this is a little bit different in terms of the layout and the fact that it's backing up to a major street as opposed to the way that we normally consider these.

Mr. Harr – I think we have experienced a similar situation over at Bexley Place and some of the other cluster developments as well.

Mr. Baldin – I think that this is a better explanation of what really is going on and we certainly appreciate you telling us this.

Mr. Harr – My final comment would be that it's just a good call to not only do it all at once so that we're not revisiting this thing fifteen different times but also to remove the request from those lots where we really might impinge on the other residents.

Mrs. McGrath – I don't have any questions, Mr. Chairman.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – The comment was made it would be 80' from the center of the public right-of-way. Actually, it would be 78' is the closest they could be to the center of the public right-of-way. They're requesting a 22' variance.

3) **SCHNEIDER RESERVE, OWNER/Pulte Homes, Representative**

Mr. Catanzarite – Correct.

Mr. Baldin – No further questions.

Mr. Catanzarite – Thank you.

Dr. Goist – Okay. Gentlemen, we'll have your Public Hearing September the 26th.

Mr. Catanzarite – Thank you.

Dr. Goist – Thank you. Our last new application is Jason Hovan.

4) **JASON HOVAN, OWNER**

Requesting a 2' Rear Yard Setback variance from Zoning Code Section 1252.05 which requires a 50' Rear Yard Setback and where a 48' Rear Yard Setback is proposed in order to construct a Garage Addition; property located at 19955 Drake Road PPN 394-23-023 Zoned R1-75.

Mr. Hovan – Good evening. My name is Jason Hovan. I live at 19955 Drake Road and I'm here this evening requesting a variance 2' to the side for a 20' by 24' garage add on with concrete to the street.

Dr. Goist – My first question is you're going to add the concrete for the complete addition, complete width?

Mr. Hovan – Yes, sir.

Dr. Goist – Okay. My next question to you and I know as we looked at the drawings and I was at your house and you have a fence completely around your yard, there is a – at the end of your yard, which would be the south end, there is a gravel driveway that is, first of all not permitted in Strongsville if it's just been placed there in the last few years. It looks fresh and new and there is a truck and a trailer parked there and I was shown that that's not even your property. Is that correct?

Mr. Hovan – Yes, sir and as far as the property goes, where the fence actually ends, when I purchased the home there is a 4' 9" encroachment from my neighbor to my property.

Dr. Goist – Is that your truck?

Mr. Hovan – Yes, sir it is.

4) **JASON HOVAN, OWNER**

Dr. Goist – Did you put that gravel driveway in?

Mr. Hovan – There is a manhole lid underneath that truck, like a storm access lid and there was partial gravel there with grass growing through it, etc. when I bought the home and I added gravel to it, yes but there was actually gravel there underneath the grass, growing up through and there was a swing set area next to it.

Dr. Goist – Then you continued that gravel. It goes back as far as your truck goes back.

Mr. Hovan – Yes, sir.

Dr. Goist – Mr. Allen, is that an allowable gravel area?

Mr. Allen – No, it is not.

Dr. Goist – So, the City will probably be looking at that – I'm not saying what action or what other action – obviously you're neighbor has encroached on your lot and you have a gravel driveway there that is probably not going to be allowed to stay there. Just so that you know and we wouldn't have known it had we not come out to see the property. You are complying with everything except you're asking for a 2' rear yard setback variance. You are going to put concrete up to your new addition. Is this new addition just for automobiles?

Mr. Hovan – Yes and lawn equipment, etc.

Dr. Goist – You are not going to run a business out of this?

Mr. Hovan – No, sir, I'm not.

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

Mr. Baldin – Yes, Mr. Chairman. Mr. Allen, what is the law in the City considering – this man's in to – well, he races cars or something, right?

Mr. Hovan – Yes.

Mr. Baldin – There is a long trailer with a truck. There is a code in the City with a code regarding recreational vans and I guess, would this fall into that and what is allowed? If it's fenced in and out of the way or is it not allowed or what?

4) **JASON HOVAN, OWNER**

Mr. Allen – Sir, I'm not familiar with the code. I know there is a section of the code that refers to recreation vehicles or if you have a boat. I would have to look it up and get back to you on that.

