

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

**April 25, 2007  
7:30 p.m.**

Present: Board of Appeals Members: Glenn Goist, Rich Baldin, Celia McGrath, Bill Harr.  
Administration: Assistant Law Director, Dan Kolick; Building Department Representative,  
Joe Allen; Recording Secretary, Kathy Zamrzla.

The following was discussed:

**NEW APPLICATIONS:**

- 1) **JAMES BUKVIC, OWNER/James Henley, Agent**
  - a) **Requesting a 63' Lot Width variance from Zoning Code Section 1252.05 which requires a 75' Lot Width at the right-of-way and where a 12' Lot Width at the right-of-way exists in order to construct a Single Family Dwelling and;**
  - b) **Requesting a 212 SF Floor Area variance from Zoning Code Section 1252.022 (c) which allows an 800 SF Floor Area for a Garage and where a 1,012 SF Floor Area is proposed in order to construct an Attached Garage to a new Single Family Dwelling; property located at 13847 Whitney Road PPN 398-08-011 Zoned R1-75.**

The board members discussed if the surrounding property was developable and if so, would the building of this house impact new development. Joe Lipovits entered the room and said that his property abuts this but he did not wish to purchase the property. Mr. Kolick suggested that the City Planner should determine if the lot is able to be developed, other than for one house. Mr. Kolick suggested that maybe we should table and Bob Hill could comment at a later date.

- 2) **RICHARD WALTERS, OWNER/Tim Dean, Representative**
  - a) **Requesting a variance from Zoning Code Section 1252.18 which permits one (1) Accessory Building and two (2) are proposed and;**
  - b) **Requesting a 312 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area for an Accessory Building and where a combined 504 SF Floor Area is proposed in order to move a Second Accessory Building onto the property and;**

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- c) **Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.15 which requires a 10' Side Yard Setback for an Accessory Building and where a 5' Side Yard Setback is proposed and;**
  
- d) **Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.15 which requires a 10' Rear Yard Setback for an Accessory Building and where a 7' Rear Yard Setback is proposed in order to move a Second Accessory Building onto the property located at 19388 Bowman Drive PPN 393-37-046 Zoned R1-75.**

The structure that is being moved needs a new floor. There will be a 3' gap between the two structures. The board members discussed whether the sheds had building permits and the placement of the sheds.

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

**MINUTES OF MEETING**

**April 25, 2007**

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

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

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call the April 25, 2007 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll, please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. EVANS

Mr. Harr – Motion to excuse Mr. Evans for just cause.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES MOTION CARRIED

Dr. Goist – I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. We have minutes before us this evening from our April 11, 2007 meeting and we have minutes from May the 15<sup>th</sup>, 2002. If there are no additions or corrections to those minutes, may I have a motion to approve them?

Mr. Baldin – I make a motion to accept as presented.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED



1) **LOIS BAILEY, OWNER, Cont'd**

and where a 20' East Side Yard Setback is proposed in order to construct a Barn Addition and;

- e) Requesting a 30' West Side Yard Setback variance from Zoning Code Section 1252.03 (e) (2) which requires a 100' West Side Yard Setback and where a 70' West Side Yard Setback is proposed in order to construct a Barn Addition and;
- f) Requesting a 70' Rear Yard Setback variance from Zoning Code Section 1252.03 (e) (2) which requires a 100' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a Barn Addition and;
- g) Requesting a variance from Zoning Code Section 1274.06 which prohibits the enlargement of a non-conforming building and the applicant is proposing to construct an Addition to a non-conforming Barn; property located at 22636 Westwood Drive PPN 392-02-005 zoned R1-75.

Ms. Bailey – Good evening. My name is Lois Bailey and I live at 22636 Westwood Drive, where I have resided for nearly twenty-five years. My daughter and I own two American Saddlebred horses, which are a special show breed and with special training requirements. Not many people own Saddlebreds. They are not a popular breed in comparison to Thoroughbreds or Quarter horses, for example. It's kind of like having an expensive little-known show dog that must be cared for and trained in a certain way. I was widowed twelve years ago when my daughter was only eight years old and these horses have helped her through some very difficult times. I am proud to say that she is now an honor student at Ohio Northern University as well as an expert horsewoman, horse trainer and farrier. We currently exercise our horses at a Saddlebred farm in Lorain County. Unfortunately, the eighty-two year old owner of the farm is retiring and thus closing the facility, leaving us nowhere suitable to exercise the horses. So, we need a facility of our own so that my daughter and I can continue to exercise and properly train these animals. We propose building a 60' by 120' riding arena behind and attached to our existing barn. This facility would provide an adequate area to exercise and train the horses on a year round basis, independent of the weather and also would provide a place to store necessary farm equipment. The building would not be used for any other purposes. Also, the existing building would be restored to match the proposed building, thus providing a more aesthetically pleasing view for those who can see the back of our property. Are there any questions?

Dr. Goist – Members of the board, I think we have quite a few questions.

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes, Mrs. McGrath?

