

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

November 8, 2006

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

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

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

Mr. Evans – Good evening. I'd like to call the November 8, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals meeting to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans - Thank you. I hereby certify that this meeting has been posted in accordance with the ordinance of the City of Strongsville. We have before us this evening and received in our packages minutes from October 25, 2006. Are there any corrections or comments to the minutes?

Dr. Goist - I make a motion to accept as submitted.

Mrs. Lane – Second.

Mr. Evans – We have a motion and a second to approve the minutes from October 25, 2006. May we have a roll call please?

ROLL CALL: ALL AYES MOTION CARRIED

Mr. Evans –Thank you. We have before us an agenda this evening that has new applications, public hearings and we do have other business to come before the board. If you are here this evening and intend to speak before this board, we would ask you to please stand at this time and be sworn in by our Assistant Law Director at this time.

Mr. Kolick then stated the oath to all standing.

Minutes

Board of Zoning and Building Code Appeals

November 8, 2006

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Mr. Evans – Thank you. Proceeding on our agenda, under new applications this evening, number 1 is Mike and Josie Matusek and we have Litehouse Pools, Mike Carroll, representative. If you would please come forward to the microphone. We'll need your names and addresses for the record.

NEW APPLICATIONS:

- 1) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative**
 - a) **Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to install an Inground Swimming Pool and;**
 - b) **Requesting a 1' 6" Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 13' 6" Side Yard Setback is proposed in order to install an Inground Swimming Pool and;**
 - c) **Requesting a 416 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 608 SF Floor Area is proposed in order to install a Retractable Pool Enclosure and;**
 - d) **Requesting a variance from Zoning Code Section 1252.18 for one (1) additional Accessory Building where one (1) Accessory Building is permitted and two (2) Accessory Buildings are proposed in order to install a Retractable Pool Enclosure; property located at 10039 Forestview Drive PPN 398-10-029 Zoned R1-75.**

Mr. Carroll – Mike Carroll, 125 Lakeview Lane, Chagrin Falls, Ohio.

Mr. Shelling – Ron Shelling, 13349 Spruce Run Drive, North Royalton, Ohio.

Mr. Evans – Thank you. Can you describe for us, please, the request for the variance from the Matusek's, what we are here for this evening?

Mr. Shelling – Yes, we're applying for a variance for the pool location and also an accessory variance for a second accessory building on the property. There's a couple of different places we could actually put it on the property but where it ties in the best, she really wanted it in line with the house and also it's a good flow, if you're at the property, how it comes out the back door and flows to the pool area. At that point, too, we don't have to remove any trees. Basically, we can grade everything else in there. If we start pushing that thing over, move things we have to come out. Concrete is going to have to come out; trees are going to have to come out. So, it's just where she wanted it. It fit in the place. It flowed good with the yard and that's why we're applying for it.

1) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Mr. Evans – One of the variances is for a one foot six inch side yard setback so what you're indicating is that if it moves even the one foot six inches to be in compliance that there would be tree issues then?

Mr. Shelling – I don't know about the one foot six. Her concern is that if you look down the sides she wanted to see –

Mr. Evans – To be in line.

Mr. Shelling – in line. Right.

Mr. Evans – Okay because we probably will ask you to, at least, broach the question with her because our objective here is to try and, obviously, minimize variances when we have to consider them and to work with homeowners and because of the nature of the number of requests that she's got here, if it's only a sightline differential and really doesn't make a difference for the one foot six, we probably would be inclined to say we would like you to, at least, broach the topic with her of moving that so that we eliminate one of the variances and again, City Council reviews the decisions that we do and when we have a situation where there are multiple variances that are involved, those tend to be ones that get more of a look from City Council members and oftentimes, we're disposed to try and work the number of the variances down so that we're dealing with as few situations where we're granting variances as possible. So, that would be one thing that I would ask you to do is to see if that's something that might be a consideration of the owner, at this point. One of the questions that I also had is the height of the structure. Will that be at the peak within the fifteen foot of the code?

Mr. Carroll – Oh, absolutely. The height of the structure is probably no greater than ten, twelve feet. I would actually have to look at the drawings itself but it would definitely be less than fifteen feet.

Mrs. Lane – Because there's not going to be a diving board in there that would make it higher.

Mr. Shelling – No there is to be no diving board. The depth of the pool is only five feet. It's more for therapy.