Dr. Goist – Okay. I know that is not your expertise Joe and it's something that we need to look into also. Did I hear you correct that the chairman said that where this driveway is, some of that is not your property?

Mr. Hovan – The way that I understand it is there an actual picture that I received from when I had my property when I originally bought it. It actually shows right here that it encroaches 4.9'.

Mr. Baldin – Okay. Onto your property?

Mr. Hovan – Yes, sir and he has gravel on the other side of the fence where he parks his truck.

Mr. Baldin – You don't have a problem with that?

Mr. Hovan – No, sir I don't.

Mr. Baldin – Okay. We had something similar come up, I think, Mr. Chairman last meeting where someone wanted to put a fence and we not only needed an easement, we needed – what's the technical term Mr. Kraus? Ken, do you remember what he had to have? It was more than just an easement that they needed to have because they were going to be on each other's property.

Mr. Kraus – Well, Mr. Chairman there is another issue too if somebody encroaches and utilizes property for a long period of time, they can end up with an ownership interest under the law even though there is no deed of conveyance under what's called adverse possession. I don't know if this – I haven't been out there to see what this is. I don't know if that would fit that definition but you might want to consult with somebody about what – even though you may have no problem with it, some day you may want to sell the property and so you might want to have somebody take a look at the situation. It's not really a situation for the City, per say, it's really kind of a private situation.

Mr. Hovan – Thank you.

Mr. Baldin – Why are you needing the extra size of your garage. Are you going to put a whole new garage up or are you just going to add to it? It didn't look like it was in that bad of shape when I was out to your house.

4) **JASON HOVAN, OWNER**

Mr. Hovan – I was going to add to it and also with the new concrete in front of the structure, my driveway is 22' to my sidewalk and the way my driveway is actually on Ash Drive versus my address being Drake, with the two company vehicles – my wife has a company car and so do I and then just our basic personal cars - we can't park in our apron because it blocks the sidewalk and I know we're not allowed to block the sidewalk by the law of Strongsville and also we can't park on the street twenty-four hours. I'm within 150' of the intersection and Waterford Crossing down at the end of my street and the traffic from there plus Ash Drive, if I park a car or I get a visitor from my father or my in-laws or whatnot, there is a lot of congestion on the intersection during the weekends etc. to where it actually backs cars up as they are trying to come around. It's a havoc for my neighbors and myself so I figured with the add on I could put cars away and put things in the driveway and we won't have any kind of congestion in the intersection. Help out the neighborhood.

Mr. Baldin – It appears to me that you keep your property up very nice. So does your neighbors all around you. I have no further questions.

Dr. Goist – Mr. Hovan, I have one questions. When you bought your house did you know that your neighbor encroached on your property?

Mr. Hovan – Yes, sir I did.

Dr. Goist – Okay. So, I think by what Mr. Kraus has said that at some point you need to have some kind of clarification with your neighbor. I'm not a legal person but I'm saying that you need to make very clear in some respect that that is your property. Mr. Kraus, am I correct?

Mr. Kraus – Yes, that was what I was getting at with the gentleman.

Mr. Baldin – When you go to sell you're going to have the same situation.

Mr. Hovan – I also went around to each one of my adjoining neighbors and explained to them what I was proposing and the situation and I got their signatures and the gentlemen by the name of Gordan is the guy right behind me and we had talked and he had had his property surveyed for reasons of fencing and he had some additions and what not that he had put on and his understanding with the people who built the home next to me, the surveying was and he feels that his fence line is his property line and he's a good guy. I get along with all of my neighbors and as far as I was concerned I was not going to raise any flags and create an issue with the guy. He takes good care of his property and I try to do the same for me and all my neighbors. If that is something that I have to look into that's fine but I really have no problems with it. We talked. We spoke when I went to each one of my neighbors and told them what I was proposing to the City and that I had received a variance and I was going

4) **JASON HOVAN, OWNER**

Mr. Hovan continues- to attempt to come forward here tonight and then when I talked to them, everyone seemed all right with where the property lines are. So, if it's something that I should look into, I will.