Mrs. McGrath – Mrs. Bailey, I wanted to ask if – I understand they are horses that you don't see very often. Are there other nearby arenas that you could look to?

Mrs. Bailey – I have already done that and unfortunately, I don't want to board my horses because that is extremely expensive and I want something close by.

Mrs. McGrath – I know there is Baker's Creek.

Mrs. Bailey – Right. They don't do Saddlebred's.

Mrs. McGrath – Okay, thank you.

Mr. Baldin - Mr. Chairman?

Dr. Goist - Mr. Baldin?

Mr. Baldin – Mrs. Bailey, your existing building is 65' by 27'. You keep your horses there now?

Mrs. Bailey – Yes.

Mr. Baldin – Okay. It's just, basically, a barn type.

Mrs. Bailey – Correct.

Mr. Baldin – So, you can't really exercise them. Can you exercise them outside or do they have to be exercised inside because you want to do this year round or what?

Mrs. Bailey – They need to be exercised year round and that is why we take them to another facility to exercise them because we don't – it's hard to do them in the wintertime and when it's pouring rain outside, etc. So, this would just provide us with an arena that we could use year round, not depending on the weather.

Mr. Baldin – How big is your piece of property there?

Mrs. Bailey – I'm two acres.

1) **LOIS BAILEY, OWNER, Cont'd**

Mr. Baldin – Two acres? When you purchased there, was that existing building – that barn type building – there or did you add that?

Mrs. Bailey – That was there when we purchased it.

Mr. Baldin – That was there?

Mrs. Bailey – Yes.

Mr. Baldin – These are show horses that you take and show around the country?

Mrs. Bailey – Correct. Well, not around the country.

Mr. Baldin – Wherever. Okay. No more questions right now.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Mrs. Bailey, would the facility be used to train or work on anyone else's horses?

Mrs. Bailey – No, this is strictly for us.

Mr. Harr – Would it be used for any type of events or spectator shows or anything like that?

Mrs. Bailey - No. This is purely personal use. I know it's a very large building but you need a large building for horses, especially this particular breed.

Mr. Harr – I have not been to the property yet but I know there is a new development a couple of doors down from you. Do any of those homes wind in behind your property?

Mrs. Bailey – Yes, they do. In fact, I sold them that property in order to do that.

Mr. Harr – Have you had any conversations with any of those neighbors, at this point and how this might impact them or –

Mrs. Bailey – No. Actually, the one who is going to have the greatest impact is the one to the east, my neighbor to the east, because the building will only be twenty feet from his property. He is delighted that I am going to do it.

Mr. Harr – Are you planning to add any additional horses to the –

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. Bailey – No. No.

Mr. Harr – Okay, I don't have any other questions.

Dr. Goist – I hear you say you have two horses and you and your daughter both train the horses. Your daughter is away at college. So, nine months of the year our daughter is not in Strongsville so therefore, you're going to build this large arena to be able to train the horses. Do you train both horses yourself?

Mrs. Bailey – Probably . I do now. I ride them, I work them. I'm not as adept as she is but I certainly do that and she comes home every other week. I bring her home.

Dr. Goist – Her plans after college are to stay in the Strongsville area and do this? You see, if we give a variance, this variance then stays with the property. It could be that things change down the road and you would have a huge arena with this no longer being used. It's my reason for asking that question.

Mrs. Bailey – It's a valid question that I can't give a valid answer to.

Mrs. McGrath - Mr. Chairman?

Dr. Goist – Yes.

Mrs. McGrath - What year is she in college?

Mrs. Bailey – She is a sophomore. She is in her second year of college.

Mrs. McGrath – Will she have extra post graduate work with horses or will she be – you don't know if she'll come back after college.

Mrs. Bailey – The plan is that she will but I can't guarantee that. You can't guarantee anything with kids.

Mrs. McGrath – Yes.

Mr. Harr - Mr. Chairman? I'm certainly not an equestrian expert but – and without putting you through rigorous explanation for me, I guess I would ask, what is so different in the training of these horses versus some other breed?

Mrs. Bailey - They are what are known as gaited horses and without going into a lot of explanation, they need a long stretch in order to maintain a certain type of gait. In other words, it's their way of moving. It's their way or trotting or cantering.

1) **LOIS BAILEY, OWNER, Cont'd**

Mr. Harr – So, most arenas are not as long as this arena?

Mrs. Bailey – Correct and one of our horses is also broke into harness so we also put a cart behind them and it's very difficult to turn a cart with a horse attached to it in something smaller.

Mr. Harr – Is the 120' – are we at what would be considered minimum length for these purposes or –

Mrs. Bailey – If I had to make some concessions, off of the top of my head, I could probably go with 90' instead of the 120' and still maintain what I want to do.

Dr. Goist – Mrs. Bailey, one of the things that we are looking at as a board is that you are asking for extremely large variances. Variances from the City Code as it is currently written and if we give you this variance, these variances, the next thing that we are going to have is someone who comes in and asks, Well, you gave this to Mrs. Bailey, we want the same variance. So, we have to look at that very carefully to say we may not want to do that from a standpoint that we open – in this case, maybe it's appropriate - the barn door for another group but your building that you have now, your existing building, is non-conforming because it's too close to the property line, which I think you knew. Correct?