Mr. Evans – Other questions from board members? I know that we had talked in caucus this evening about the fact that this is really not a building per say. It's an enclosure for the pool but it does fit within the code because of the nature of the structure of it and it does collapse into itself leaving only a minimal. We talked about fences in caucus this evening and this does not require a fence around it because this is a containment around the pool that does, by

1) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Mr. Evans continues - virtue of our code, not require a fence with this type of enclosure. It is, as you have said, the individual here, it is a therapy pool. The nature of the situation is that the applicant is requesting this because of a physical condition and we do have doctor's information and we also have a letter from Pine Lakes that has already accepted – the letter from Pine Lakes has indicated no problem with this being built. So, I would just make note of those things for the record. Other questions from board members?

Dr. Goist – No other questions.

Mrs. Lane – The one point six side yard setback variance is just the front corner? Is that what it is on the enclosure that's the problem?

Mr. Shelling – Yes, it's just the very close corner because as we go back further, it's further away.

Mrs. Lane – As you go back further, it widens out. So, how many feet is that before it widens to the required fifteen feet.

Mr. Shelling – Ten feet.

Mr. Evans – Or maybe less.

Mr. Shelling – The first ten feet will be underneath that and once you get to the back of the pool, that would actually be –

Mr. Evans – Not required.

Mrs. Lane – In compliance. Thank you.

Mr. Evans – As we did mention in caucus too, we will ask you to stake out where the pool is going.

Mr. Carroll – Just a note of record also, she did talk to either neighbor on both sides of her and got clearance from both of them that they did not have a problem.

Mrs. Lane – It would be smart of you to come back with a letter from both of them if you could.

Mr. Carroll – Okay.

1) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Mr. Evans – There will be a communication from the City that will go out to neighbors within five hundred foot of her so if she has somebody else that's in the immediate vicinity that she has talked to on occasion that may be a person who would receive a letter and not be looking favorably at this, she may want to talk to them ahead of time. The letter that comes out just indicates the number of variances and a lot of times when people see the letters they react with a great deal of question because of the nature of the letter coming from the City. So, she can prevent problems by letting neighbors know what it is that they're requesting. Any other questions from board members? Then at this point, the public hearing would be set for Wednesday, November 29, 2006. That is a week later than our schedule would normally be but because of Thanksgiving, we moved it back. I would indicate to you, as well, that we do know, at that meeting, that we will have only three board members that are present. It would take a vote of all three of those in order to have a majority of the board and at this point it would be an option on your part, if you felt it was necessary, that you could request a delay and have it moved to the agenda for December 13, 2006 when we will have all five, probably, present of the board but the 29th it happens that two board members are out of town so you would only be left with three. It would take a unanimous vote but, as you know from caucus this evening, there were no major objections that we surfaced with the comments that we've given to you tonight. You should be able to be prepared for the 29th then. Okay?

Mr. Shelling – On the one foot six, do we resubmit that to you or just let you know that? If she says, Hey, that's fine, we could push it over, how would you like us to approach that?

Mr. Evans – It would be better to have another drawing that indicates that so it's indicated correctly.

Mr. Shelling – We don't have to apply for a whole new variance? We can just say we're going to push it out?

Mr. Evans – Yes.

Mr. Kolick - Mr. Chairman? The only thing I would note, you ought to find out quickly because if you let us know then we can send out the notices without that variance on it. It will be one less that people are going to be looking at if that's what you're going to do. So, if you would get a hold of Kathy, let her know.

Mrs. Zamrzla – Yes, those variances – mailings and notices will be in tomorrow's mail.

Dr. Goist - Mr. Chairman? I would just like to note, that's a one foot six inch variance and I know you said we're trying to eliminate them but I don't see that as a big problem in the overall scheme of this whole thing. I'm just stating my own opinion. They're still going to have thirteen six off the side yard. Correct?

1) **MIKE AND JOSIE MATUSEK, OWNER/ Litehouse Pools, Representative and Michael Carroll, Representative, Cont'd**

Mr. Shelling – Then it will go, as it goes, ten feet past the pool. It's in compliance with the code.

Mr. Evans – Right but, here again, Dr. Goist, the only thing is that when we do send out the notice it does have just the variance requests on it. When people look at four items generally their attention is drawn to those things and, as a board, we have usually tried to eliminate ones that were unnecessary. In this case, if it can be moved to one foot six inch and it's not a big deal, it just makes it a little bit easier in terms of the process. Again, City Council has looked at what we've done before with the penetrating reviews and so we just want to be sure that we're trying to do the best that we can.

Dr. Goist – That's fine.

