



**NEW APPLICATIONS:**

- 1) **JOSEPH SATTELMAIER, OWNER**
  - a) **Requesting a 1,192 SF Floor Area variance from Zoning Code Section 1252.22 (c) which allows an 800 SF Floor Area and where a 1,992 SF Floor Area is proposed in order to enlarge an Attached Garage and;**
  - b) **Requesting a 7' Height variance from Zoning Code Section 1252.05 (g) which allows a 15' Height and where a 22" Height is proposed in order to enlarge an Attached Garage; property located at 20053 Drake Road PPN 394-23-005 Zoned R1-75.**

Mr. Sattelmaier – My name is Joseph Sattelmaier on 20053 Drake Road in Strongsville. I am looking to build a twenty-four by sixty garage with a loft that will be attached to my existing two-car garage. I have classic cars so this will be – the cars will be stored in the garage. I have pictures of the cars if you want to see those. The cars are running cars. They are going to be parked there.

Dr. Goist – Why do you need the loft area?

Mr. Sattelmaier – The loft area – my grandparents moved in with me and they just moved from Lorain, Ohio and they have all their belongings. It's in storage right now so I would like to store their belongings in the storage above the garage.

Dr. Goist – There is a basement in that house, correct?

Mr. Sattelmaier – I do. It's a small basement.

Dr. Goist – They can't store their stuff in the basement?

Mr. Sattelmaier – Well, they came from a bigger home than what I have here in Strongsville.

Dr. Goist – I met your grandfather the other day when I was there. He told me he rents the house from you.

Mr. Sattelmaier – Yes, he gives me money every month but he lives with me.

Dr. Goist – So, you're going to use this as a rental property and maybe down the road this will continue to be a rental property?

Mr. Sattelmaier – The house or the –

**JOSEPH SATTELMAIER, OWNER, cont'd**

Dr. Goist – You're renting to your grandfather right now.

Mr. Sattelmaier – I live with him.

Dr. Goist – I understand but down the road if your grandfather were not there you might rent this house and just leave your cars stored there.

Mr. Sattelmaier – No, I will live there. I'm not married. I have no kids. Eventually, down the road when they do pass away, I plan on living there.

Dr. Goist – This is an extremely large addition and you've asked for a loft. You're sixty by twenty four by twenty two foot high. It's bigger than your house. Am I correct?

Mr. Sattelmaier – It's as tall as the house.

Dr. Goist – It's bigger than your house.

Mr. Sattelmaier – It's bigger in square footage than my house, yes.

Dr. Goist – Okay, because we have had a little bit of a problem with adding to garages that are bigger than the house that are already there and so what's happening is then people turn that into living space up above and that's not why we're here to give a variance. If you have a hardship and you need an upstairs, we want to know what that hardship is.

Mr. Sattelmaier – Because I'm talking care of my grandparents. They moved from Lorain. They're living with me and I need to store their belongings. I will not live up there.

Mr. Evans – What Dr. Goist is talking about is that as a board granting variances, one of the concerns that we have is that when we grant a variance for a sizable building like this, we have had instances in the city where we have granted much smaller ones above a garage for loft space for storage and it has been turned into living space and all of a sudden they're renting that out to people and now we've got multiple tenants. The building that you're proposing at twenty by sixty is a very, very large building and that presents a very large area in the loft which, we think could be formed into small apartments areas and whatever else and, here again, while you might not intend to do that when you do sell the property, all of a sudden that becomes the way that it has been structured and somebody looks at it when they're buying it I can just hear a real estate agent saying, And this could be turned into rental property up here because you can have a whole apartment up here and rent this out and make your house payment based on that. So, as we look at circumstances and in this case when you're talking about adding a large garage like this, we're always concerned first that's it's not going to be turned into a business because there are a lot of people who want to build a building like this to store building materials and things like that; we don't want commercial

**JOSEPH SATTELMAIER, OWNER, cont'd**

**Mr. Evans continues** - property in the midst of residential. So, along the course we are going to be asking you whether or not you intend to run a business out of it, for the record, but that is something that a subsequent owner could do or look at building that into livable space above there. So, when we have typically granted variances like this, one of the things that we would probably rather see is not seeing a loft up there because, again, the size of that building, while it might be no taller than your house, it's bigger than the house and it becomes an awful big building out in the back. So, those are the things that we try and appreciate and look at as a board.

Mr. Sattelmaier – Okay.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – I have a question about the building itself. Will there be any access back and forth between the existing garage and the proposed structure or is that all going to remain solid there?

Mr. Sattelmaier – There will be a man door between the two garages. The existing garage and the new garage.

Mr. Harr – Okay. It's not on this drawing. So, there will be some type of access –

Mr. Sattelmaier – Right.

Mr. Harr - - between the two. What type of utilities do you plan to bring to the new structure? Are you bringing water? Are you bringing heat for that structure?

Mr. Sattelmaier – I won't heat it. I'll bring electric. I will drywall it. I know it has to be fire-coded drywall. The bottom half I guess. Is that what it is? It has to be drywalled with five-eighths drywall on the ceiling and the sides.

Mr. Baldin – Did you say you are bringing electric and water?

Mr. Sattelmaier – I'll bring electric and water because I want to wash the vehicles in that area.

Mr. Harr – But no heat.

**JOSEPH SATTELMAIER, OWNER, cont'd**

Mr. Sattelmaier – No heat. Like I said, this house will be in the family. I'm not planning on selling it. I wouldn't spend this much money to build a garage this size and sell it next year or two years later.

Mr. Baldin – I assume you're renting property now to store your vehicles.

Mr. Sattelmaier – Right.

Mr. Baldin - Is it very far away?

Mr. Sattelmaier – Within five miles. I have pictures of the cars if you would like to see them.

Mr. Baldin – If you would like to submit them, we'll take them.

Mrs. Lane – If you submit them, we have to take them. We can't give them back.

Mr. Sattelmaier – Okay. Well, I'll give you the pictures.

Mrs. Lane – I do have a question about the aesthetics and the way you have drawn it. I have not yet been to the property but I will by the next meeting. Are you putting shutters on the back of those windows? Are you doing anything to make this building a little more user friendly then making it look like a commercial huge, big garage?