Mr. Harr - Mr. Chairman? Outside of whatever considerations the code may dictate with regards to how you're using that piece of property there but the fact that you allow him to encroach on your property could allow that to persist but the point is that if and when you decide to sell the property, your new buyer will have to accept that condition as part of the sale, especially if they're mortgaging the property to allow the deal to move forward. It may be a consideration at that point. I do have just one question. Could you tell me, the new structure I see in your drawing is going to be taller than the existing garage. Is that accurate?

Mr. Hovan – Yes, sir.

Mr. Harr – What is the overall height going to be?

Mr. Hovan – I was going to go for a 10' ceiling with an 8' door. I currently have a 7' door on the existing garage.

Mr. Harr – At the peak, what is it going to be? Do you have any idea?

Mr. Hovan – With a pre-fab truss it's probably going to be 14'.

Mr. Harr – Is that – I don't know if the drawing is to scale – how does that compare with the dwelling.

Mr. Hovan – No, it doesn't but as far as the peak goes, it would be 3' higher. Like, if the existing peak in my garage –

Mr. Harr – It would be 3' higher.

Mr. Hovan – Yes, sir.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – Just an observational question, I guess, would be understanding that the 22' setback is what the existing garage is, why wouldn't you kick the new garage back a little bit to give yourselves a longer drive there so that you have more than the 22' there?

4) **JASON HOVAN, OWNER**

Mr. Hovan – Because I am bringing the structure back to the fence property line behind me. So, kind of, the way it sits right now I'm, besides the 2' side variance, I would be too close to the property line behind me to move the structure back. Is that what you're asking me?

Mr. Evans – Yes. Okay. I couldn't tell that from the measurements on the drawing itself. It's 35' there. I see.

Mr. Hovan – Yes, I'm right on the verge. I would have to – the structure, that's as far as it could go.

Mr. Evans – Well, let me ask the question though. Would that be your preference? I'm not looking at trying to create opportunities for variances here but I understand what you're saying and it makes sense and I don't know that I wouldn't be telling you that even if you're going to do one variance if the other would be, because of the way the lot is laid out and the 22' is a little bit short of what you need, I would tell you that you ought to consider whether or not a second variance would be what you need.

Mr. Harr – Another 4' or 5' creates a room to park between the sidewalk and the garage section.

Mr. Evans – I hate to be that way and I'm sure Mr. Kraus is sitting up there gnashing his teeth but the reality is I would rather solve the problem entirely then Band-Aid it and as Mr. Baldin said as you take care of your property and everything, we appreciate that. Lots are different today than what they were. Car lengths are different and everything else and if that makes sense, I would encourage you to think about it very quickly because we'll be sending the notices out and the notice would be different if you were requesting a second variance for the side yard, rear yard.

Mr. Allen – I think the drawing is a little bit misconceiving. That line that is shown is the public right-of-way so from the public right-of-way, which is – the sidewalk runs on inside of the public right-of-way – he is going to have approximately 23.2' to the face of his garage. Our standard car depth is 20' so it would be more than sufficient to park a car and still be off the public sidewalk. That's not the road. That's the public right-of-way.

Mr. Evans – Okay.

Dr. Goist – So, that kind of alleviates that need. Thank you, Mr. Evans. Did you understand, Mr. Hovan?

Mr. Hovan – Yes.

4) **JASON HOVAN, OWNER**

Dr. Goist – Any other questions from board members? If not, your Public Hearing will be September the 26th and we will have you back then. All the neighbors will be notified.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin.

Mr. Baldin – Is that gate normally locked during the day?

Mr. Hovan – No. It will be unlocked.

Mr. Baldin – You need to stake everything out so people can come and take a look.

Mr. Hovan – Feel free.

Mr. Baldin – There’s no dogs in there running around?

Mr. Hovan – No, sir. Just my child’s toys.

Mr. Baldin – Okay. No further questions.

Mr. Hovan – Thank you for your time.

Dr. Goist – That ends our New Applications. We have no Public Hearings this evening however we have two matters that we continued from the last meeting when the Public Hearings were held. The first one is Wendy Engel. Wendy, if you could come forward please and if you would give us your name and address please.

