

# **STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**

## **MINUTES OF MEETING**

**January 25, 2006**

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

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

Also Present: Mr. Kolick, Asst. Law Director  
Mrs. Zamrzla, Recording Secretary  
Mr. De Hoff, Assistant Building Commissioner

Mr. Evans – I'd like to call the January 25, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would please do a roll call?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. We do not have minutes before us for approval this evening. Ladies and gentlemen, our meeting is divided into two portions. As you see on the agenda there is a part called New Applications and a part called Public Hearings. If you are here this evening and will speak to the board you will need to be sworn in. So if you are presenting an application for the first time, if you are here presenting during a Public Hearing or if you intend to speak during a Public Hearing portion which would include items two through four you would need to be sworn in by our Assistant Law Director. So if you intend to speak tonight I would ask you to stand at this time and raise your right hand to be sworn in please.

Mr. Kolick then stated the oath to all standing.

Mr. Evans – Thank you. Our first item on the agenda under New Applications is item number one, Wireless Toyz and Todd Quatro, Representative. If you'll come forward please, the mic on the podium should be working. We'll ask you to speak into that and we will need your name and address first and then if you'll describe for us the request for the variance please.

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE**

- a) **Requesting a 78.5' Building Setback variance on Royalton Road from Zoning Code Section 1258.11 (a) which requires a 125' Building Setback and where a 46.5' Building Setback is proposed and;**
- b) **Requesting a 75' Building Setback variance on Prospect Road from Zoning Code Section 1258.11 (a) which requires a 125' Building Setback and where a 50' Building Setback is proposed and;**
- c) **Requesting a 13.5' Parking Setback variance from the Royalton Road Right-of-Way from Zoning Code Section 1258.11 (a) which requires a 20' Parking Setback and where a 6.5' Parking Setback is proposed and;**
- d) **Requesting a 15' Parking Setback variance from the Prospect Road Right-of-Way from Zoning Code Section 1258.11 (a) which requires a 20' Parking Setback and where a 5' Parking Setback is proposed in order to occupy an existing building located at 21034 Royalton Road PPN 391-16-003 Zoned Local Business.**

Mr. Quatro – Sure. Hi. Todd Quatro with T. S. Quatro Company. 201 North Park, Ypsilanti, Michigan, 48918. Basically we've got an existing building on the corner of Royalton and Prospect and it violates several setbacks. Parking setbacks along with the setback from the centerline of the road to the existing building. We're just remodeling. We are doing some exterior renovation but nothing being added to the building. The only thing we are doing is we're going to be removing some of the asphalt directly in front of the building and turning that area into more landscape. So we're requesting that we receive the variances to go forward.

Mr. Evans – Mr. Quatro, are you the owner of the building, are you the proposed tenant or...?

Mr. Quatro – No. I'm the engineer for the project.

Mr. Evans – Okay. And at this point does Wireless Toyz yet own the building? Are they intending on leasing it or ...?

Mr. Quatro – Wireless Toyz is the lessee. The lessor is not sure. (unintelligible)

Mr. Evans – Okay.

Mrs. Lane – The property owner is Mr. Racheo.

Mr. Quatro – Yes.

Mrs. Lane – He is the person who has owner it for what period of time?

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE, Cont'd**

Mr. Quatro – I'm not sure he has owned it. We met the other day and it kind of sounded like he has just recently purchased in the last six to eight months.

Mr. Evans – Any other questions from board members?

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – Mr. Quatro, just to be clear then, the footprint of the building itself is not changing in any fashion? They may be some fascia work or something done to it but the building itself is staying status quo, correct?

Mr. Quatro – Right, the exterior footprint of the building is not getting any larger whatsoever.

Mr. Harr – How does the – the curb work and the parking is been reworked as part of this?

Mr. Quatro – It is being reworked, yes.

Mr. Harr – And how does that compare to the current situation?

Mr. Quatro – It's less intrusive to the present condition there now. Presently the asphalt and the curb come straight up and go around the front of the building which comes within six feet of the sidewalk along Royalton and Prospect and what we're going to do is tear that whole front out and landscape that area in the middle.

Mr. Harr – By the transformer there?

Mr. Quatro – Yes right. Right around the transformer. All that area.

Mr. Harr – And the signage?

Mr. Quatro – Correct and then the parking, of course, we've got to curb. We're adding an enclosed dumpster and presently...

Mrs. Lane – An enclosed what?

Mr. Quatro – A dumpster enclosure is going to be added. That was a request by the Planning Commission, or a requirement. Also, we do have to install one light pole with two heads in order to get the two and one half foot candles around the perimeter of the building and still keep zero foot candles spreading onto the neighboring property.

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE, Cont'd**

Dr. Goist - Mr. Chairman? Can I ask the applicant where you're going to put the dumpster?

Mr. Quatro – The dumpster is coming directly just – can I point it to you? That might make it a little easier.

Mr. Evans – It's easier.

Mr. Harr – Northeast off of the building here?

Mr. Quatro – Actually, we're going to (unintelligible).

Mr. Harr – Okay. The property line runs all the way up to here.

Mr. Quatro – Yes.

Mr. Harr – Oh. Okay.

Mr. Quatro – So it's ten foot wide, ten foot deep right here.

Dr. Goist – How close does that bring you to the property line?

Mr. Quatro – I'm having it surveyed because we didn't intend on doing anything but the remodel and so we're having it surveyed to actually show exactly where it is. Presently there's a mark right here and I think that this is going to be a little closer than what we show it. Right now we show it twenty two feet and I believe it's like fourteen feet. So that was about the only spot I really had without putting it up front or somewhere around the neighboring area.

Dr. Goist – I'm just going to point to this diagonal marked "a". Is that handicapped parking?

Mr. Quatro – Yes.

Mr. Harr – And this is existing...

Mr. Quatro - (unintelligible) that we're going to pull it out and put new walk here and here and then this is all asphalt at the moment and this is going to be all torn out. This is right now parking and this runs all the way around up to here.

Mr. Harr – So it's going to be all green with the signage.

Mr. Quatro – Yes.

Mr. Harr – This will be stuck right there.

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE, Cont'd**

Mr. Quatro – This has several – quite a bit of landscaping on the front.

Mr. Kolick - Mr. Chairman?

Mr. Evans - Mr. Kolick?

Mr. Kolick – Just for the applicant. If your survey winds up showing up any different distances than you have on our site plan now please get it to us as quickly as possible because it's possible you may need some other variances so we need to know that. As soon as you get the survey show it over to our Building Department so we can determine the variance and make sure we have them all for you. Okay?

Mr. Quatro – Yes. We did a site specific survey with the building to the road so that area is all in there and then the legal description came in and the way it fit just didn't look right. So I went back out and double checked some so that's why I requested the surveyor to go out. If it actually shifts to the north it will actually make everything better, not worse.

Mr. Kolick – We'd like to use the right dimensions when we send out the public notices as long as we can and also show the dumpster location. Make sure that doesn't require any type of setback variances.