Mr. Sattelmaier – It will look, kind of, like the house so it doesn't just look like a barn sitting in the back yard. It will have windows with grid just like I have on the house between the glass, like the pictures shows. Windows on the bottom and top for ventilation up on top in the loft. Vinyl sided, the same as the house. The shingles will be dimensional shingles, same as the house. Black.

Mr. Harr – How will the access to the loft be achieved?

Mr. Sattelmaier – There will be fixed stairs.

Mr. Harr – Fixed stairs?

Mr. Sattelmaier – Right. Thirty-six inch or forty inch fixed stairways. A stairway going up. Do you want the pictures right now? There will be a man door on the back and a man door on the front like you see on the side of the garage.

Mrs. Lane – Did you refinish these cars?

Mr. Sattelmaier – No, I bought them just like that.

**JOSEPH SATTELMAIER, OWNER, cont'd**

Mrs. Lane – Okay.

Mr. Evans – One of the things that we will do is ask that you stake out the corners of where the garage is proposed so that we will each be visiting that between now and the next meeting.

Mr. Sattelmaier – Okay. It is staked out right now.

Mr. Evans – Thank you. Any other questions from members of the board?

Mr. Baldin – Excuse me Mr. Chairman? That little shed that you're going to remove, does that access into the garage now from your existing garage into the shed? Is there a door –

Mr. Sattelmaier – There was a door but it's blocked off. I don't even use it. It's above the block. You have to step up over the block from the existing garage to the shed but I don't use it. So, that shed will be demolished, taken down. Then from there I would add the –

Mr. Baldin – Your lot is pretty deep.

Mr. Sattelmaier – Three sixty-six by one thirty-two.

Mrs. Lane – Are you aware that the new drive has to be hard surface?

Mr. Sattelmaier – Yes. It will be concrete by the same company that did my driveway. Valley Cement.

Mr. Baldin – Can I ask you what type of work you do?

Mr. Sattelmaier – I have a bakery in Strongsville. A European bakery. I'm half owner there, next to Regos.

Mr. Evans – Any other questions? Okay, then what we will do is we invite you back on August 23 and in the meantime we will also be sending a letter out to everybody within five hundred feet so, if you have neighbors on either side, you may want to let them know what it is that you're proposing and show them the drawings because the letter that we send out is just going to indicate the size of the building that you're requesting the variance for. So, you may want to pre-empt any questions from people by getting in touch with the people in your immediate area and letting them know what it is that you're proposing. Then we will invite you back on August 23.

Mr. Sattelmaier – How does it look so far? The loft is the main concern?

**JOSEPH SATTELMAIER, OWNER, cont'd**

Mrs. Lane – It's just a large structure.

Mr. Sattelmaier – The structure itself or the loft?

Dr. Goist – Both.

Mr. Harr – They both are problematic.

Mr. Sattelmaier – I have the room for it in the back yard. There are trees in the back yard so Waterford Crossing will not see it. Like I said, it won't just look like a barn being put up. Just being thrown together. It's going to have the windows just like the house. Like I said, I won't live up there.

Dr. Goist – It's going to look like a big structure from Drake Road. It's not your back neighbors –

Mr. Sattelmaier – You won't – you'll just see the – it will probably be six foot higher than the existing garage to the ridge.

Dr. Goist – You'll see it on the east side.

Mr. Sattelmaier – Right. It will stick out about four feet.

Dr. Goist – Right, but it goes back sixty feet. It's coming down the road, it's going to look like a big structure.

Mr. Sattelmaier – What I was going to do when I put the driveway in next to the property line, I could put like a – some trees, like an island blocking that area so you will not see what's back there. If that's the case.

Mr. Evans – One of the answers to the question is that as individuals in the city get variances from this board to do different things, people do see them and people do pay attention to them and if somebody gets this big then somebody else wants that big and then somebody else wants a little bit bigger. So, often times, our consideration is trying to keep things within reason. The reason that the code has been established with garage sizes based on property size and so forth, they're trying to control the density of use within the community. Recognizing that your lot is a deep one, if every house along there wanted to put up a similar type of garage that would alter things dramatically in terms of the way it looks and the aesthetics of the area. Your question about the loft is that you may want to consider what your options might be. Whether the loft is that important in the overall scheme of things or whether the size of the building, the floor plate, in order to accommodate the cars and that may be something that you want to think about between now and August 23 because this

**JOSEPH SATTELMAIER, OWNER, cont'd**

**Mr. Evans continues** - board will make its decision at that time based on – again, the precedent that we try and hold to and what we think is reasonable in terms of going over the limitations of what the zoning code allows. So, yes, I think it would be safe to say that both the size of the building and the loft are both concerns that we have. Together the two are a bigger concern than either the two separately. So, you may want to take that into account between now and August 23 to determine whether or not both of those things are equally important or whether there is some tradeoff in terms of what you might consider.

Mr. Sattelmaier – Okay. I know it's an expensive project. Like I said, I'm not going to sell it. I don't plan on selling it. If the neighbors do want to build one, it's not cheap. A building that size is pretty expensive.

Dr. Goist – I have one other question. You're going to put in three sixteen foot doors.

Mr. Sattelmaier – Three sixteen foot doors by seven, yes.

Dr. Goist – You showed us pictures of four cars. How many cars do you have?

Mr. Sattelmaier – I plan on buying two more.

Dr. Goist – So, you're going to put six cars – you're going to put two cars in each –

Mr. Sattelmaier – Right. They're running cars. Like I said, they're not apart. I don't restore the cars. It's not going to be a shop, a body shop. I own a bakery. I don't have the time. Thank you.

Mr. Evans – All right.

Mr. Baldin – I have one more question. If he's going to have all those vehicles in there and he's going to keep them clean, maybe washing them, etc. and so forth would he have to tie into the sewer? The drains and so forth? Mr. Voller?

Mr. Voller – The code addresses it in two manners. He can pitch the floor out to get any contaminated liquids out or he can install floor drains for the adequate size for the square footage for the floor and they would have to be connected to the sanitary sewer system, not the storm.