Mr. Harr – I'll agree on that. I think standing from the front yard and then looking down the sideline, that one foot is imperceptible as to whether or not the concrete is actually in line with the corner of the house.

Mr. Evans – Okay. Gentlemen, that would be the marching order then and we'll see you back here on November 29, 2006.

Dr. Goist – No further questions.

Mr. Evans – Item number 2 on our agenda is National City Bank, GPD Group, Representative. If you'll come forward please and we'll need your name and address and if you'll speak right into the microphone that will record it for posterity.

2) **NATIONAL CITY BANK, OWNER/GPD Group, Representative**

- a) Requesting a Sign variance from Zoning Code Section 1272.12 (7) (c) which allows one (1) Ground Sign and where two (2) Ground Signs are proposed and;
- b) Requesting a Sign variance from Zoning Code Section 1272.12 (7) (b) which allows one (1) Wall Sign and where two (2) Wall Signs are proposed; property located at 15407 Pearl Road PPN 397-01-041 Zoned General Business.

Mr. Morrison – Mike Morrison, 520 South Main Street, Suite 2531, Akron, Ohio.

2) **NATIONAL CITY BANK, OWNER/GPD Group, Representative, Cont'd**

Mr. Evans – Thank you Mr. Morrison. National City is constructing a second building here in the City. You have been before Planning Commission and working with National City. Can you describe for us, briefly, the reason for the request of the variance and what the variances are that you're requesting?

Mr. Morrison – Yes, basically we're requesting two variances. One would be for an additional monument sign for the property. Due to the unique shape of the property, we do have two frontages although it's not a corner lot. We have a frontage onto Pearl and also onto Shurmer. We are asking for a monument sign on Shurmer that would be visible for our customers. In addition to that, there is a right in/right out on Pearl so we're hoping to catch as many people that are heading south on Pearl to flag them into the Shurmer access. Additionally, we're also asking for an additional wall sign on the south elevation. According to the code, I believe we're allowed 97 ½ square feet sign on the west side of the building. It's a little bit too large. We don't need a sign quite that big so we tried to do something a little bit more tasteful and we're just asking for a little bit of square footage then to put an additional sign then on the south side of the building. The total square footage of those signs would be 22 1/2 square feet combined.

Mr. Evans – Okay. At this point, this is the second building that National City is building in the City. We do have one across from SouthPark Center there so people will, generally, be familiar with the fact that National City is already in town. What we're trying to do is locate the building and direct them so that they understand that there is another convenient location here within the City. We had some discussions in caucus tonight and before I allow board members to ask questions in caucus tonight we talked about the proposed width of the monument sign for Pearl Road, which was ten foot and the height, which was proposed at five foot for both of the monument signs and we offer the suggestion, at this point, that given the variances and the fact that these are single use panels that are being created, that we ask you to consider or take back to National City, the consideration of having both signs at the seven foot six inch width and also reducing them to a four foot height, perhaps shrinking the ATM banking, so that it comes down to four foot because that area is a fairly flat area and, generally, unobstructed and we think that the four foot would probably do the same job as the five foot, just not be quite as imposing and with the signage on the building and everything else, we felt that that might be a consideration that we would ask you to take back to the folks at National City. Again, our job is try and figure out the best way to accomplish it. We want every business to be successful in the City and, certainly, that would be true of this location for National City. So, having said those things, board members, questions or comments?

Mr. Baldin – I have no questions.

2) **NATIONAL CITY BANK, OWNER/GPD Group, Representative, Cont'd**

Mr. Evans – The one thing that I would want to do is the ask that we have the CPTED officer for the City review the two sign locations and, in particular, noting again the delta that is proposed on Pearl Road there. In caucus this evening, we talked about the fact that the Taco Bell delta that is a little bit further north on Pearl Road, that there have been problems there that people often times make the left turn going south on Pearl and we would particularly ask the CPTED officer to make sure that that delta is necessary the way it is because we feel that with that branch of National City that there are going to be people going southbound on Pearl and trying to make a left turn into that property and if that delta is a right/right delta, it is certainly going to create some business for transmission shops in the City. So, we would ask them to just be sure when they're looking at the signs that that's the appropriate way to do that.

Mrs. Lane – The delta – who threw in the delta? Was it us as a City or the City Engineers recommended it or where does that come from?

Mr. Morrison – We would prefer to have a full access onto Pearl or, at least, the partial full access where it was full in and only a right out. That was mandated through the City.