Mr. Quatro – Absolutely.

Mr. Kolick – Okay. Thank you.

Mrs. Lane – Do we have a rendering of this building, what you're proposing for it to look like besides these dimensions?

Mr. Quatro – Actually we had a rather large rendering. I didn't know we had to bring it tonight. I thought it was going to Planning Commission. So at the next meeting on January 8, 2006 I guess I could bring the rendering and show you exactly what it looks like.

Mrs. Lane – That would be helpful.

Mr. Evans – Mr. Quatro, at this point will there be any different curb cuts or do the curb cuts now that are there, are those the same ones that are being proposed?

Mr. Quatro – They are the same ones. We were actually just surfacing as the owner is going to take care of the parking lot. So I think – I believe his intent is just to resurface the lot the way it sits.

Mr. DeHoff - Mr. Chairman?

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE, Cont'd**

Mr. Evans - Mr. DeHoff?

Mr. DeHoff – I'd like to ask Mr. Quatro, I know he just addressed it down there, but how far is this dumpster enclosure going to be from your building?

Mr. Quatro – From our building?

Mr. DeHoff – Yes.

Mr. Quatro – Forty two feet.

Mr. DeHoff – Beautiful, thank you.

Mr. Evans - Mr. Baldin, do you have any questions?

Mr. Baldin – Yes. Some of it's been answered here but are you aware of a note from our design engineer, Lori Daley? She has had three or four comments on that property.

Mr. Quatro – Not that I received anyhow.

Mr. Baldin – You had talked about replacing or resurfacing, I think you said, you were going to resurface.

Mr. Quatro – The owner is. Yes the owner of the property is taking care of the lot. That is correct.

Mr. Baldin – The question by the Engineering Department is “Are you going to clear out the existing (unintelligible) because it's pretty bad over there, instead of just trying to resurface. Are you going to totally tear it out and redo it? That's one of the questions.

Mr. Quatro – Okay.

Mr. Baldin – The existing storm sewers need to be verified because they are concerned that they are functioning property.

Mr. Quatro – Correct.

Mr. Baldin – Okay. Do you understand that?

Mr. Quatro – Yes.

Mr. Baldin – And of course the final engineering plans are needed for approval.

**WIRELESS TOYZ, TENANT/TODD QUATRO, REPRESENTATIVE, Cont'd**

Mr. Quatro – They informed me of that at the Planning Commissioner that they had to be cleaned out and I informed the owner of that.

Mr. Baldin – So make a note of that that we have a comment here from our Engineering Department.

Mr. Evans – Thank you Mr. Baldin. Anybody else? Okay. Mr. Quatro, as you already indicated the Public Hearing is scheduled for February 8, 2006 and at that time we will invite you back and we will be notifying people who live within five hundred feet of the variance request there, of your request and at that time we will make a decision on the variance.

Mr. Quatro – Okay. Thank you very much.

Mr. Evans – Thank you.

**ACTION: SCHEDULED FOR PUBLIC HEARING FEBRUARY 8, 2006**

Mr. Evans – Item number two on our agenda is Steve Sokol, owner. If you will come forward to the microphone, we will need your name and address, please, and speaking right into the microphone then you can, if you would, explain the request for the variance again since we may have members in the audience who are here for this item. Please speak right into the microphone if you will.

**STEVE SOKOL, OWNER**

**Requesting on Drake Road a 4' Side Yard Setback variance from Zoning Map which requires a 100' Side Yard Setback and where a 96' Side Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 17135 Misty Lake Drive PPN 397-23-001 Zoned R1-75.**

Mr. Sokol – Steve Sokol. 4064 Shenandoah Parkway and the matter before us is a four foot proposed variance from the existing setback of Drake Road at the Drake and Misty Lake intersection. What we would like to have accomplished tonight is by granting that variance it would allow a very attractive house to be built on that corner. The existing footprint of that lot is very, it's very restrictive and this four foot variance would allow us to do a wrap around porch and do us some detailed features so that the façade, as you're looking, even though the house is going to front on Misty Lake, as you look around, as people drive down Drake Road, they're going to see a very, very attractive façade also by the way the façade wraps around so your front is going to be two front facades. It's a very attractive house at this location.

Mrs. Lane – So the wrap around porch will be on the Drake side?

**STEVE SOKOL, OWNER, Cont'd**

Mr. Sokol – That's correct, yes.

Mr. Evans – Okay. Questions from members of the board.

Dr. Goist – No questions.

Mr. Baldin – I have no questions.

Mr. Harr – I have none.

Mr. Evans – Mr. Sokol, we'll give you a break for a second. Is there anybody in the audience this evening who wishes to speak for the request for the variance? If you'll come forward and your name and address please and speak right into the microphone?

Ms. Kroupa – My name is June Kroupa. I live at 16435 Drake Road. We sold the property to Mr. Sokol. The original lot had three hundred feet on Drake Road. We sold him two hundred and ninety and we kept ten to add to our own lot. I was surprised to see a variance. I didn't think there was going to be one but we have no objections.

Mr. Evans – Thank you very much. Is there anybody else in the audience who wishes to speak for the variance request? Is there anybody in the audience this evening who wishes to speak against the request for the variance? If you would please come forward? Okay members of the board are there any other questions that you have for Mr. Sokol? If not, and hearing no other comments, then I would entertain a motion.

Mr. Baldin – I make a motion requesting on Drake Road a 4' Side Yard Setback variance from the Zoning Map which requires a 100' Side Yard Setback and where a 96' Side Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 17135 Misty Lake Drive PPN 397-23-001 Zoned R1-75 be approved.

Dr. Goist – Second.

Mr. Evans – Thank you. We have a motion and a second. Kathy, if you would please do roll call?

ROLL CALL:                      ALL AYES:                      MOTION CARRIED

Mr. Evans – Thank you. The variance has been approved. It is subject to a twenty day waiting period while City Council reviews the approval of the variance. You will be notified by the Building Department at the conclusion of that twenty days and would be able to move forward at that time.

**STEVE SOKOL, OWNER, Cont'd**

Mr. Sokol – Thank you very much.

Mr. Evans – Thank you. We move on to item number three, Athens/Masuga building, Bill Davison, representative. If you'll come forward to the microphone Mr. Davison and name and address for the record please?

**ATHENS/MASUGA BUILDING/CORNER 14400 GROUP LLC, OWNER/ BILL DAVISON, REPRESENTATIVE**

- a) **Requesting a 54.8' Lot Width variance from Zoning Code Section 1258.10 which requires a 200' Lot Width and where a 145.2' Lot Width is proposed and;**
- b) **Requesting a 9' Front Parking Setback variance from Zoning Code Section 1258.11 which requires a 75' Front Parking Setback and where a 66' Front Parking Setback is proposed and;**
- c) **Requesting a 15' Side Parking Setback variance from Zoning Code Section 1258.11 which requires a 20' Side Parking Setback and where a 5' Side Parking Setback is proposed in order to construct a 15,532 SF Office Building; property located at 14400 Pearl Road PPN 393-19-033 and PPN 393-19-034 Zoned General Business.**

Mr. Davison – Bill Davison. 26031 Center Ridge Road, Westlake.