Mr. Baldin – That's what I'm wondering because we're talking a garage here. Maybe he might be changing the oil in there. He's washing his vehicles. We don't know that.

Mr. Harr – The plan shows drains.

**JOSEPH SATTELMAIER, OWNER, cont'd**

Mr. Sattelmaier – One of the drawings does show floor drains. Three or four floor drains in a sixty-foot area.

Mr. Baldin – Right and now you're going to be tied in or is this going to be a French drain?

Mr. Sattelmaier – They'll be tied in – you want it tied into the sanitary?

Mr. Voller – Yes, they have to be tied into the sanitary system.

Mr. Sattelmaier – They'll be tied into the sanitary sewer system.

Mr. Baldin – I just wanted to bring that up.

Mr. Sattelmaier – The drains are there. One for each door.

Mr. Evans – Anything else? Okay. Very good, thank you. We'll see you back here August 23.

Mr. Sattelmaier – Thank you.

Mr. Evans – Second on our agenda is David Grega, owner and if you'll please come forward to the microphone and we'll need your name and address and then if you will explain the request for the variance.

**2) DAVE GREGA, OWNER**

**Requesting a 288 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 480 SF Floor Area and where a 768 SF Floor Area is proposed in order to replace an existing Shed; property located at 14094 Blazey Trail PPN 398-23-002 Zoned R1-75.**

Mr. Grega – David Grega, 14094 Blazey Trail and I also own next door, which is 14050 Blazey Trail where I live. I have an out building, accessory building on the 14094 property. It needs some work. It needs a roof and it's actually a little bit small for what I need for maintaining my property. Between the two properties, I have about five and one half acres. Rather than fix it up I would like to make it a little bit bigger, just strictly for my accessory building. Out building. I understand that I would have to have a hard surface all the way back to it if we have a door large enough for a car or vehicle in. What is the maximum size that I'm allowed on that door where I don't have to have a hard surface. We're looking at doing like five-foot doors. Where can I be?

Mr. Evans – Mr. Voller?

**DAVE GREGA, OWNER, Cont'd**

Mr. Voller – Pardon me? I didn't understand the question.

Mr. Evans – The applicant is asking what is the maximum size of door that he would be permitted back there without having to put a hard surface driveway back to it. We know that an overhead garage door is going to require a hard surface driveway so, what is the maximum size of door that he could go to without having to put a drive back there?

Mr. Voller – The largest doors feasible would be in the four to five foot vicinity because they make doors that open at the center. You could get a lawn tractor; you could get a snow blower or a serviceable vehicle out of there but not store automobiles in there that would require the storage of vehicles.

Mr. Grega – Right. That's what I have right now. It's strictly an accessory building and my mower deck is sixty-one inches so I was concerned about a sixty-inch door. I'd have to get a good running head start to get in there.

Mr. Voller – If you were to put two three foot doors I don't think the Building Department would have any problem with it because of the use of the building and the size of the building wouldn't really accommodate a vehicle.

Mr. Grega – We'll mount the hinges on the outside for that extra inch. That's basically it. That's what I'm applying for the variance for.

Mrs. Lane – Mr. Kolick? Does the applicant have to amend the –

Mr. Kolick – He should give us another drawing just to reflect the size of the doors that you're going to use on it before the next meeting. That's all.

Mr. Grega – Okay. So, I understand this right. I can have two sixty-inch swinging doors or I can have two –

Mr. Evans – Thirty-six is what he was talking about.

Mr. Voller – If you have a five-foot mower deck you could get them through a six-foot door. So, if you had two –

Mr. Grega – So, I can go six foot. I can go seventy-two inches.

Mr. Evans – Right.

**DAVE GREGA, OWNER, Cont'd**

Mr. Voller – Yes. That's what I said. If you have two thirty-six inch swinging leaves that would not accommodate a vehicle I think that would negate your need to provide a hard surface to it.

Mr. Grega – Okay. I'll have those over to you in the next couple of days.

Mr. Evans – You were looking at doing doors in both ends of this building?

Mr. Grega – Yes, I think so because I have two different tractors. That way it would help me from having to move one to the side to get the other out. If that's a problem, we won't do it and I'll learn to live with it. Especially with the narrow doors, it would be nice if I could do one on either side. Right now, there is no electricity to it and I don't plan to put electricity to it.

Mr. Evans – The height of the building you show is ten foot on the drawing and you don't indicate a peak for the roof. What's the pitch of the roof?

Mr. Grega – If you allow me to go twenty four feet we'll probably put either a twelve four pitch on there or – so, we're probably looking at, with nine foot side walls, we're probably looking at what, fourteen, fifteen feet high. If we go twenty feet wide and do like a four ten pitch we're still within that, right? That would be four feet plus nine. Thirteen feet. What am I allowed?

Mr. Kolick – Fifteen feet.

Mr. Evans – Fifteen foot is the –

Mr. Grega – Am I right on that?

Mr. Voller – Yes. You would actually be thirteen foot six inches with a four twelve pitch. I'm a carpenter.

Mr. Grega - You can build it.

Mr. Evans – All right. Other questions from board members?

Mr. Baldin - Mr. Chairman? This property, you've got about five and one half acres. As I'm facing your property, you live at 94, right?

Mr. Grega – I live at 14050 Blazey Trail, next door.

**DAVE GREGA, OWNER, Cont'd**

Mr. Baldin – Okay. That's what I'm wondering. Are you renting this property out and what's to the left of that property?

Mr. Grega - To the left of the property, that would be Denne's and if you go back just behind –

Mr. Baldin – Where you have that angle?

Mr. Grega – Yes, see that angle? That's on Webster Road. That is Kenny Denne's property and if you go back right on my lot line, probably one hundred feet from behind this garage, he has a building there that's twenty feet high and it's a forty by sixty barn. He's got a few out buildings back there. I already talked to him about it. He doesn't have a problem in the world with it.

Mr. Baldin – Okay. So, you live at 50 and who lives in the house at 94?

Mr. Grega – I rent out that front house and he has that garage.

Mr. Baldin – You rent that out. All right, and you're going to put that behind his property?

Mr. Grega – Behind his house. Sure.

Mr. Baldin – All right.