(G) **PUBLIC HEARINGS:**

None

(H) **ANY OTHER BUSINESS TO COME BEFORE THE BOARD:**

5) **WENDY ENGEL, OWNER**

Requesting a 5.16’ Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 25’ Side Yard Setback and where a 19.84’ Side Yard Setback is proposed in order to construct a Corner Lot Fence; property located at 16922 Deer Path Drive, PPN 397-10-032, Zoned R1-75.

5) **WENDY ENGEL, OWNER**

Ms. Engel – My name is Wendy Engel. I live at 16922 Deer Path Drive, Strongsville, Ohio 44136.

Dr. Goist – I think you know the question that we had and the concerns that we had and I think we were fairly straightforward with you about what our feelings were about your fence and we had asked you to do some reconsideration and you were going to check with your contractor and you were going to, in your own mind or we hope so, rethink what you were planning. Can you tell us where you're at, at this point?

Mr. Engel – Yes, I talked to the contractor and got pricing on vinyl fencing, the original contract for the 6' board on board and then a 5' board on board. My original offer was \$4,400.00. That was for 6' board on board. To do a vinyl fence it is \$7,700.00 and to do a 5' board on board, it's only \$500.00 cheaper than my original contract so that would be \$3,900.00. So, basically, at this time, I guess I got the feeling of how you guys were going to go on it but to me, I know my dog. I think it's important for me to have the 6' board on board. I've looked into the price. I was divorced in the last year. I don't have money to buy the vinyl and for \$500.00 cheaper to look at a fence for the next 20 to 25 years and it's a fence that I despise – well, not despise but it's not what I wanted. It's not worth \$3,900.00 to pay for something that I'm not happy with.

Dr. Goist – Okay. I'm going to start first because then I think each of the board members will have their own opinion. We have asked you also to consider some openings in between rather than board on board. Your concerns were expressed that you did not want –

Ms. Engel – My concern on that was the visual. The dog, even now when I take him out on a leash if he sees another person walking by with a dog, he –

Dr. Goist – We understand that and you had also said that you didn't want a child putting their hand in the – and we had said 2" is not – unless – and you're 20' off of the sidewalk already that probably, unless a child is really going to go up there and stick his hand in there, that we had asked you to consider that opening and you have not – you have chosen –

Ms. Engel – Honestly, I thought after the last time that that was a moot point because with the opening, I know my dog. He will drive myself and the neighbors crazy barking for any time. It doesn't matter. Some one walking up to the fence, someone walking by on the property and I'm on the corner and people walk through Hunting Meadows all the time in the evening and he would create a commotion.

Dr. Goist – Board members?

Mr. Baldin - Mr. Chairman?

5) **WENDY ENGEL, OWNER**

Dr. Goist - Mr. Baldin?

Mr. Baldin – So, Wendy, what I’m hearing is that you would prefer to still have the 6’ fence and you still want the variance?

Ms. Engel – Well, I guess, it seemed it was posed to me last time –

Mr. Baldin – We have asked you to reconsider and –

Ms. Engel – Yes and I have given it serious consideration and I guess, what I’m saying is –

Mr. Baldin – and you feel –

Ms. Engel – it’s a matter of I like one and you guys like another and if I have to – if the variance is denied and I have to go off the corner of the house, I’ll go off the corner of the house.

Mr. Baldin – that 5’ would not do the job for you?

Ms. Engel – I’ve only seen one 5’ fence that’s a board on board. I don’t like the appearance of it. To me it’s an awkward height. I like the vinyl. Someone mentioned last time the people two houses south of me have a 5’ vinyl with the openings. I like it but –

Mr. Baldin – It’s expensive. We understand that.

Ms. Engel – Yes, it’s expensive. The openings, that wouldn’t work. The 5’ board on board to me, it’s not –

Mr. Baldin – That would save you \$500.00.

Ms. Engel – Yes and like I said, to me I don’t like that and saving \$500.00 to look at a fence for the next 20 to 25 years and think why did I spend money on a fence I don’t like.

Mr. Harr – Yes. I think what I’m hearing Wendy, if what I understand is correct is that you’ve compared the type of fence that you want with the variance and it’s more important from your standpoint that you have the fence that you want as opposed to having it where you want it.