Mr. Evans – If you would take us back through basically what we're looking at here in terms of variance requests and why the variance requests are being made.

Mr. Davison – As indicated here we're requesting three variances. One variance from the lot width, fifty four point eight feet from a two hundred foot requirement, parking setback requirements nine feet from seventy five feet and a fifteen foot variance from a twenty foot requirement. The proposal is to demolish existing buildings that are there and construct a new two story fifteen thousand square foot structure and we have met with the city and have worked out the traffic flows within the site and I think we're all in agreement that we have the safest traffic flow we can get and I think this would be an asset to the community.

Mr. Evans – Okay. The first variance that you are requesting is the one that is fifty four point eight and that is because the property is not as wide as the two hundred feet that our code now requires. It is an existing building which you're talking about demolishing. At this point it does represent a circumstance where you are dealing with no quantities. We had asked at the last meeting and we would ask again this evening, have you and the individuals, or have the individuals who are talking about developing this, looked at the opportunity to expand the

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DAVISON, REPRESENTATIVE, Cont'd**

property to meet the two hundred foot minimum? Have there been discussions with other property owners that are contiguous to this property?

Mr. Davison – I wasn't involved but I know there was discussions with the neighboring properties.

Mr. Evans – Okay.

Mr. Davison – And I know that didn't get any, as far as trying to meet the code.

Mr. Evans – Okay. The parking variances as we talked about in caucus this evening, those were basically generated after discussions with the city and the safety forces where they have requested certain lay out of the parking areas in order that they might have access through there in a better traffic flow so really when the original proposal came in, those were not part of what we have, as a city, asked for some redesign features which have caused the variances then to be necessary. At this point, I think, as we had discussed, this does meet with city approval in terms of fire and safety forces. Engineering and building have all signed off on it as well. Question from members of the board?

Dr. Goist – No questions.

Mr. Harr – I have no questions.

Mr. Baldin – I have a question.

Mr. Evans - Mr. Baldin?

Mr. Evans – I missed the last meeting but I did read all the notes, etc, and so forth. Our chairman did ask, and you were not privy to what went on as far as any of the existing buildings and why they are not being involved in this. Is that correct? The buildings that are not going to be involved.

Mr. Davison – Right.

Mr. Evans – You were not privy to any of those meetings and the reason why no additional properties were picked up?

Mr. Davison – I know they've made attempts to acquire some of the adjacent properties and they haven't been successful in that. But I was not part of those meetings.

**ATHENS/MASUGA BUILDING/CORNER 14400 GROUP LLC, OWNER/ BILL  
DAVISON, REPRESENTATIVE, Cont'd**

Mr. Baldin – Alright. The only other comment I have, what I see here and what the City really needs to clean up some of Pearl Road whether it's center, north or south. This will be a fantastic addition.

Mr. Davison – Thank you.

Mr. Evans – Any other questions or comments? Mr. Davison, we'll give you a break then for a couple of moments and will then enter Public Hearing of this item. Is there anybody in the audience this evening who wishes to speak in favor of the variance request? Is there anybody in the audience this evening who wishes to speak against the variance request? If you'll come forward, please, to the microphone and give us your name and address. If you would come forward to the microphone we would certainly want it to be on record, thank you. We'll need your name and address. And pick up the – there you go. We want to record this for posterity. You don't get on stage very often. There you go. Thank you.

Ms. Wright - Did I do that right?

Mr. Evans – There you go. Thank you.

Mrs. Zamrzla – It's not on.

Mr. Evans – Woops. Okay. On the bottom there. A little switch on the very bottom of it. That little white switch goes back and forth. I thought it was.

Ms. Wright - Hello.

Mr. Evans – Now you're on. Thank you.

Ms. Wright - Okay. We own the property, residential property on Pierce, 19102 Pierce. We didn't know anything about this until late yesterday, which Kathy got in touch with me, which I really appreciated, and I, my husband Ken is here also, and we certainly appreciate the fact that you're going to try to do something to upgrade Pearl Road. It needs it. Walter Ehrnfelt and I had talked many times about many of these properties. He had helped me to get a fence erected between our property and this existing property. That took a great deal of doing. We rent this property and every time we rent it we have a problem with two things. We have water in the back yard since that area was redone which is like a swamp and when Walter came out there he came out there and took care of it for us. It has still come back and continues to come back. The other issue that bothers us is the continual rubbish that comes into that property because there is no fence past a certain point. Now I don't know what point this is and I'm not saying it's this property but as you go around that whole strip. There are dumpsters out there and the commissioner has been working with me to try and get those dumpsters covered up,

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DAVISON, REPRESENTATIVE, Cont'd**

because our people that come in to rent that say 'why are those dumpsters out there? Look at that rubbish.' And as you can see tonight you brought up points about dumpsters in areas where there were no homes next to them. You can imagine our feeling of people who are trying to live have dumpsters today sitting out in the open. I don't believe it's on this property. But if you're going to go down and develop these I just have a question as to what's going to be done with these dumpsters as they do down.

Mr. Evans – Alright, let me go back first and let's get your name and address so that we have that for the record before I forget that.

Ms. Wright – Donna Wright. W-R-I-G-H-T. And I live at 20632 Stratford Circle.

Mr. Evans – Excellent.

Mr. Wright – Sterling Point.

Mr. Kolick - Mr. Chairman? I might be able to answer some of those. First, as to any water on your property, our Engineering Department will make sure they meet our requirements which is that they maintain all their water on their own property. However, it is not a problem if you, as this project goes on, presuming that it gets favorable approval here tonight, to stop up at our Engineering Department and they can explain to you how this lessee/property owner is proposing and what they're proposing to do with their water. But the, unlike what you have there now, they will be required to have proper curbing and drains and going to the storm sewers and all. But again that doesn't preclude you from going up into the City and making sure that things are going to be done to protect your property, and that's appropriate. The City will take that into account. As to the dumpsters, our requirement now is that all the dumpsters be in a completely enclosed structure so hopefully it will alleviate some of those rubbish problems from this particular parcel and I think as we go down the line and head north through there and as they come in for improvements they will all be required to have the same thing. Namely the dumpsters have to be enclosed. Now you may want to look at, at least the location they proposed for the dumpster, and again if you stop up at Engineering and Building Departments, presuming they'll go forward here this evening, all those plans will be on file. You can discuss all those issues either with our Engineering Department for the drainage or with the Building Department for the dumpsters and those are all proper concerns that they'll pay attention to.

Ms. Wright – And we have no problem with where they even put the dumpsters as long as they're enclosed. But we were told that, in many cases, these were grandfathered. They couldn't get these people to do anything. So by the idea of morally saying to them 'you should have these enclosed' they hope that this would take place and it didn't take place.

