

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

**September 24, 2008
7:30 p.m.**

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

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joey Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

(G) NEW APPLICATIONS

1) GLORIA SMITH, OWNER

Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.17 which does not permit a fence to project beyond the house setback and a 15' projection is proposed in order to install a 5' to 6' tall Fence on a Corner Lot; property located at 20568 Spruce Drive PPN 393-24-056 Zoned R1-75.

The Board discussed that the fence would be placed off the back left corner and the owner's hardship is that they would have to remove a portion of the deck. The owners stated that they are replacing an existing fence and Kathy Zamrzla needs to check the files to see if the previous owners were granted a variance for the existing fence.

2) JAMES CARTER, OWNER

Requesting a 29.5' Front Yard Setback variance from Zoning Code Section 1252.04 (d)(2) which requires a 100' Front Yard Setback from the centerline of Bowman Drive and where a 70.5' Front Yard Setback is proposed in order to construct a Single Family Dwelling; property located at Bowman Drive PPN 393-37-004 Zoned R1-75.

Joe Allen explained to the Board that the owners need a variance due to an oversight of the Engineering Department and that the deficit of footage on the subdivision plan could have been taken care of during the review process when the subdivision was created. The house next door is set back further on a much bigger lot.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

September 24, 2008

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

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

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this September 24, 2008 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

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

Mr. Harr – I would like to make a motion to excuse Mr. Evans for good cause.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have an amended agenda this evening. Could I have a motion for the amended agenda?

Mr. Harr – So moved.

Mrs. McGrath – Second.

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

ROLL CALLED: ALL AYES MOTION CARRIED

1) **GLORIA SMITH, OWNER, Cont'd**

Dr. Goist continues - possibilities for some exceptions and you might be able to put, I am saying you might be able to put a 5' fence right up on your deck, which would give you privacy to your deck, still meet the code, and then extend you fence back to the back yard.

Ms. Smith – So, how would that work? At the end of the deck, because we are kind of -

Dr. Goist – You have deck rail, right?

Ms. Smith – Right.

Dr. Goist – But you could put your fence right on the edge of the, I think you could put your fence right on the edge of the deck, 5' high, now you have some nice privacy for the deck and then you could go back further. That is just a possible consideration. You haven't come out towards the road. You have met the code in that respect and then you could go down, in the back yard you want to go to 6' and I assume that is for privacy, is that correct?

Ms. Smith – That is correct. There is a wooded area that we would like to not look at.

Dr. Goist – I am just saying that is a possibility. One of the things that we have to look at and one of the things that you got when you went to the City and they gave you their little packet is what the codes are and what the reasons for a variance are. One of them is a hardship and in this case we would have to ask what do you consider a hardship here?

Ms. Smith – We would have to modify the deck so I don't know if there is an option to put the fence on the deck. I am not exactly sure how that would work. We would have to remove the steps, replace the railing along the deck and remove the walkway that is there. It would of course decrease the size of the backyard as well. You probably don't consider that a hardship but, we still are 20' from the sidewalk so we feel that we are enough away that the thought behind the regulation was not to be so close to the sidewalk and our house is set back quite a ways.

Dr. Goist – I realize that you got used to having that fence there and of course the weather took it but also the one thing that we would like to have you do, before the next meeting, is to put some stakes or flags or some identification to show us where exactly, what you want to do, so that all the members can see, where you tore it out.

Ms. Smith – Right.

1) **GLORIA SMITH, OWNER, Cont'd**

Dr. Goist – When I was there with your husband the other day it was pretty easy to tell but for all of our Board members, if you would stake that out and show us the corners, we would appreciate that.

Ms. Smith – Okay, do I take a picture or you would be out or -

Dr. Goist – Oh no, they will come to your house.

Mrs. McGrath – I wanted to ask Mr. Kolick a question. If this fence was taken out due to a storm and this is a replacement and the original fence was out where you want to put it, would this be grandfathered?

Mr. Kolick – If the earlier fence received a variance then they would not need this variance. If they got a variance and the fence was removed and the fence was going up in the same place and it hadn't been there for less than a year that it wasn't there, because you lose the variance after a year of non use, then no I got a variance already to put a fence back in the same spot. The variance goes with the land.

Dr. Goist – And Mrs. Smith, we can tell you that our Secretary, Kathy will, she will do the research and find out if, in fact, they did get a variance when they did it. You said that you bought the house and you had no knowledge. We will do our end of it and you look into options or possibilities, and I only threw that one out as a possibility because, you said that you wanted some privacy. If you put something up on your deck, you definitely have privacy.

Mrs. Smith – Right, okay, thank you.

Dr. Goist – Board members, any other questions? We will all come out and look.

Ms. Smith – Okay, so just put stakes where we would like it to be.

Mr. Baldin – Just the corners.

Dr. Goist – Our next meeting is October 8, 2008, so we will see you back here October 8.

Ms. Smith – There are flags up right now just because we just had a survey done to understand the property line but that is for the property line, that is not for the fence. I don't want to cause any confusion there. It is actually farther over than we anticipated. It is kind of into the neighbors yard but that is not where we are looking to put the fence or where we thought the neighbors yard was, I guess, is what we should say.