Mr. Grega – If you give me sewers, I'll build a new house where he's at. You should build sewers on to that street and there will be a brand new house there.

Mr. Baldin – You never know. Some day it may happen.

Mr. Grega – You think? I don't know. I got my sixty-dollar septic permit bill.

Mr. Baldin – I have no further questions.

Mr. Evans – Any other questions from board members?

Dr. Goist – No more questions.

Mrs. Lane – No more questions.

Mr. Evans – Same things Mr. Grega would be true. We ask that you stake out where you're proposing the building to be. We will be out to take a look at it before the next meeting and that August 23 date would be the same for you and, again, we will be notifying neighbors

**DAVE GREGA, OWNER, Cont'd**

**Mr. Evans continues** - within a five hundred foot radius so, if there is somebody that you want to get to ahead of time, the letter is just going to indicate the size of the barn, not the description and you may want to give them that information ahead of time.

Mr. Grega - You do realize that I'm planning on tearing down the existing building and we'll be putting it right there so, I'll just stake on either side the extra footage and I don't care where it goes. If you want it right in the center of the lot I'll put it there.

Mr. Evans – At this point, I did not know that the existing one was coming out although I think we assumed that was going to be the case but I didn't see that anywhere on here.

Mr. Grega – Yes, I want to take it out. It would cost as much to repair it, almost, as building a better building. A newer one. It's going to make the yard look better. I'm doing a public service. Trust me. Are we all done?

Mrs. Lane – You don't have a dog that's loose back there?

Mr. Grega – No. My dogs live over on the other property and they're always indoors or caged.

Mrs. Lane – Okay.

Mr. Evans – Then we'll see you back here in August 23 then.

Mr. Grega – All right. Thank you for your time.

Mr. Evans – Third on our agenda is Joseph Humenik and if you will please come forward and give us your name and address for the record and describe the request for the variance.

**3) JOSEPH HUMENIK, OWNER**

**Requesting a variance from Zoning Code Section 1252.16 which prohibits a side yard Deck and where a side yard Deck is proposed; property located at 20624 Lunn Road PPN 393-20-033 Zoned R1-75.**

Mrs. Humenik – I'm Kathy Humenik. My husband is Joe. We're at 20624 Lunn Road.

Mr. Evans – Okay. You are asking for a variance for what reason?

Mrs. Humenik – We actually built a side deck. Why? My husband's an idiot. I don't know but it's there.

**JOSEPH HUMENIK, OWNER, Cont'd**

Dr. Goist – Can you speak up? We can't hear you.

Mrs. Humenik – Okay. The deck is already there. My husband did not get a permit – a variance before he built it.

Mr. Evans – Okay. So, the deck was built about when?

Mrs. Humenik – Three weeks ago maybe. Finished three weeks ago.

Mr. Evans – Okay.

Mr. Baldin – This - Mr. Chairman? I did look at the property and this is policing action actually. Cleaning up. I think this is written wrong because the deck is in as she says and you also have – is that a new addition on the back of your place or has that been there for some time and it's just not finished.

Mrs. Humenik – The back?

Mr. Baldin – Yes.

Mrs. Humenik – That was there when the house was built.

Mr. Baldin – That was there when the house was built? As it is?

Mrs. Humenik – Right. My husband is in the process of redoing the outside of it because it doesn't look good.

Mr. Baldin – Okay. Well, I could see that it was under some type of construction and we can see all that dirt but all that dirt that's down by the drain came from the new deck you just put in apparently. Or the old deck?

Mrs. Humenik – No, we did the shrubs around the house. We're redoing the whole yard. We tore out all the old shrubs. We're putting new shrubs in. The dirt was just piled too high around the house so – the drain in the back where they put it, the soil was eroding and it left holes. We have grandchildren and they could fall in the holes. We asked the association in the past to fix that and they didn't so my husband poured concrete and then we're just leveling all that. The yard is very steep grade.

Mr. Baldin – You have a nice yard there. You've got a lot of yard to the east and you've got the woods but going back you do slope off a little bit. You've got a swale back there. We've had various requests in the past from that little subdivision there, decks and so forth and we had to be cognizant of the fact of the swale. I think that's something, Mr. Voller, that the

**JOSEPH HUMENIK, OWNER, Cont'd**

**Mr. Baldin continues** - Building Department should go and take a look at. I understand that you're probably going to spread that dirt out but you've got quite a bit of it there right now. You can't be changing that swale. Okay? Even though there's a big drain there. So, that's something that they're going to have to take a look at. So, this is really a policing action here because the decks already up.

Mr. Evans – Right, but I think Mr. Baldin your comment is correct, that we do need to have the Building Department render a decision on whether or not that does affect the swale. I've not seen it yet, but if there's a question about it, we certainly want that addressed prior to the time that we render a decision on the variance.

Mrs. Zamrzla – Mr. Chairman? That's actually the Engineering Department and I will ask them to check into that.

Mr. Evans – Okay, thank you. All right. Any other questions? We do have a letter from the homeowners association dated July 6, which indicates that they did not have a problem with the deck. I'm assuming that this letter appeared after the fact as well then.

Mrs. Humenik – Yes.

Mr. Evans – Okay.

Mr. Harr - Mr. Chairman? Ma'am, the lot that's next to you, is that owned by the association then or –

Mrs. Humenik – That's common property.

Mr. Harr – That is common property. Okay. Is there a swale that runs along the property line that you share with that small lot, that twenty-five foot lot?

Mrs. Humenik – The side of the house –

Mr. Harr – That runs along the eastern side of your –

Mr. Humenik – Yes. From the side of the house it goes down continuous.

Mr. Harr – Into that small lot.

Mrs. Humenik – Yes. Yes.

Mr. Harr – How far would you estimate the edge of your deck is from the property line?

**JOSEPH HUMENIK, OWNER, Cont'd**

Mrs. Humenik – Very close. I think it may go over.

Mrs. Lane – It goes over?

Dr. Goist – It goes over the property line?

Mr. Harr – It goes into the common property?

Mrs. Humenik – Probably by a foot.

Mr. Harr – So, the drawing that we have is not wholly accurate.