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DAVISON, REPRESENTATIVE, Cont'd**

Mr. Kolick – As each one comes in now there isn't any grandfathering so when they tear down the building they've got to start at scratch. They will be required, am I'm sure they know, they're required to enclose the dumpsters.

Ms. Wright – The only other question...

Mrs. Lane – In this case they've indicated there is a masonry trash enclosure.

Ms. Wright – Right. I saw that this one is going to be that way. My question is all the way down. What is the story? I'm not objecting to this. I'm just asking what the procedure is now-a-days here. We've lived out here since sixty something and we love living out here but I just question what people don't do to maintain their property. The other question I have for you is if this is a new two story building and it's being moved in a different direction, what is the lighting going to be in the back toward where our residential home sits?

Mr. Kolick – Again they will be required to go before our lighting consultants. The lighting consultant will see that there is zero light spillage over onto the adjacent property lines and again it's proper for you stop up at City Hall. They will be required to submit a lighting plan to show what the lighting levels are on all the perimeters of the property, particularly the residential. We are cognizant. Our lighting consultant is cognizant about putting glare shields and all on the lights to make sure they go towards the commercial and away from the residential. But again feel free to go up to City Hall. Those are public records and I think you'll find them cooperative to show you exactly what is proposed there as to lighting too.

Ms. Wright – Okay. I appreciate that. And again, I thank Kathy so much for calling me yesterday afternoon. Thanks.

Mr. Evans – Have you seen the plans that we have looked at this evening for the applicant?

Ms. Wright – Just tonight. Kathy gave us a copy when we came up here so that's the first time I've looked at it or heard about it.

Mr. Evans – Okay. Thank you.

Mrs. Lane – Question. Fencing. You said there is no fencing back there?

Ms. Wright – There is fencing now at a certain point from Pierce back. Okay? It doesn't go all the way back along all of those buildings.

Mrs. Lane – So it's currently behind the Athens (unintelligible)...

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DAVISON, REPRESENTATIVE, Cont'd**

Ms. Wright – Correct. Yes I don't know how far that building goes. But yes, and that was done by the Mayor contacting those people and getting that done. But when all that road was resurfaced on Pearl Road, that's when all the problems with the water came and no fence was ever put back up. So, there is no fence between our residential property and the remainder of that shopping area. I don't know who all is in that shopping area but this is why I'm saying the fence only goes so far. And our property goes way up to the back of the next development. I forget the name of it that has the condos. It's a very long area there.

Mrs. Lane – Settler's Way?

Ms. Wright – I'm sorry?

Mrs. Lane – Settler's Way.

Ms. Wright – That's it. Thank you. So where Settler's Way meets us we have a long area where there's no fencing. And we've been trying for a couple of years to get fencing up as had the commissioner, Tony been trying to do. So that's been an issue and it's been hard for us to re-rent the property every time that happens because people with children fear that their kids are going to get run over. There's an easement there. It's just that it's a problem.

Mr. Evans – Right. And I think at this point what Mr. Baldin is looking back at Mr. Kolick for is that again as the situation with the dumpster, now that they are coming before us to remove that building and build a new one as part of that development plan, Mr. Kolick, can you tell us what is required in terms of fencing there?

Mr. Kolick – They'll be required – they'll have to appear before our Architectural Review Board and they'll look at the screening requirements between the commercial and the residential area. So they'll be looking at that but again it's not a problem with you checking with either Kathy or the Architectural Review Board. They'll be required to submit landscaping plans that show whether it's going to fencing or what they're going to do with this. All that will be required.

Ms. Wright – I appreciate that. Thank you.

Mr. Baldin - Mr. Kolick? Wouldn't these people have to been cited? The fencing should be there all this time in the past. Correct?

Mr. Kolick – Well, I don't know.

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DAVISON, REPRESENTATIVE, Cont'd**

Mr. Baldin – All the way back behind that property shouldn't they have been cited by, she said, the Building Department, Tony Biondillo. They've been trying to resurrect this and get this done properly. That should have been done a long time ago.

Mr. Davison – I can answer that.

Mr. Baldin – Please do.

Mr. Evans – Mr. Davison, if you'll use the mic please. Thank you.

Mr. Davison - I have a survey here and we have been before Architectural Review Board and got approvals and the lighting plan has been submitted and has been approved. There is no light spillage into the adjacent site. The wood fence goes the entire length of this property and this property only. There is an existing wood fence and I know the Architectural Review Board has seen that fence and they were okay with that fence that's there now for this property.

Mrs. Lane – So you're not replacing that fence? You're leaving that particular fence there?

Mr. Davison – Right. The wood fence that's there.

Mr. Baldin – But there's not additional fencing further on?

Mr. Davison – Right, because that's not our property.

Mr. Baldin – I realize that but it should be on that commercial property abutting residential right?

Mr. Kolick – You've got to keep in mind Mr. Baldin, those parcels go back so long, we didn't have fencing requirements, and I'm not saying for each one, to look at the history, but I just know from being with the City for thirty years, some of those parcels were in before I even started with the City. We didn't have a requirement for fencing back then. That's probably why you don't see it back there but as I stated, like this one, as they continue to come into the City, they will be required then to have screening for the residential areas as those buildings come down and new ones go up.

Mr. Baldin – Alright. Thank you.

Mrs. Lane – Ms. Wright, did you not say something about when they enlarged Pearl Road, what problem did they cause? What does that have to do with the fencing? I missed it.

**ATHENS/MASUGA BUILDING/CORNER 14400 GROUP LLC, OWNER/ BILL  
DAVISON, REPRESENTATIVE, Cont'd**

Ms. Wright – No, that wasn't the fencing. That was the water and the run off in the back. And it became a swamp. When Mayor Ehrnfelt came out there he actually sent the City out and tried to get some of that away but it has come back. And it keeps coming back.. It even went into the yard next door to us and it would run into that yard which that gentleman has since moved. He said the same thing, that you just walk out there and you're just sinking in the back yard. It's just very hard to maintain something and have it look nice when you can't control that. We've had that done twice ourselves now to try and get all the cattails out of there and keep them out of there. The water runoff is a problem. I don't know how it gets resolved and possibly this way it will and that's great.

Mrs. Lane – The Engineering Department. You need to be aggressive and go to the Engineering Department about it.

Ms. Wright – I appreciate that. Thank you.

Mr. Baldin – The other question I want to ask since I missed the last meeting – the curb cut. Pulling into that property now, is that curb cut going to stay or is this going to be a new curb cut?

Mr. Evans – Mr. Davison?

Mr. Davison – This is a new curb cut.

Mr. Baldin – What are they going to do with the old one? Is that going to stay? Are they going to use both then?

Mr. Davison – No.

Mr. Kolick – Are you talking about on Pearl Road Rich?

Mr. Baldin – Yes, on Pearl Road pulling in. That curb cut right there right now is almost pulling into the pizza and the music shop right?