Mr. Evans – I think we all understand, particularly living in the area, that the nature of the situation and, as was discussed in caucus tonight, many of us utilize the Clark station at the corner there and we come out turning southbound from the Clark station and there are any number of people who also turn into the Clark station that are southbound, this is no different than that particular situation except that you're got the Post Office entry and you're also got traffic going down to a couple of lanes there but the reality is that when people leave to go somewhere, they're going to try and go wherever they have to go and the fact that the delta is there, as proven by the scuff marks and scrapes on the Taco Bell one, aren't necessarily going to dissuade everybody from doing that and that may be an unreasonable situation to do that. So, we're just going to rhetorically ask that the CPTED officer review that choice there and make sure that that's the right one.

Mrs. Lane – It's just the officer or can we ask engineering to look at it again?

Mr. Kolick - Mr. Chairman? If I may, when you were talking about the CPTED officer, I thought that you were talking about looking at the sightlines for that. We can't do anything with that delta. That's been approved through Planning Commission and the engineers looked at it, the CPTED officers looked at it. Whether we like it or not, that's not what they're here for as to that. I don't think we can do anything with that. It is what it is. What they approved is after their study. I know they did do a traffic study there and take those items in. I think the only thing you can deal with is the signage, which is not anything to dealing with the delta. As far as signage, you may want the CPTED officer to look at that to make sure there is no sightline obstructions with the signage going in and out. I think that's important but nothing with the delta. Thank you.

2) **NATIONAL CITY BANK, OWNER/GPD Group, Representative, Cont'd**

Mr. Evans – That's fine. I think the observation that we made in caucus is that when you create a sign out there that's going to draw people to the business, it's going to draw them going both north and southbound and at that point that the delta creates an unreasonable hardship in terms of entering that and I think that's where our discussion was. That's fine. We do want the sightline reviewed for both the one on Pearl and the one on Shurmer. So, we'll ask that that be done. Any other questions from board members?

Dr. Goist - Mr. Chairman? I would like to ask Mike, do you agree to that seven foot six sign and four foot high?

Mr. Morrison – Agree or will comply? We'll comply with that. I'll need to take that back for final approval from National City though.

Mr. Kolick - Mr. Chairman? Same thing. They ought to then bring in a revised drawing showing the revised height and the length of those two signs.

Mr. Morrison – That won't be a problem. Do you want those before the meeting?

Mr. Kolick – It would be better that you get them before. That way they can be distributed in the board members packets and then they'll know everything is taken care of before the meeting.

Mr. Morrison – Okay.

Dr. Goist – Also, Mike, you understand that's the same meeting where there will only be three of us here. So, you're okay with that?

Mr. Morrison – Yes. If they don't, we'll postpone it to the next one.

Mrs. Zamrzla - Mr. Chairman? Anything that you turn into me I need to receive by the 17th of November.

Mr. Morrison – That won't be a problem.

Mrs. Zamrzla – Okay, good.

Mr. Evans – Any other questions? All right then, Mr. Morrison, we schedule that for public hearing on the 29th of November and with those caveats that we've given, we look forward to having you back then.

Mr. Morrison – Fantastic. Thank you for your time.

2) **NATIONAL CITY BANK, OWNER/GPD Group, Representative, Cont'd**

Mr. Evans – Thank you. Then, we have no public hearings before us this evening. We do have a continuation, which is item number 3 on the agenda. That's Ronald Montis. Mr. Montis, if you'll come forward to the microphone and we'll ask you to give us your name and address for the record and I think we can probably take up where we left off a couple of weeks ago and resume deliberation on the request.

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

3) **RONALD MONTIS, OWNER**

Requesting a 128 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to construct an Accessory Building; property located at 15867 Prospect Road PPN 393-28-010 zoned R1-75.

Mr. Montis – Ron Montis, 15867 Prospect Road, Strongsville. We're requesting a one hundred twenty eight foot variance on a shed. We're only allowed one hundred and ninety two, I'm proposing three hundred twenty feet. The last time we talked, we had talked about, I believe, moving the current location of the shed. I was not one hundred percent where my trees lied [sic] at the time. I went home, measured where one of the trees was that I was concerned with and, I feel, that if I do rotate the building and move it, I guess it would be - I was asking for it to be five feet off the property line. I'm now going to say that it's going to be fifteen feet off the property line so it won't be as opposing to the neighbor to the north of me. Okay? Then the building will be now rotated ninety degrees so the twenty-foot length will be running down my property. I'm hoping that's what you guys were asking for and I have no problem doing that.