Mrs. Humenik – It's not to scale, no.

Mr. Baldin – The Building Department needs to look at that.

Mr. Voller – We'll be there tomorrow.

Mr. Evans – Yes, obviously between building and engineering we'll have to check both of those things because Mr. Kolick, am I right that we cannot grant a variance for something on property that they don't own?

Mr. Kolick – You wouldn't be able to grant it and they would be required other variances and they would have to get consent of the owner of that property who would be the homeowners association if you're building out over the top of their property. They would have to grant you an easement to be able to build out over the top of that property. So, there's a number a things and that may be contrary to your homeowners covenants and deed restrictions for them to even do that. So, it's something you need to check out before you come back here for the next hearing. You better check with your homeowners association because I would be surprised if they could even grant you an easement.

Mrs. Humenik – They were there. They saw the deck and that's when they sent the letter. They approved it.

Mrs. Lane – It's a legal issue.

Mr. Kolick – It goes beyond that.

Mrs. Lane – They think it's okay.

**JOSEPH HUMENIK, OWNER, Cont'd**

Mr. Kolick – You would actually need an easement that you could file with the county recorders office indicating that they permitted you to go so far onto their property to do that and they would need to check with homeowners associations attorneys to see if they could even do that.

Mrs. Humenik – Okay.

Mr. Voller - Mr. Chairman?

Mr. Evans – Mr. Voller?

Mr. Voller – May I ask if there have been any inspections on this deck yet at all?

Mrs. Humenik – Not that I'm aware of.

Mr. Voller – Okay.

Mrs. Humenik – By the Building Department?

Mr. Voller – Yes.

Mrs. Humenik – They may have.

Mr. Voller – All right. My advice is I'll personally take care of that tomorrow and I'll respond in writing to the secretary and she can get the information to you because I can pull the topo on the property and I can find out exactly where it's at in regards to – so, the Building Department will look into that tomorrow.

Mr. Evans – Just so that I'm sure that you understand what we're saying is that at this point you've indicated that the deck is actually probably extending into what you have identified as common area. Normally, there would be a setback that would be required to stay a specific distance from that. Obvious, the variance at this point would be for a proximity but if you extend over or on to that common property, we can grant a variance for something to be on somebody else's property. You would have to have an easement, which is a legal document that the homeowners association would have to give you saying that they have given you permission to have that extension either in the air or on the actual surface into their property. As Mr. Kolick said, you need to go back to them because their covenants and restrictions may not allow them to do that. Most homeowners associations, they do not have the power to allow someone to build over or on to their property as a homeowners association. So, those may all be problems that you will have to deal with prior to the fact that you're asking for a variance at this point just for the deck to be on the side yard. All those things would have to

**JOSEPH HUMENIK, OWNER, Cont'd**

**Mr. Evans continues** - be taken care of first prior to the time that this board could really consider and render a decision on that.

Mrs. Humenik – Okay.

Mrs. Lane – Is there a pin indicating a back property line for your property?

Mrs. Humenik – Yes there is.

Mrs. Lane – There is one and you can see it?

Mrs. Humenik – Yes.

Mr. Kolick - Mr. Chairman? The applicant needs to get back to us quickly because if we're going to post this, this is certainly going to need a side yard setback requirement then because that's part of the main structure. It can't be closer than five feet to the side yard. We need to know is it zero feet? Is it minus one foot or whatever it is, we need to find it out.

Mr. Voller – We really won't be able to do anything until I get out there tomorrow with a topo of that property and find out exactly what's there and where it is on which property.

Dr. Goist - Mr. Chairman? Would it be better in this case to table this request until all of these issues are taken care of before we go ahead? If we put her on the agenda for the next meeting and we have nothing – it almost seems like it would be better if we tabled it until they got all their ducks in a row.

Mr. Kolick - Mr. Chairman? I would probably agree with that because I don't want to send out a notice to homeowners saying that the applicant's only requiring this side yard and there is some other issues here. Some other variances they need to know and those who get notices need to know that. Sometimes we change a couple of feet or something but not usually whole variances.

Mr. Evans – Right. I believe at this point that this probably is sort of unusual but since Mr. Kolick has okayed it, I think that probably makes sense for us to delay the posting for the public hearing until we have all the information. So, again, we would rely on the applicant to request that but what we're saying is for us to send out a notice for a public hearing August 23, the deck is already in so that's not going to change. That's not going to delay the process but we should have the right information prior to the time that we actually post it. So, the suggestion here would be that we table this tonight, which would mean that we would go to August 23. We consider the information having gotten all the information that we need at that point, then we would know what variances we're required and what circumstances were, hopefully, and then be able to take it forward to public hearing at the meeting after that. So, if

**JOSEPH HUMENIK, OWNER, Cont'd**

**Mr. Evans continues** - that would be all right then we would ask you to request that it be tabled pending all of the information being acquired and then, on August 23, we will then put that back into process then.

Mrs. Humenik – Okay.

Mr. Evans – Okay? All right then. That's what we will do. We will table that and then on August 23 we will see how we've got everything together. Again, you can stay in touch with the Building Department with Kathy. She'll let you know what has been determined then on the agenda for the August 23 meeting. Okay?

Mrs. Humenik – Okay. Thank you.

Mr. Baldin – Did she actually say yes that she requests to table? Did I miss that?

Mrs. Humenik – Yes.

Mr. Evans – Yes, she did say that. Okay. Very good. Thank you very much. Then we would move to our public hearings. Item number 4 on our agenda this evening is Michael Cappy, owner and we have a representative here this evening and Mr. Cappy if you'll come forward, we'll need your name and address speaking into the microphone for the record.

**(F) PUBLIC HEARINGS:**

**4) MICHAEL L. CAPPY, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.15 (a) which prohibits placing a barn in the front yard and where a 30' x 32' x 18' barn in the front yard is proposed and;**
- b) Requesting a 9' Height variance from Zoning Code Section 1252.15 which permits a 15' Height and where a 24' Height is proposed in order to construct a barn; property located at 15531 Drake Road PPN 397-33-009 Zoned R1-100.**

Mr. Cappy – My name is Bob Cappy. I live at 20524 Albion Road. I'm here representing my son Michael on his variance here.