1) **GLORIA SMITH, OWNER, Cont'd**

Mr. Harr – Mr. Chairman, if I may, just to clarify too, the picture that you submitted originally, this is the style that you intend to use?

Ms. Smith – Yes, that is cedar wood fence.

Mr. Harr – It is your estimate that the fence where you propose to place it would be roughly 20' from the sidewalk?

Ms. Smith – Yes.

Ms. Zamrzla – Mr. Chairman, I would like to advise the applicant that the Building Department requires that you get an inspection before this permit is issued, should this be granted. You would need to expose your pins for the inspector to see.

Ms. Smith – Yes, that is what they just did. I think they just missed you when they came out. They were probably there an hour or two after you.

Mr. Harr – We go when my wife will drive me.

Mr. Baldin – You have it made better than I do.

Dr. Goist – Thank you very much.

RULING: SET FOR PUBLIC HEARING OCTOBER 8, 2008

2) **JAMES CARTER, OWNER**

Requesting a 29.5' Front Yard Setback variance from Zoning Code Section 1252.04 (d)(2) which requires a 100' Front Yard Setback from the centerline of Bowman Drive and where a 70.5' Front Yard Setback is proposed in order to construct a Single Family Dwelling; property located at Bowman Drive PPN 393-37-004 Zoned R1-75.

Dr. Goist – Our second application, James Carter, Owner. I don't think we have James. If you would give us your name and address please.

Ms. Evans – Denise Evans, we are actually building the house together. It is on Bowman, I don't have an actual address yet.

Dr. Goist – You do have an address where you live now?

Ms. Evans – Yes, we live at 5374 West 150th Street in Brook Park, Ohio.

2) **JAMES CARTER, OWNER, Cont'd**

Dr. Goist – I have seen the lot and I know that Mrs. McGrath has seen the lot. Mr. Baldin is pretty familiar with Bowman because he likes to drive up and down that street a lot I think. Bill have you been out at all?

Mr. Harr – I am familiar with Bowman and some of the issues that they have there.

Dr. Goist – So we are pretty familiar with what you have. You have a really short lot and you are asking for a 29.5' front yard setback and tell us why you think this is a hardship, why you would like to have it moved forward towards the road.

Ms. Evans – One, to have a backyard because I don't want to just have a front yard. I have a five year old son so I want to eventually put a swing set, pool or anything for him to run around and play and not worry, especially being so close to Pearl Road, that makes me a little bit nervous. I definitely would like to move it up for especially that reason.

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

Mr. Harr – Mr. Chairman, just to reiterate what we discussed in caucus. The lot that is immediately to the west of your property, the house that is built on there does set back roughly 20' further than your house. We noted that was a significantly deeper lot, correct?

Ms. Evans – Yes, it seems like most of them on that street are, besides us and the empty lot.

Mr. Harr – If I might, because I think that it is relevant, if we can ask, maybe, Mr. Allen to explain the genesis of these two lots and their size issue for us just so that we have it on the record as well.

Mr. Allen – Mr. Chairman, when this subdivision came in it came in as a daycare center and the area to the rear of the property was zoned R1-75 so what they did is extend the sanitary sewer down there so that they could make two buildable lots. At that time, what should have happened, the front setback and the rear setback should have been indicated on the plat, approved by Council and established at that time. It was more likely an oversight because it came in as a daycare center and we didn't look at it that way. It is something that should have been addressed at that time.

Mr. Harr – So in other words it is right now deferring to the standard zoning setback when really the lot as it was platted dictated that it probably should have been considered at a shorter depth.

2) **JAMES CARTER, OWNER, Cont'd**

Mr. Allen – Yes, it should have been considered at that time but right now its going by appendix four and appendix four indicates that the setback is 100 feet from the center line of Bowman. It should have been reestablished for those particular two lots at that time.

Mr. Harr – I have no further questions.

Dr. Goist – I understand that. Do you understand what he just said?

Ms. Evans – Yes.

Dr. Goist – Okay, any other questions? Your Public Hearing will be October 8, 2008 and all of the people within 500' of your lot will be notified so there could be a lot of people here, it would behoove you to talk to people.

Ms. Evans – We actually went and got rid of a lot of the small trees and weeds and you can actually see the lot now. We were talking, a lot of the neighbors came out and were talking to us and so far they seemed okay with what we told them that we were looking to do.

Dr. Goist – If you want to stake out where the front of the house would be, we would appreciate that.

Ms. Evans – Okay.

Dr. Goist – Then we will know how close it is. I mean we can all go out there with tape measures but if you would just put some stakes in.

Ms. Evans – Put in some stakes in the front, and then you want to the front door or the front of the garage?

Mr. Harr – The furthest front because the garage sets in front, correct?

Ms. Evans – Yes.

Mr. Harr – The closest section to the road.

Mr. Baldin – Even if you could just spray a couple of spots of paint.

Ms. Evans – Okay, thank you.

Dr. Goist – Okay thank you very much.

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RULING: SET FOR PUBLIC HEARING OCTOBER 8, 2008

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

Meeting adjourned at 8: 13 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

October 22, 2008
Approval Date