Mr. Kolick – The question is the location of the proposed curb cut on Pearl Road. Is that the same place it's at now, Mr. Davison? Is that a new curb cut or what's in store.

Mr. Evans – A new curb cut.

Mr. Davison – Well it's a new curb cut. The existing curb cut is on the adjacent property where it's a one way situation and we will be removing the curb cut on Pierce and putting it to the back of the property.

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DAVISON, REPRESENTATIVE, Cont'd**

Mr. Baldin – That's beautiful. That definitely needs to be done. I was just concerned. So we will have two curb cuts there? You're going to put a new one in. The old one will stay.

Mr. Evans – Right.

Mr. Davison – Yes, because it's on the adjacent property.

Mr. Evans – Okay. Now let me go back then to Public Hearing. Is there anyone else who objects to the issuance of the variance? If you'll come forward and name and address please? Again, if you'll speak right into the microphone please.

Mr. Wright – Hello. I'm Ken Wright. 20632 Stratford Circle. I don't want to make it sound like I'm piling on but when the comment was made that the light committee has already looked at it and said it was okay I don't know that things like that are necessarily okay until they're up and you actually see what they're like. I don't know if there is any more that can be done to research it. You may have a history here that says 'There will be no problem with it'. But I don't know until it's up, it's really an acceptable thing to see if it doesn't disturb a tenant. The other thing - I didn't realize it, the fencing had already been approved and they said the same fencing can stay. That fencing was guarding against a one story building. Now all of a sudden we have a two story building there. I don't know what a six foot fence is going to do for that. In a sense, I don't mead to be smart about it, but it could be a four foot fence. You've got a huge structure behind that now. A lot bigger than one that's there now which a six foot fence can hide. Is there anything planned to do that because – things move on and progress has to be there. No one is going to stop for Ken Wright but, what I'm saying is we do have tenants there and now suddenly they're looking out in stead of, at least looking up at sky or what not, they're looking at a two story building. Is there any thought to that or something that could be done to help alleviate just the sight line from being outside that house, now looking at a two story building as opposed to a fence? That's really my only comment.

Mr. Kolick - Mr. Chairman? The proper place to bring that to the attention either in writing or orally is before our Planning Commission because although the applicant is stating that they're looked at it and the Architectural Review Board has kept the fence in its current spot, that record is not finalized. It isn't done until Planning Commission signs off on it. They still, if they get approval here tonight, still have to go back to Planning Commission. Any of those comments, any of your concerns whether they be lighting, whether they be drainage, as the prior individual stated, whether it's fencing and the separation between your residential area, please feel free to contact the Planning Commission, or the Building Department, or the Engineering Department. Let them know what your concerns are and they can still address those. The lighting plan or our lighting consultant may have said its okay. It's still up to Planning Commission ultimately to approve or not approve it. But I can tell you normally I've seen those lighting reports and the lighting consultant makes sure, number one, that there's no

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DAVISON, REPRESENTATIVE, Cont'd**

light spillage and usually it's part of his report, although I haven't seen this one, so I'm also suggesting that there be glare shields so that they get set on site to make sure that there isn't any light spillage and, most likely, is given that same type of report on this one, although I haven't read it yet. Okay? Those are fine. You can certainly address with the Planning Commission. That would be the body who would give final say so on anything dealing with landscaping, fencing, engineering, any of that. Okay?

Mr. Wright – Thank you very much.

Mrs. Lane – As in the past, Mr. Kolick, is it not possible for Mr. Davison to at least to address and tell us what the lighting plan is for the back of the building and...

Mr. Evans – Sure. That is on the diagrams that we have.

Mrs. Lane – Yes. We've looked at that on a lot of buildings. Second question. On the landscaping that you have back there, currently it only looks like little kind of (unintelligible) bushes. I'm not sure what it is. I'm sure that plan has been approved but my question to you would be based on the concerns of the next door property owner, and everyone that lives on that street, that's definitely true. They're now going to have an imposing edifice. Obviously it's going to look very good but it's still going to be a building where you look at a building versus sky. Do you have any trees planned for in there that may soften the structure of the building for the people that are living on Pierce?

Mr. Davison – Alright. Yes. We are proposing to put in evergreens all along the rear of the property line, eight foot high.

Mr. Evans – Now we don't have that, Bill, on a plan do we?

Mr. Davison – Probably not. We have been before Architectural Review Board and it has been approved. We have submitted a lighting plan with no light spill over. There is an existing two story building on this site which even goes farther back than what our proposed building is. Just to give the neighbors some comfort, this building will be farther away from them than the present building is.

Mrs. Lane – To two story by the nature of the roofline on that building it's still a very low two story building in comparison to this. It's a different roof line. I guess that would be the difference.

Mr. Davison – Yes. But it does have a residential character.

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DAVISON, REPRESENTATIVE, Cont'd**

Mrs. Lane – So you're saying the trees are going to soften the look of the building from the people coming down Pierce? Can you speak to at all about the lighting in the back? Just give us a general idea?

Mr. Davison – There will be light poles in the back ten foot from the property line.

Mrs. Lane – What time do those go off in the evening?

Mr. Davison – I don't really know that right now but there's light shields on those as Mr. Kolick has pointed out. There will be zero light passage into the adjacent property. As far as the drainage, we will do the drainage as the engineer requires. It will probably even help the situation really.

Mr. Kolick - Mr. Chairman? Since the applicant is here and the neighboring property owner, maybe after whatever action we take tonight, if they want to spend some time to look in the back room, they can show them what the landscaping is and what the lighting plan is. It may save them a trip to City Hall too. I think that would be appropriate.

Mr. Evans – Thank you Mr. Kolick.

Mr. DeHoff - Mr. Chairman?

Mr. Evans - Mr. DeHoff?

Mr. DeHoff – I'd like to address the light situation one time. This lighting report that we get is not cut in marble. After the lights are installed if there is an spillage and that at that time we can go back and address it. It's not there forever. We've had this problem in the past where there is a little spillage. You can't really tell for sure until the lights are up like he said and they're used. It looks good on paper but sometimes it does spill over but these lights are all shieldable lights. That can be addressed at the time that they do install them.

Mr. Evans – Very good. Thank you, Mr. DeHoff. Then let me once more go back to our Public Hearing part. Thank you, Mr. Davison. Is there anybody else in the audience this evening who wishes to speak against the request for the variance? Alright, then, members of the board – oh I'm sorry. You'll come forward to the microphone please. Were you sworn in earlier this evening?

Ms. Mancini - Yes.

Mr. Evans – Okay. If you will give us your name and address please?

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DAVISON, REPRESENTATIVE, Cont'd**

Ms. Mancini – My name is Carol Mancini and my address is 17151 South Meadow Park Road. And I'm the owner of the property adjacent to this 14354 Pearl Road.

Mr. Evans – Thank you. Okay.

Ms. Mancini – My question is there's - Federated Auto Parts stores running that store right now and with all this going on it's just going to impede our every day exit going out from the parking lot because right now it's like an easement where you're coming in one direction and you're going out the side street to the light.