Dr. Goist – How far off of the east property line will you be?

Mr. Montis – I would be five feet.

Mr. Evans – Yes, that is what we were trying to accomplish. All right. So, board members, what we're looking at is keeping the same size. Now, I think, Mr. Kolick, I would probably be correct in saying that we should have him initial one of the drawings so that – which you're already working on there - I didn't realize – to indicate the new locations as he's proposing it so that we have that as part of the record.

Mr. Kolick – We should show the building rotated and being fifteen feet off the north property line and have him initial and date it. Take any of the drawings there. Initial and date it and then you can act on that.

Mr. Evans – Okay.

3) **RONALD MONTIS, OWNER, Cont'd**

Mrs. Lane – Mr. Harr, are you doing it?

Mr. Harr – No.

Dr. Goist – He's getting ready for the motion.

Mr. Baldin – What is the overall height of this building?

Mr. Montis – I believe it figures out to be under twelve feet tall.

Mr. Baldin – Just under twelve feet.

Mr. Montis – Yes, it's going to have an eight foot wall with a four-twelve pitch, which, I believe, comes up to be thirty two inches over a six foot span so you're talking that's under eleven feet actually.

Mr. Baldin – Okay and where are you going to locate your door now that you're rotating this?

Mr. Montis – My plan was to – I would like to put it on the long side of the building so it will actually be facing the south.

Mr. Baldin – Again, your reasoning for having the size shed that you're requesting?

Mr. Montis – Two kids, a wife, a pool, a lawn tractor, tools. I had a 24 by 24 foot, fifteen foot high garage in North Olmsted and when I came to Strongsville and I now have a 20 by 20 attached garage and I can't get a car in it and -

Mrs. Lane – You seem to have picked up a few lawn toys since you moved to the larger lot.

Mr. Montis – Yes, ma'am.

Mrs. Lane – At least it certainly looks like that looking at the materials in your garage.

Mr. Harr - Mr. Chairman?

Mr. Evans - Mr. Harr?

Mr. Harr – If I could just ask the applicant to take a look at the changes to your drawing based on what you've described. So, we're rotating it in this fashion. Sixteen with the twenty this way -

3) **RONALD MONTIS, OWNER, Cont'd**

Mr. Montis – Yes, sir.

Mr. Harr – Door to the south, approximately fifteen off the north line, five feet off the east line.

Mr. Montis – Yes, sir.

Mr. Harr – If you could initial the changes.

Mr. Evans – Mr. Harr, are you showing all the other dimensions then, not just off the property line but –

Mrs. Zamrzla – From the house?

Mr. Evans – Yes, he took care of it.

Mrs. Zamrzla – This would be forty-nine now.

Mr. Evans – So, now we have all the dimensions now. Okay. We're good. Okay, having had the drawing redone and initialed by the applicant thanks to Mr. Harr's engineering there, we are now poised to – we've already done public hearing on this because we did that at the last meeting so we are poised then to go ahead and have a motion then to accept.

Mr. Harr - Mr. Chairman? I would make a motion that a request for a 128 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area and where a 320 SF Floor Area is proposed in order to construct an Accessory Building; property located at 15867 Prospect Road PPN 393-28-010 zoned R1-75 pursuant to the amended drawing submitted by the applicant today, be approved.

Dr. Goist – Second.

Mr. Evans – Thank you. We have a motion and a second. May we have a roll call please?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Mr. Evans – Thank you. That has been approved. There is a twenty-day waiting period during which City Council has the opportunity to review our decision so you will have to wait for that twenty days. You'll be notified by the Building Department at the expiration of that twenty days and then you may begin construction. I think we have all the plans and everything, Mr. De Hoff so I think that there is nothing else that the applicant needs to submit then. So, you're all set.

3) **RONALD MONTIS, OWNER, Cont'd**

Mr. Evans – Okay. So, we would be entertaining a motion for that.

Mrs. Lane – So moved.

Mr. Harr – Second.

Mr. Evans – I'm going to go with that. We have a motion and a second to reinstate the variance that was granted for the Landmark Garden and Landscape Center at our previous meeting minus the stipulation about the curb cut being extended to sixty foot maintaining at forty and may we have a roll call?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Mr. Evans – Is there anything else to come before the board this evening? If not, then we will adjourn.

Meeting adjourned at 8:45 p.m.

Signature on File
Kenneth D. Evans, Chairman

Signature on File
Kathryn A. Zamrzla, Secretary

November 29, 2006
Approval date