Mr. Evans – Okay. Thank you. This is a variance that he presented at the last meeting, which is placing a barn in the front yard where they have proposed one and also a height variance where they have indicated a twenty-four foot request where only fifteen foot is permitted. Members of the board have been out and viewed this. Are there any questions that you need

**MICHAEL L. CAPPY, OWNER, Cont'd**

**Mr. Evans continues** - to ask? We have all the drawings and pertinent information. I believe that we have on the record from the last meeting that Mr. Cappy indicated a hard surface driveway would be provided so, that withstanding, having been at the prior meeting that would be a continuing piece of this request for the variance. Are there any other questions that anybody needs to ask?

Mr. Baldin - Mr. Chairman? Mr. Cappy, do you know why your son wants the twenty four foot height? Why he wants that extra height as far as the loft goes?

Mr. Cappy – No, I don't.

Mr. Baldin – He's got a big piece of property there. It wouldn't hinder it too much I don't think. I looked at the property and I think the rest of us looked at it and we're assuming since it wasn't staked out that it's going where the little bit of woods are? You're familiar with the property I'm sure, right?

Mr. Cappy – Yes.

Mr. Baldin – Okay. He's just going to use this for storage? Basic farm equipment? Not farm equipment but lawn mowers and –

Mr. Cappy – He has a tractor and four lawn mowers and stuff like that. That's what he's going to put in it.

Mr. Baldin – Stuff like that. Not run any business out of there? Of course not?

Mr. Cappy – He has his own buildings elsewhere where he runs all his businesses.

Mr. Baldin – Very good.

Mrs. Lane – I know that the applicant did say to me today that if the neighbor were to build a house on the other side of this structure on their property that he was even willing to put up a natural screen of trees. A variety of trees to block it from his view because it would be closer to their home. It's still twenty feet from the property I think, but he said he would be willing to do that. I said that I would put that in the minutes.

Mr. Evans – Mr. Cappy, I believe, since you're acting as Michael's representative this evening, he does not intend to run a business or anything out of this garage. Is that correct?

Mr. Cappy – No, he has various office buildings in town that he runs all his businesses out of. On Prospect Road there.

**MICHAEL L. CAPPY, OWNER, Cont'd**

Mr. Evans – Any other questions from the board?

Mr. Baldin – No questions.

Mr. Evans – Okay. Then, I would like to open the public hearing. Is there anybody here this evening who wishes to speak for the request for the variance? Is there anybody here who wishes to speak against the request for the variance? Hearing no one and seeing no one then I would entertain a motion from board members?

Dr. Goist - Mr. Chairman? I move that we approve a variance from Zoning Code Section 1252.15 (a) which prohibits placing a barn in the front yard and where a 30' x 32' x 18' barn in the front yard is proposed and approve a 9' Height variance from Zoning Code Section 1252.15 which permits a 15' Height and where a 24' Height is proposed in order to construct a barn; property located at 15531 Drake Road PPN 397-33-009 Zoned R1-100.

Mr. Evans – Before we put a second on that if I could just clarify something, I don't know if Mr. Voller or Kathy, whether you know, we have a 30 by 32 by 18 and yet the height, which would normally be that third dimension, is twenty four foot proposed. That's what the second part of the variance is for. So, I believe it should be 30 by 32 by 24 if we were saying that but since the height is in the other one, I think that 30 by 32 is all we need in section a).

Mr. Voller – Yes, you're correct. The variance for the height would negate that 18 number. I think that was just printed in there because it came off of a brochure.

Mr. Evans – Okay. Very good.

Dr. Goist - Mr. Chairman?

Mr. Evans - Dr. Goist?

Dr. Goist – Also, Mr. Chairman, added to the variance is that a hard surface driveway will be taken to the building.

Mr. Evans – So, those two withstanding, the removal of the eighteen foot from item a) and the requirement for the hard surface driveway, then you're satisfied with the motion as you presented it?

Mrs. Lane – I think there needs to be a discussion of the hard surface driveway. I don't think that owner is prepared to put a hard surface driveway to that because he's not going to put any cars in it.

**MICHAEL L. CAPPY, OWNER, Cont'd**

Dr. Goist - Mr. Chairman? He told us at the last meeting that he would be happy to put a hard surface driveway to the structure. Not to correct you, Kathy, but he said he would definitely do that.

Mr. Evans – Yes, and I know we do not have the minutes from that meeting done but I would agree that the applicant did state that at the last meeting.

Mr. Baldin – I thought that he made a comment that he wasn't aware that he had to put a hard surface drive in. I don't really recall him saying that he would but he is going to have a large door and by having a large barn door, he needs to put that hard surface drive in.

Mr. Harr – I too recall that he had agreed to do that if necessary.

Mr. Baldin – Okay good.

Mr. Evans – So, those two items being clarified Dr. Goist, you're through with the motion?

Dr. Goist – Yes.

Mr. Evans – Then I would entertain a second.

Mr. Baldin – One other comment though. As Kathy said earlier, since the property behind him is buildable property, make sure that we know that it is in the minutes that if someone does build back there, that he would put proper screening of huge trees. You talked to him today and he agreed to that?

Mrs. Lane – Yes.

Mr. Baldin – Thank you.

Mr. Harr – Second, Mr. Chairman.

Mr. Evans – Thank you Mr. Harr. Then we have a motion and a second. Is there any other discussion? We do have it noted in the minutes that Mrs. Lane indicated a conversation with the applicant today that he would agree to put trees in if the lot to the east were to be developed. He would be willing to put in landscaping screening to mitigate the size of the barn. Anything else while we're in discussion of the motion and the second? Then may we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION CARRIED

**MICHAEL L. CAPPY, OWNER, Cont'd**

Mr. Evans – Mr. Cappy, the variance for Michael has been granted. There is a twenty-day waiting period during which council has the opportunity to review our decision. He will be notified at the end of that twenty days by the Building Department and at that twenty-day time, he then can begin construction.

Mr. Cappy – Thank you very much.