Mr. Engel – Yes.

Mr. Harr – That’s really what we’re talking about.

5) **WENDY ENGEL, OWNER**

Ms. Engel – Yes and with the 6’ board on board, I’m also – it’s \$4,400.00 for the fence. I’m also going to have to spend approximately \$1,700.00 to have three trees taken down because they are right on the line from the edge of my house so I’ll have to get that taken care of before I can get the fence up but I’m willing to spend the \$4,400.00 for the fence and the \$1,700.00 to get the trees down just to get the fence I want.

Mr. Harr – Okay.

Dr. Goist – Board members, any other questions?

Mrs. McGrath - Mr. Chairman?

Dr. Goist - Mrs. McGrath?

Mrs. McGrath – Does this mean that you want to do away with the entire request for the variance?

Ms. Engel – Well, I would do away –

Mrs. McGrath – There’s nothing to vote on then?

Ms. Engel – Yes, if the 6’ board on board 5’ out is going to be denied –

Mrs. McGrath – Because you would be able to do that within the confines of the law.

Ms. Engel – Yes, I can do that anyway. If you want to vote to tell me no, I can’t do a 6’ board on board, 5’ out that’s fine. That’s ultimately what I would like is to go 5’ out because then I don’t have to remove the trees that provide shade over my patio but based on looking at the various – I have been driving around looking at various fences –

Mrs. McGrath – If you pull it, then we don’t vote on it. If you want us to vote on it, then you can do what you want after we vote. Right, Mr. Chairman?

Dr. Goist – As far as I know. Mr. Kraus, is that correct?

Mr. Kraus – Yes.

Dr. Goist – Any other questions from board members?

6) VAN SIMS, OBJECTING PARTY

Mr. Sims – My name is Van Sims. My address 10788 Pebble Brook Lane. I would like to apologize in advance. I have had a bout with pneumonia so if my voice is a little weak or if I get a little disoriented hopefully I'll be okay in the future. Essentially, I'm somewhat confused. Based on the information we got at the last meeting, I felt that the permit should be rejected based on what I believe Mr. Harr said with Section 1240.08, which referred to a continuous roof and internal access for the room addition. Webster defines unbroken – I'm sorry, defines continuous as marked by an uninterrupted extension or unbroken. I believe Joe Allen of the Building Commission defined it as attached. This would be an entirely separate roof from the side of the house at a different level and not attached to the existing roof. I certainly hope the board would lean towards Webster's definition of the word continuous and I would like to get some clarification on that if I could before we even address the internal access issue.

Mr. Allen - Mr. Chairman? I spoke with the Building Commissioner and the Assistant Building Commissioner and their consensus is when they talk about a continuous roof, that is one that is continued to the house. The continuous does not have to be the horizontal plane. It can be in the vertical plane is what I was explained to me. There is numerous houses all over Strongsville as well as other communities and I can show you pictures of them. The rooflines have been permitted and the rooflines are – in other words they are part of the roof system. That's the way they interpret it. In other words, this roof will have to have gutters, it will have to be a footer and they'll have to have the downspouts and it will all have to go into the same roof system and drainage system for the entire area.

Mr. Sims – Okay but this is a room addition. This wasn't built initially with the house. Would that not make it a different issue?

Mr. Allen – No, it would not.

Mr. Sims – Okay. You heard Mr. Moodt testify that the structure would be used as a shed and if there would be an opening into the home it would be into his living room. You heard Mr. Moodt testify that he did not want to put the shed in the back of the house because he had windows and a patio back there. Obviously, the possibility of the shed opening into the living room is so remote that it shouldn't even be considered. The commitment to frame a door on the inside of the shed is obviously an effort to appease or circumvent the permits requirements. Does it have to have internal access or doesn't it?

Dr. Goist – I think to answer your question, he meets all of the City requirement. He is not skirting around any of the City code requirements at all as I understand it. Now, I could stand to be corrected but everything that he has asked for is permitted by the Building Department. So, when you continue to say that it's not, I think you're incorrect.