Mr. Evans – That's a very good question. Mr. DeHoff? Are you the expert the I would turn to, to answer that question.

Mr. DeHoff – No.

Mr. Evans – Thank you. Mr. Kolick, are you familiar how we would handle that?

Mr. Kolick – Just generally, again, you need to address our Engineering Department. They'll talk about what is going to happen during the course of construction and how they will handle the driveway. I'm sure they'll take whatever steps they can to ensure that your property and any access to your property is not blocked but that's not to say that maybe during some utility construction or driveway construction there may not be some temporary inconveniences in there. I'm not saying there may not be but it's a proper question to address with our Engineering Department. That would be the one you would need to speak to, Ms. Mancini.

Ms. Mancini – May I call them on the phone and ask?

Mr. Kolick – Sure. Sure.

Ms. Mancini – And then if there is a problem is it – it's not only me. There's other stores too. So there's going to be a lot of businesses that it's going to be impeded by the traffic flow. It's a serious issue.

Mr. Kolick – Sure. Again, I'm not going to suggest there might not be some temporary inconveniences. There almost are with every construction project that we have and particularly in an area that's already built up, there may be some but I'm sure the City will take any steps they can to minimize whatever inconveniences there is and work with you to keep access to all the adjoining buildings.

Mr. Evans – And I would echo Mr. Kolick that talking to the Building Department, because you have a one way traffic flow in front of those buildings now, I would think that the Building

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DAVISON, REPRESENTATIVE, Cont'd**

Department and the Engineering Department would require the curb cut be done first that we're talking about being added to Pearl Road and that portion of the parking area perhaps being completed in order to allow exit from the area that your store is in there, first, and then the rest of the building around it. I think those of us who remember what it was like when Pearl Road was being widened, all remember that there was quite a bit of construction that impeded everything on Pearl Road, traffic, customers, businesses and everything else. It is a part of the price of progress and of course once that's done it's a better situation. Certainly the Building Department is familiar with the construction process and knows that it's important for the businesses to have access and the egress and everything else in there. I think they will work with you. As Mr. Kolick suggested going to them, whether it be on the phone or in person, and I would probably advocate in person because it's easier to get an answer that way, to talk through that so that they are aware of your concerns and they will make sure that it is addressed during the process then.

Ms. Mancini – Thank you Mr. Evans.

Mr. Baldin – Ms. Mancini, before you leave, can I ask a question of why or did you consider joining this consorting that is putting this together, since you are the last building and there is a void between you and the rest of the building? Did you give any consideration not to...

Ms. Mancini – Well I was never asked to join it. No. I was asked if they could purchase my property and I'm not interested in selling my property. I'll do anything that I have to do with the City to – and I have but as far as enclosures and everything ours has been done right up front where the garbage – as soon we has received all the letters. I want to keep the property and I know that you're upgrading and doing what Strongsville wants to do to beautify and I'm willing to work with Strongsville and do whatever I have to do. If at some point we have to move back or – and there's also another row of buildings and they're not moving either.

Mr. Baldin – Right. Well that's my concern. Since you're the last one, there is a void between you and the other buildings. It's just so odd.

Ms. Mancini – But there's only one section here that is moving back. I'm the middle and there's another section next to me. They're not moving back either.

Mr. Evans – Right.

Ms. Mancini – So there's more of us that are not moving back.

Mr. Baldin – I understand. Okay.

Ms. Mancini – Alright?

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DAVISON, REPRESENTATIVE, Cont'd**

Mr. Baldin – Thank you.

Ms. Mancini – You're welcome.

Mr. Evans – Thank you. Is there anybody else in the audience this evening that wishes to speak against the variance? Mrs. Lane?

Mrs. Lane – Mr. Davison, can you answer my question? On this site plan, am I to understand that the parking that is on the west side of this parking at the back of the building, that it would be next to the Wright property, are those little black dots, those are the lighting? Those are two lights that are going to be right in the shrubs there?

Mr. Davison – That's correct.

Mrs. Lane – Right back to their property?

Mr. Davison – It's ten feet off.

Mrs. Lane – So ten feet from their property they're going to have – how many feet high are these going to be?

Mr. Davison – Twenty feet. Twenty five.

Mrs. Lane – Twenty five feet high?

Mr. Davison – I've got a pretty picture showing the lights. When the glare on the light it's kind of...

Mrs. Lane – The pattern, right.

Mr. Baldin – There is no way to move them up further? They need to set back there?

Mr. Davison – Right.

Mrs. Lane – Right close to the other land owner? There's no other...

Mr. Davison – They're ten feet off the property line which is really not unusual and we've got a light, photometric that indicates that there will be no light spillage on that property. And if that's not correct, as Mr. DeHoff stated, we can put bigger shields on.

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DAVISON, REPRESENTATIVE, Cont'd**

Mr. Evans – We would always want the lights on the peripheral of the property shining toward the building as opposed to be on the building or near the building and shining away from it.

Mr. Davison – Yes it's better for the neighbors to do it that way.

Mr. Evans – Right. We've learned how to do it over the years. Any other questions from board members?

Dr. Goist - Mr. Chairman, I move that we approve a 54.8' Lot Width variance from Zoning Code Section 1258.10 which requires a 200' Lot Width and where a 145.2' Lot Width is proposed and b) move to approve a request for a 9' Front Parking Setback variance from Zoning Code Section 1258.11 which requires a 75' Front Parking Setback and where a 66' Front Parking Setback is proposed and a 15' Side Parking Setback variance from Zoning Code Section 1258.11 which requires a 20' Side Parking Setback and where a 5' Side Parking Setback is proposed in order to construct a 15,532 SF Office Building; property located at 14400 Pearl Road PPN 393-19-033 and PPN 393-19-034 Zoned General Business.

Mr. Harr – Second.

Mr. Evans – Thank you. We have a motion and a second. Kathy if you would please do a roll call?

Mrs. Lane – Before we take a vote, for the record, I just wanted to reiterate, you said that you were going to put in how many eight foot trees?

Mr. Davison – On the plan...

Mrs. Lane – Eight eight foot trees?

Mr. Davison – I think there was ten?

Mr. Evans – I think it's twelve.

Mrs. Lane – Ten eight foot trees along the back?

Mr. Davison – Right.

Mrs. Lane – Thank you. Please go ahead. Thank you.

ROLL CALL:

ALL AYES:

MOTION CARRIED

**ATHENS/MASUGA BUILDING/CORNER 14400 GROUP LLC, OWNER/ BILL  
DAVISON, REPRESENTATIVE, Cont'd**

Mr. Evans – Very good. Mr. Davison, the variance has been approved. There is a twenty day waiting period while City Council has the opportunity to review the variance. You will be notified by the Building Department when that time has passed and you also need to go back to Planning Commission and the rest of the process so that can take place while the twenty day period is going on.

Mr. Davison – Okay. Thank you.