Mr. Evans – Thank you. Moving on to item number 5 on our agenda, David Brown, owner. Mr. Brown if you'll come forward please, we need you to take the microphone and give us your name and address and then if you will briefly tell us about the request for the variance.

**(G) ANY OTHER BUSINESS TO COME BEFORE THE BOARD**

**5) DAVID BROWN, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.15 (a) which prohibits a side yard Shed and where a side yard Shed is proposed and;**
- b) Requesting a 10' Setback from the main building variance from Zoning Code Section 1252.15 (a) which requires a 20' Setback from the main building and where a 10' Setback from the main building is proposed in order to construct a Shed; property located at 18597 Whitney Road PPN 395-03-004 Zoned R1-75.**

Mr. Brown – Hello again. I'm David Brown. 18597 Whitney Road. I would like a variance to build a shed on my side yard eight feet from the existing garage. I think that's what we decided would be the minimum.

Mr. Evans – Correct. Questions from board members? We all have the information that we provided by the Metroparks relieving us of their objection. Any other questions?

Mr. Harr - Mr. Chairman? Mr. Brown, just to confirm two items. That would place you roughly twenty-two feet and eight inches from the property line.

Mr. Brown – Correct.

Mr. Harr – Correct. You understand the property would have to contain a fire rated drywall because of it's proximity to the structure.

Mr. Brown – Correct.

**DAVID BROWN, OWNER, Cont'd**

Mr. Harr – Thank you Mr. Harr. Any other questions from board members?

Mr. Baldin – No questions.

Mr. Harr – No questions.

Mr. Evans – Is there anybody in our audience this evening who wishes to speak for the variance? Is there anybody in the audience who wishes to speak against the request for the variance? Hearing no one and seeing no one then I would entertain a motion.

Mr. Harr - Mr. Chairman? I would make a motion that a request for a variance from Zoning Code Section 1252.15 (a) which prohibits a side yard Shed and where a side yard Shed is proposed and a request for a 12' Setback from the main building variance from Zoning Code Section 1252.15 (a) which requires a 20' Setback from the main building and where an 8' Setback from the main building is proposed in order to construct a Shed; property located at 18597 Whitney Road PPN 395-03-004 Zoned R1-75 providing the structure contains fire rated drywall to the code, be approved.

Dr. Goist – Second.

Mr. Evans – Thank you. We have a motion and a second. If there is no discussion, may we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Mr. Evans – Thank you. The variance has been approved. There is a twenty-day waiting period during which council has the opportunity to review our decision. At the end of the twenty days, you will be notified by the Building Department that the approval is final and then you'll be able to, at the time, begin construction.

Mr. Brown – Thank you very much.

Mr. Evans – Next on our agenda is item number 6, Sunoco Gas Station, Gregory Noeth, representative. Gentlemen, the first thing that we need to do is have you sworn in because neither one of you were present at that point. So, I'll ask our Assistant Law Director to take care of that now.

Mr. Kolick then stated the oath the Mr. Noeth and Mr. Mathkour.

Mr. Evans – Okay. Gentlemen, if you could do your name and address into the microphone for us for the record and then we'll get going.

- 6) **SUNOCO GAS STATION/ Gregory Noeth, Representative**
- a) **Requesting a 1909 SF Lot Size variance from Zoning Code Section 1258.08 which requires a 43,560 SF Lot Size and where a 41,651 SF Lot Size is proposed in order to construct a Vehicle Storage Building and;**
  - b) **Requesting a 2.6' Frontage variance from Zoning Code Section 1258.08 which requires a 200' Frontage and where a 197.4' Frontage is proposed in order to construct a Vehicle Storage Building and;**
  - c) **Requesting a 5' West Side Yard Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' West Side Yard Parking Setback and where a 5' West Side Yard Parking Setback is proposed in order to construct a Vehicle Storage Building and;**
  - d) **Requesting a 2' East Side Yard Parking Setback variance from Zoning Code Section 1258.11 which requires a 10' East Side Yard Parking Setback and where an 8' East Side Yard Setback is proposed in order to construct a Vehicle Storage Building; property located at 16532 Royalton Road PPN 396-16-004 Zoned Motorist Service.**

Mr. Noeth – My name is Gregory Noeth, architect, 4672 Hilland Road, Cleveland, Ohio 44109.

Mr. Mathkour – Aiman Mathkour, 4157 Westbrooke Drive, the owner of the Sunoco at 16532 Royalton Road.

Mr. Evans – Thank you. The request for the variance if you want to give us a very quick synopsis.

Mr. Noeth – Okay. It's requesting a 1909 SF Lot Size variance from Zoning Code Section 1258.08 –

Mr. Evans – Greg, let me interrupt. You don't need to read that. If you could give us a real quick synopsis, because we will reread it.

Mr. Noeth – Okay. Basically, our total square footage of our lot is shy by about two thousand square feet and also our front frontage along Royalton Road is two feet six inches shy of being the full two hundred feet. We also have on our west side, we're requesting a five foot side for parking and requesting two foot on the east side because our parking lot is larger than what is currently allowed by the setbacks. We received tonight the letter from the fire

**SUNOCO GAS STATION/ Gregory Noeth, Representative, Cont'd**

**Mr. Noeth continues** - that was looked at from – two weeks ago, we talked about having the Fire Department look at it. We received tonight a letter dated July 31, which the Building Department received on August 7 talking about the hydrants on the other side of the street. We received tonight also a letter dated August 7 received by the Building Department on August 7 from the Planning Commission about the traffic flow on Royalton Road and the impact that our business would have. We have also looked at our EPA and we gave the city a letter dated August 4 indicating that as long we did not have a floor drain we did not need any impact on our septic system. Receiving this information, and I know it deals with health safety issues, I also have a client that has a business that he is trying to keep running. We both feel at this time that this one hour, between receiving this information, we would like some time – a couple of weeks to table this and go through with the builder on a different type of building, possibly to go with the Ohio EPA on different alternatives and several other things at this time. We are not requesting a vote at tonight's meeting and to actually put this on hold.

Mr. Evans – Okay, we can do that. Mr. Kolick, is there anything else, because we have already – this is the public hearing portion so we'll go ahead and do that for the record to accomplish that. Is there anything else that we need to accomplish that tonight then?