6) VAN SIMS, OBJECTING PARTY

Mr. Kraus - Mr. Chairman, excuse me. Can I add on to what you have just said? To add on and answer your question, sir, there is no specific requirement in the code in 1240.08 sub (3) (d) or (c) I guess we're looking at, (c). Yes, (c). There is no specific requirement for internal access. The board has the right under the law to interpret the section in (d). That's what they are here for in terms of the language that talks about all parts of which "building are connected in a substantial manner by common walls and a continuous roof". It doesn't say anything in there about the internal access. Certainly, it's something that the board can look at but they can look at a variety of factors that they feel go to the issue raised by interpretation of this code section vis-à-vis the application that you had filed and they can also look and I think they talked about in caucus, they can look at other similar if not identical circumstances in the city where the same issue has been presented. So, this board has the discretion in my view under the law to look at all of these factors to make an interpretation under the code but there is nothing specific in the code that talks about the internal access.

Mr. Sims – Okay. I apparently misunderstood that. The plans that were submitted with the building permit are not the current plans. The posting for the – it was for a front room addition, not a side shed. The picture of the shed that was used at the last meeting and I believe was built as another shed just went up, according to Meadowood was actually built with the house by the builder, has internal access to the garage, is on a corner lot and does not offend anyone. Is this something you're using as a criteria to justify this shed, which really has little to do with that shed?

Dr. Goist – I think I can answer no, we are not and I'm also going to ask you if you are familiar with the letter written the 9th of September, signed by a James Jaggars from the Chairman of the Architectural Control of the Meadowood Association. Are you familiar with that letter?

Mr. Sims – No, I am not.

Dr. Goist – Would you like me to read it to you or would you like to read it?

Mr. Evans – How about if I furnish my copy so that he has it. That's an easier way of doing it.

Mr. Sims – Okay and I knew that Meadowood was in a position where they were going to be required to prove this. Not that they particularly wanted it in my opinion and as you guys quite well explained to me last week, is that they are two separate issues. The Meadowood Association is the Meadow Association and your realm of authority is your realm of authority.

6) **VAN SIMS, OBJECTING PARTY**

Mr. Evans – Correct.

Mr. Sims – So, if Meadowood is approving it, I don't think that has anything to do with this particular issue, which is what you explained to us at the last meeting.

Dr. Goist – Mr. Kraus, I'm a little bit confused now.

Mr. Evans - Mr. Chairman? While Mr. Kraus is thinking about this, what Mr. Sims is alluding to is that we are not in a position where we can enforce covenants and restrictions of a development. That is true and the architectural review, when it is done by requirement of the covenants and restrictions is an important feature because certainly under certain litigation that has an application but for our purposes as a board, we are here to enforce the City code and what Mr. Sims has asked is whether or not we were utilizing the pictures and information that was supplied at the last meeting and what I would want to do is to reaffirm that we went back to the Building Department and asked them to pull permits, which they did, for the entire development. Within the context of this permits that they pulled, we found several that match the criteria and the use and everything else of what Mr. and Mrs. Moodt were applying for. So, that's been the basis of our current research is going back to look at whether or not there were permits that were filed, construction that was done based on it being a shed addition, not the one that you're alluding to that was done by the builder or anything but these were current permits that were done in recent history that were approved by the Building Department as meeting permitted use and on that basis we have then gathered this research that tells us that there have been permitted uses for the exact same situation.

Mr. Sims – Okay and if that is the particular case and I believe it is, I would assume that no one was contesting those at the time, that there wasn't testimony that this is going to be a shed, nothing but a shed and always be a shed and I think that it's an entirely different issue but some of these have fallen between the cracks but I'm not on the board. It's not in my realm of authority. It's just my opinion.