Mr. Evans – Thank you. Item number four on our agenda is Ed Oliveros, Trustee for the Forest Park Homeowners Association. We had this item on our agenda at the last meeting. Mr. Oliveros, if you want to come to the microphone please, we'll ask you to give your name and address. Again at this point, the objection that has been registered as to the erection of a fence, we have that property listed in the agenda here, if you would please again perhaps just capsule the objection from the Forest Park Homeowners Association.

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS  
ASSOCIATION, OBJECTING PARTY**

**Hearing of the objection by the Forest Park Homeowners Association regarding the application of a building permit by property owners Lisa and Charles Burden to install a fence, pursuant to Codified Ordinance Section 1418.03; property located at 11533 Timber Edge Place PPN 398-14-007 Zoned R1-75.**

Mr. Oliveros – Yes, Mr. Chairman, my name is Ed Oliveros and my address is 11592 Park Moss Avenue.

Dr. Goist - Mr. Chairman, may I ask a question first before you start? Just to clarify for me, this is presented to us as though you are a trustee for the Forest Park Homeowners Association. In caucus you told me you were a member of the Architectural Review Board for Forest Park Homeowners. You are not a trustee, is that correct?

Mr. Oliveros – That is correct.

Dr. Goist – There are two trustees.

Mr. Oliveros – That is correct.

Dr. Goist – Okay and so you are speaking as an Architectural Review Board portion for the trustees, is that correct?

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

Mr. Oliveros – Yes. They have asked me to come and present our findings as Architectural Review Board.

Dr. Goist – The reason that I'm asking for that correction, you signed the letter that you sent to us as a trustee which is not correct. You wrote Chairman, Forest Park Homeowners Association. Ed Oliveros, trustee, Forest Park Homeowners Association. So that is not correct.

Mr. Oliveros – Okay. I'm not familiar which letter that is.

Dr. Goist – Your objection letter, December the 30<sup>th</sup>.

Mr. Oliveros – Okay. Here it is. It's the one that's handwritten? December – received December 8<sup>th</sup>, 2005.

Mr. Evans – There is a handwritten one which...

Dr. Goist – Oh okay.

Mr. Evans – Right. That is correct. And that indicates Architectural Review. Okay?

Dr. Goist – Okay.

Mr. Evans – Please continue.

Mr. Oliveros – Okay. This is actually, I think, kind of two things that happened with this issue. First of all, how our association works, I am the Architectural Review Chairman. When issues concerning architectural elements come to our committee, fences being one of those, exterior improvements, additions, that type of thing, when they come before our committee, we convene and we take a look at it and make a judgment on it, if it fits with the covenants and restrictions that we have in our community. This issue came before us and our committee was concerned that is was, first of all, a very large perimeter type fence in the initial presentation to it. In our development we allow privacy fence, small type privacy fences, are allowed. We also encourage residents to, if they want additional privacy, to use trees and landscaping. That really works best. The beauty of our development is that we really have this, what we call, harmony of design, and the topography is beautiful there. Fences, large scale type fences, or perimeter type fences, really do not fit into our development, is the feeling of the members of our committee and of the residents of community. We try to make suggestions and this is what we came up with and why we are objecting to this initially in going through the normal procedure. Now since we had come up with that objection and suggested remedy to it by suggesting that the homeowners go to a

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

smaller type privacy fence, since we have come up with that I guess there was another issue that came before the trustees concerning this EPA regulation that they had found somewhere concerning structures close to basins. I think, if my advisors stand correctly, your committee has resolved that issue. It is a non issue as I understand it at this point.

Mr. Evans – The Board of Zoning Appeals had requested a judgment from the Building and Engineering Department and they have confirmed that the positioning of the fence does not interfere with the retention area as well the review of the EPA information which was submitted by the trustees was determined to not pertain to Strongsville. Perhaps to the State of Virginia, not as a federal EPA but as a state EPA situation. Therefore that information has no bearing on the particular situation here.

Mr. Oliveros – Okay and that's what you had let me know there and that might clarify that part. That's when we had kind of two situations going here. I'll refer back to our original situation of why we are objecting to this large scale fence as I have just stated.

Mr. Evans – Okay. Thank you Mr. Oliveros.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – Mr. Oliveros, I would question – I recall in our last meeting when we were speaking with Mr. Bartos with regards to this issue and I recall mentioned that really the only outstanding issue that he felt he had at the time was indeed potential problem from an EPA standpoint or a structure near that. I citing his correspondence of January 24, 2006 to the Building Department in which he mentions the not approval is based on the understanding, or your understanding of the EPA and Army Corps guidelines and I makes no mention of the perimeter fence as an issue or basis for your denial.

Mr. Oliveros – The trustees are, at that time, were very concerned, very, very concerned that any thing that they did that may be construed as an approval of some sort of structure would put them and our association in some sort of liability situation. They were really greatly concerned about that and that was our feeling at the time. If that is not an issue then I can assure you that they are reverting back to our original guidelines in terms of fencing.

Mr. Evans - Mr. Harr, let me clarify first, we do not have official minutes for that meeting and therefore I cannot read you the portion that is in here but Mr. Bartos did speak to that and Mr. Bartos' comment was along the lines that there were no other objections other than the information that they were going to get regarding the EPA situation and that is a matter that will be available of record as we get to our next meeting. The draft of the minutes do

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

show that Mr. Harr is correct in his memory which was my memory as well and Mr. Bartos' comment was made under oath. So I will take that to mean that at that point that's where we were. The only objection that the Homeowners Association had was not architecturally based, but based on the EPA situation. I just want to make you aware of that Mr. Oliveros.

Mrs. Lane – Because I think also that I clarified that before the meeting was over. I asked him again and the only objection to the fence is the EPA requirements. He agreed with that.

Mr. Evans – Okay.

Mr. Oliveros – Okay.

Mr. Evans – Alright. Mr. Burden, you're in the audience this evening. I will ask you and perhaps thirty seconds here, if you can, to come up and give us your name and address and just sort of sum up the process as far as you the applicant for the permit to put in the fence just so we have that as a matter of record, again, please.

Mr. Burden – Charles Burden. 11533 Timber Edge Place. I guess to sum it up real quick is a couple of the board members came out to the area and he said that it's a open but the ones that came out and see they're fences in different parts of the area, different kinds. The trustee himself, Bob, has a fence that also protrudes away from the house. What they're objecting to. So I just don't understand what the objection is. It's like every time we talk about it, it's a different reason for an objection versus – the board has also recommended that we get together to try to work something out. I never heard from anybody since this meeting. I actually myself initiated a call to Ed because we never received the information about what was supposed to be the federal EPA stuff. Again, it's almost like there's no compromising. It's their way or no way at all. I just don't understand that.

Mr. Evans – Okay. Thank you. Mr. Kolick, we did discuss this at the last meeting and I think we made the observation at that meeting that the Board of Zoning Appeals is not empowered to enforce homeowners association covenants and restrictions. That is an independent situation which is a civil matter between the homeowners association and residents. From our standpoint we have to make a determination based on whether or not the objection has merit and whether or not the objection has information outside of our normal building code or something that is not within the code. That would be correct, am I not right?