Mr. Kolick – No, since it's posted, in case there would be someone here, although I don't see anybody, we do have to open up to the public hearing to see if there is anybody. The only other thing is we'll hold it for about sixty to ninety days. If you're going to be longer than that, you have to let us know, number one and number two, if you do propose something differently that is different than these variances, we may have to take you back to step one again. Just so you understand, we may have to have another public hearing if it's substantially different than the variances sought here. With that understanding, no, like I said, we'll hold it for about ninety days and then let us know.

Mr. Evans – So, while you're at the podium before we actually officially recognize your request for tabling, let me move to the public hearing portion. Is there anybody in the audience this evening who wishes to speak for the request for the variance? Is there anybody in the audience who wishes to speak against the request for the variance? Hearing no one and seeing no one then I will defer to the applicant's representative to go ahead and make your request for tabling this at this time and then we'll honor that request. If you'll just make the request again officially.

Mr. Noeth – I'm requesting that we table this for the next ninety days and that we will review these items here, and I would say that, I guess, is there anything else beside these issues?

**SUNOCO GAS STATION/ Gregory Noeth, Representative, Cont'd**

Mr. Evans – Excellent question. I think at this point that through the discussions that we have had as a board that we have obviously been concerned about the health and safety issues, which are addressed by the fire and the police. We have talked about the requirement for having a drain in the building, which the building code does require. So, at this point, in your consideration in going beyond this, the EPA letter says, basically, if there's no drain, we don't have a problem. Obviously, we've said that in a building like this that we're going to require a drain from a building standpoint. So, as you work through these issues then, one of the things that you want to do is perhaps talk to EPA because there would be a drain in the building. I am not aware – is anybody else on the board aware of any other issues that would have to be addressed? It may not take ninety days for you to do those things and at that point that you're ready to bring it back, you'll need to notify Kathy and then we'll put it back on the agenda. We want to make the allowance so that you have the opportunity to work with that. The only other thing that I would correct for the minutes is that the second note, dated today's date is actually from the Police Department, not Planning Commission. It was addressed to the Planning Commission. So, it's actually Sergeant Hall, who represents the Police Department, who furnished that information for us. So, with that we will table it.

Mr. Kolick - Mr. Chairman? I think maybe there were some comments in caucus and the applicant should be made aware of them and the concerns of the board relating to the intensity of the use and the location of the use because that, frankly, isn't something that can change given their size of their building or where they put it. I think the applicant should be made aware of those concerns of the board so that they know those items up front and should be part of the record. It's only fair to the applicant to let them know that because I don't know if that's going to change by moving the building or by putting a floor drain in either. They should be made aware of the concerns of the board.

Mr. Noeth – What I'm thinking is coming back in sixty, ninety days with an overall plan of what the whole site's geared to and how many cars are expected and parked there overnight and that kind of thing.

Mr. Evans – I think what Mr. Kolick is referring to, and I think it's a good point, because the applicant was not actually present during caucus. One of the things that is an overbearing concern for us, while we want any business in our community to succeed, this particular location, and we recognize that there is a proposed development behind this, which may or may not ever take place and may or may not take place in the form that we think that it might now, and that development will certainly impact that whole entire area. In the absence of that or until that happens, when dealing strictly with the gas station as it sits there now and looking at the traffic that is still within that area. This board still, as we expressed in caucus tonight, does have a concern and it was brought out in the report from the Police Department, about the density and the use of that property. One of the things that we recognize is that you're operating the gas station and operating repairs and those things, which you do today, on that property are a business which is allowed in that area. By requesting the variance, one

**SUNOCO GAS STATION/ Gregory Noeth, Representative, Cont'd**

**Mr. Evans continues** - of the things that we have to come back to, is that we are changing, in adding to the use of that property. Given the location, given the type of traffic that is still there, given the safety concerns, as Mr. Kolick has intimated during the caucus tonight, we talked about the fact that we have overriding concerns contributing to an increase in the use of that area. That whole intersection area. By introducing the rental trucks, even though you might only be housing just as few as three there or as many as three, that's still changing the dynamics of the way that that property is going to operate. So, the fire concern about having water, even if tomorrow there were to be a hydrant that was added by the development of the property behind you, that's still not going to change the density of the traffic and the operation of that entire intersection area. So, again, part of what we as a board have to look at in granting a variance is that we are not altering, changing or in any way impacting the current situation and one of the concerns that we as a board have is that by introducing the rental trucks, it would be increasing the density of the traffic and of all the activity that is going on in that area. That would be true whether it was BP who was requesting to add it, whether it was Marathon who was requesting to add it, whether Tire Kingdom was requesting to add it because that's introducing a new business. A separate business; one that would add to the congestion, to the activity that's going on in the area. So, as Mr. Kolick said, the fact that we're talking about a drain and whatever, those are things that are, again, really secondary to the area and that is a primary concern that we have to deal with. I think Mr. Kolick's point is a valid one that we wanted the applicant to, again, be aware of that. We're trying to work within that and we're trying to figure out ways to accomplish things but the overriding concern is that that's still an issue that this board has to deal with. Is that adequate? Members of the board? Mr. Kolick is right. You were not present during caucus. I just wanted to make sure for the record that we did indicate that and, again, bottom line is we want any and every business in this community to be successful. Every business has to subscribe to the same ordinances and do business in the same way and so we want to be cognizant that we treat everyone fairly as we approach looking at changes in business or everything else. Okay? So that being the case, we are ready to table. When you are ready to bring this back to us then notify the Building Department and we'll get you back on the agenda. Whether that's the next meeting or sixty days or whatever it may be for us to appropriately act on things. Okay?

Mr. Noeth – Okay.

Mr. Evans – Thank you. Anything else? Any other business to come before the board this evening? Do you need us to officially recognize your relatives or anything and say anything like you're a hard working individual? We appreciate all you do for the board or anything like that?

Mrs. Zamrzla – No, Mr. Chairman, thank you.

Mr. Evans – We will stand adjourned then.

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Meeting adjourned at 9:05 p.m.

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Kenneth D. Evans, Chairman

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Kathryn A. Zamrzla, Secretary

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Approval date