Mr. Evans – No, I think that at this point, what we as board members have done is whether or not there was a protest to the permit being issued for any of those circumstances that we researched, the fact that you're protesting a permit being issued is a valid circumstance but what we as a Board of Zoning Appeals have to look at is does it meet code, is it within the purview of the Building Department to issue a permit based on the request and at this point, according to the Building Code and according to the way that interpretations have been made in the past for permitted use of a similar structure, what we have come to find out is that the Building Department has accepted this as a permitted use for the reason that was identified in the building permit. So, again, that's the basis that we have gathered back here tonight. We asked the Building Department to go back and find out whether they had indeed issued

6) **VAN SIMS, OBJECTING PARTY**

Mr. Evans continues - similar permits in similar circumstances. They have and so that presents us with the fact that the Building Department has accepted that as a permitted use and that it falls within the code of the City of Strongsville. So, while you may object to it as an individual, we as a board have to take it from the standpoint that it is a permitted use within the building code and has been judged that in the past by the Building Department.

Mr. Sims – Okay. I would like to thank the board for their consideration.

Dr. Goist – Board members, I would ask for a motion on Mr. Sims objection.

Mr. Evans - Mr. Chairman? Before we do that, one of the things that I had mentioned in caucus was given the fact that this has been accepted by the Building Department in the past, I wondered whether or not changing the outside appearance of the shed might be something that Mr. Sims might feel might mitigate the circumstance of the shed being built and by that I had said perhaps adding a window or something like that to make it look more like an addition because even though it is designed as a shed and being built as a shed, by architecturally making it look a little different, it might mitigate the appearance of it and I just wondered whether or not Mr. Sims wanted to speak to that because as a process here we could certainly influence at this point - not perhaps require - but certainly influence the applicant for the building permit to choose a way of architecturally try to do it a little bit different.

Mr. Sims – Not really. I appreciate the gesture but I would think that a window would become more of a fire hazard that it currently would be without a window. So, perhaps it would be best if it were concealed or contained.

Mr. Evans – Okay.

Mr. Baldin - Mr. Chairman? I would just like to make sure that I have it set in my mind that this room addition, which really is not a room addition, it's a shed, that the door is going to the back, which are changes. Correct Mr. Moodt?

Mr. Moodt – Correct.

Mr. Baldin – All right and there is not going to be an opening from the shed into the home?

Mr. Moodt – No.

Mr. Baldin – All right and you're definitely going to put in the required materials. The firewall, etc. and so forth?

6) **VAN SIMS, OBJECTING PARTY**

Mr. Moodt – Yes, sir.

Mr. Baldin – Thank you. No further questions.

Dr. Goist – Okay. No more questions? I will entertain a motion for the objection.

Mr. Harr - Mr. Chairman? I would make a motion to sustain the objection to the issuance of a permit to property owner Richard Moodt to construct a garage storage addition pursuant to Codified Ordinance Section 1418.03 property located at 10784 Pebble Brook Lane PPN 391-05-035 Zoned R1-75.

Mrs. McGrath – Second.

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

Mr. Baldin – Yes. No, I’m sorry.

Mr. Kraus - Mr. Chairman? Before the board votes, let me just clarify from a procedural standpoint, the form of the motion is one that I had suggested in caucus, which is in the affirmative. In other words, the motion is to sustain Mr. Sims objection to the issuance of the permit at the Moodt residence. So, if someone on the board feels that the objection is valid, they would vote in the affirmative or aye. If they feel that movant on the objection has not sustained his burden on the objection, then they would vote in the negative or nay.

Dr. Goist – Thank you, Mr. Kraus. Would you start again please?

ROLL CALL: ALL NAYS: OBJECTION OVERRULED

Dr. Goist – So, Mr. Moodt you are set to go and we had one more item to bring up before the board business. Dr. Jeff Peacock has written a request that say, “I wish to withdraw my request for a new sign and the Crossroad Animal Hospital that is before the board. I appreciate your help and thank you all”. So, I wanted to make that part of the record. Now, if there is no more business –

Mr. Evans - Mr. Chairman? We will need to have Findings of Facts and Conclusions of Law written by the Law Director.

Mr. Kraus - Mr. Chairman? Are you asking with respect to the Sims objection or –

Mr. Evans – No, to Wendy Engel.

Minutes
Strongsville Board of Zoning and
Building Code Appeals
September 12, 2007
Page 32 of 32

Mr. Kraus – To Wendy Engel.

Dr. Goist – Thank you Mr. Evans. Any other comments. Meeting is adjourned.

Meeting was adjourned at 9:08 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

September 26, 2007
Approval Date