Mr. Kolick – That's correct. Your sole concern is whether or not the proposal meets the building and zoning and laws of the City of Strongsville only.

Mr. Evans – Okay. Thank you. Mr. Baldin –

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

Mr. Baldin – Yes. I would like to ask the applicant again since again, a problem of not being here last meeting, what is the reason that you want this fence and so you want it to be six foot? I see here if I'm reading this right you're looking at four foot on the front side and six foot on the long side and the back side. Why do you need the fence? Why do you want the fence?

Mr. Burden – Yes. One of the reasons, to give a little background since you weren't – we transferred here back in August of 2004 and we initially looked at the property. We liked the size of the yard. My wife was pregnant at the time so we looked at enjoyment for our daughter. And plus, also, we looked at the fact that we do have that retention basin in the back of the yard and we have a little one so our main reason is to protect our daughter. And of course, everybody says they're going to do the best job protecting the kids but things happen. So we're trying to reduce opportunity for her running down into the basin there.

Mr. Baldin – Okay. I assumed as much but since I've been out there to walk the property. It is very dangerous. There's not doubt it. I think you definitely need a fence back there. And to go on to as far as the area, I drove the area, I didn't have to drive to far and I counted twenty three fences. I even got all the addresses. There's different sizes, different sizes and shapes, etc and so forth, in that area. Okay? So I don't know what they're really objecting to but thank you for your information.

Mr. Evans – Thank you. Other board members, questions?

Dr. Goist – I would just like to reiterate this. As Mr. Baldin I drove the area also. There are fences everywhere. I did not count them and I did not take the address so I appreciate him doing that but there seems to be a different standard and this area as I see it, Timber Edge Place, is a completely differently section of Forest Park. Forest Park, when it was first developed, was developed off of Handle Road and this is down at the end and is a completely new section. If feel for the applicant that this is personal. That this area is almost a separate area as opposed to the other. I feel sorry that they're in that association. I can't change that but it certainly looks like night and day when you go down in the two areas. There's the old section and there's lots of fences and there's the new section and they're trying to make their area better. So I concur with Mr. Baldin.

Mr. Baldin – Then I would have to assume when, I believe Stradtman developed this property and its all individual builders that are building there but they did join that association apparently. Right. Okay.

Mr. Evans – Mr. Oliveros?

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

Mr. Oliveros – I would like to answer a few things here. Mention of numerous fences. I have actually not gone around our community and counted these fences. I can tell you that we do allow what we call privacy fences. I have a privacy fence along the side of my house too which is approximately the length of my house. We have no problem with privacy fences around patios, around, let's say, if you have windows in your back yard. That sort of thing. As far as full length perimeter fences I would be shocked that there's this large number that you're talking about. I can tell you that our committee has never, and any large perimeter fences you may see there, have not been approved by this committee or any committee that I'm aware of. I can you another thing. We also have – our development, kind of a history of our development, it was first started by a builder other than Bob Schmitt and if you carefully drove around you would see that there are some differently designed homes within the main part of the development. Some of those homes are not members of our association I might add and they have unusual designs and fences that don't really fit. Bob Schmitt took this thing over when that original builder went broke, as I understand it, and started his development. Here again, our feeling in our community is that the openness of design is very unique to our area. We wish to preserve that. As I said, our committee has never approved any of those fences. Some of those fences may have been – maybe it was an agreement with the builder originally. I don't know. As long as I have lived there those have been there. The ones that are original. But our committee has not approved these. We do have a standard we think that we try to maintain there so that would best address why you might have seen that. But I think if you will think carefully, a majority of those are what we call privacy fences. Which by the – and other thing I want to address with Mr. Burden is we did offer a compromise plan. They came to us with a large plan. We came back with 'you could make it smaller like this, what we call an enlarged privacy area. We would allow that'.

Mr. Evans – Thank you Mr. Oliveros.

Mr. Oliveros – Thank you.

Mr. Evans – One thing I would remind both the applicant and the objector is that there is an outlet of civil action that can take place. There are homeowners associations within our community that have litigated over fences and there are decisions that are out there that support the homeowners associations in preventing fences but those are very clear circumstances that outline certain situations and those are all a matter of record and I would encourage both the applicant and the association to be cognizant of those things as the two of you move forward. Are there any other questions that board members have?

Mr. Baldin – I just have one comment. In my own neighborhood, a gentleman, homeowner has a fence that goes across an easement. So I you are going across any type of easements you are going to be responsible for tearing down the fence and replacing it all on your own (unintelligible). But you're staying inside. In case that did come up. It happened.

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

Mr. Burden – I guess the only thing that I would like to also have noted is that again, unless I have the wrong address, the president of the trustees has a fence protruding from the side of his house, the same thing that they're objecting to for the fence that we want to put up.

Mrs. Lane – I think what I'm hearing though, he may have one protruding but it doesn't lock in the whole yard. He have a total perimeter fence that totally encases your yard.

Mr. Burden – It goes back along his property line to the back. It may not touch his property line but he has a large area that extends. Unless I have the wrong address. It comes up to the other side of the house. Unless I have the wrong address and that may be possible.

Mr. Evans – Okay. Any other questions from board members?

Mr. Baldin – No questions.

Mr. Evans – Okay then at this point I would entertain a motion.

Mr. Kolick - Mr. Chairman? I know these always get a little dicey as to what you're doing with this. The proper motion would be a motion to approve and read on the agenda here. The objection of the Forest Park Homeowners Association. If you vote in the affirmative you're approve the objection. If you vote in the negative you're holding against the objection.

Mr. Evans – Okay. Thank you Mr. Kolick.

Mr. Harr - Mr. Chairman? I make a motion that the objection by the Forest Park Homeowners Association regarding the application of a building permit by property owners Lisa and Charles Burden to install a fence, pursuant to Codified Ordinance Section 1418.03; property located at 11533 Timber Edge Place PPN 398-14-007 Zoned R1-75 be approved

Mrs. Lane – Second.

Mr. Evans – Thank you. We have a motion and a second. Kathy if we could have a roll call please.

ROLL CALL:

ALL NAYS:

OBJECTION DENIED

Mr. Evans – Mr. Oliveros, the objection has been denied so the Building Department will be directed to issue the permit as it has been applied for then. And that issue is then resolved. Is there any other business to come before the board this evening?

**ED OLIVEROS, REPRESENTATIVE FOR FOREST PARK HOMEOWNERS ASSOCIATION, OBJECTING PARTY, cont'd**

Mr. Burden – I just wanted to note a correction that my wife’s name is Lola. And I think it said Lisa.

Mr. Evans – Okay thank you. We’ll make that correction. Then I would declare the meeting adjourned.

Original Signature on File  
Kenneth. D. Evans, Chairman

Original Signature on File  
Kathryn A. Zamrzla, Secretary

2/8/06  
Approval date