Mrs. Bailey – Yes.

Dr. Goist – So, I just want you to be aware as we do our deliberation, and this is not your public hearing tonight, this is for you to explain to us why, we have to carefully look at the – we had a gentleman that came and asked and he wanted two ponies for his children but he did not have the land necessary to build the type of building. So, do you currently keep your horses in that one building when they're not in Lorain? You go to Lorain just to train?

Mrs. Bailey – Yes.

Dr. Goist – Okay. Yes, Mr. Baldin?

Mr. Baldin – You've got a long skinny type lot here, correct?

Mrs. Bailey – It's 563' by 162' or something like that.

Mr. Baldin – Right and the lot next to you on the east, he's got a much wider lot, it looks like.

Mrs. Bailey – No, his should be narrower. His should be 75', the one right next to mine.

1) **LOIS BAILEY, OWNER, Cont'd**

Mr. Kolick – We're showing 81' for the lot on the east of her.

Mrs. Bailey – The one east.

Mr. Baldin – Yes, 81'. I take that back. My question is the dwelling of which is the home, from the street, between the dwelling and the existing building, there has to be a lot of footage, isn't there?

Mrs. Bailey – Between my home and the existing building?

Mr. Baldin – Right because you want to put this on the back part.

Mrs. Bailey – Correct.

Mr. Baldin – Between your dwelling and the building there –

Mrs. Bailey – There is probably –

Mr. Baldin – Quite a bit of room it looks like –

Mrs. Bailey – One hundred and fifty feet, I'm guessing.

Dr. Goist – Excuse me, Mrs. Bailey, but your drawing shows 250' between your dwelling and –

Mrs. Bailey – From –

Dr. Goist – Oh, no that's the proposed building. That's the new building. Okay. I was looking at it thinking it was your existing building.

Mrs. Bailey – Yes, maybe 150' or 200', I'm guessing. I haven't really measured it from my house to the existing building.

Mr. Baldin – The existing building has been there for a while. It's in pretty good shape, I take it?

Mrs. Bailey – Structurally, it is sound. It needs siding.

Mr. Baldin – So, it wouldn't be feasible to just build the opposite way and put the arena in front of that building so you wouldn't need that rear yard setback but you still would need the east and west setbacks.

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. Bailey- Quite honestly, I hadn't looked at it that way.

Mr. Baldin – You have 150' there and you claim you could do 90', but 120' you would like to have.

Mrs. Bailey – But that wouldn't work because it would be too close to the house to the west because there is a house on the west –

Mr. Harr – With a greater setback?

Mr. Baldin – Isn't this her line?

Mr. Kolick – It looks closer to the property line.

Mrs. Bailey – Right.

Mr. Kolick – The house on the west.

Mrs. Bailey – If I put the building in front of that then it would be too close to their house. It would be less than 100' where as right now, it's greater than 100' and that would add another variance.

Dr. Goist – Mrs. Bailey, let me ask you, since this is your initial application, we would ask that before, and as soon as possible, before our next meeting, would you please have staked out the corners of your proposed building so that we can see where the building is going to be placed. In other words, we want to know where each of those corners are so that we – I've been to your property and it was very difficult for me to tell how far that building was going to end because you're so close to the back setback that without some kind of flag, without some kind of pole, I couldn't tell. So, we would ask you to stake that out if you would, or your builder to stake that out.

Mrs. Bailey – Okay. I don't have a builder yet because I wanted to make sure that I could even do this before I started sinking money into it.

Mrs. Zamrzla - Mr. Chairman? Could I make a comment for a point of information? Mr. Kolick, could you explain to the board members the difference between the two lots, because when I passed out the plot for that area, I highlighted for the board members 014 and you're saying that it's actually 005. So, they're looking at the skinny one next to 005 so between you and Mrs. Bailey, could you explain to the board members which parcel it actually is?

Mr. Kolick – I think 005 is her parcel, not 014 that has that long narrow handle on it. 005 is her parcel. I think what she had there at one time –

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. Bailey – 014 was probably my former –

Mr. Kolick – 014 was your original lot but when you sold off the back to Westwood Farms they redid those numbers so your new number is 005. So, if you look at a zoning map, 005 is the parcel that she is proposing to put the barn on.

Mrs. Bailey – I also had owned the lot next door as well and we combined a lot that was in the middle.

Mr. Allen - Mr. Chairman? Point of information. She owns 014 and 005, both. If you'll see this adjoining line between it, so her property is 014 and 005 so they should have highlighted the 005 parcel too. That's all her's. You'll see the z connecting the two parcels.

Mr. Baldin – Okay. So, those should be put together.

Mr. Allen – Yes. Do you see the little z line there showing it hooked up?

Mr. Kolick - Mr. Chairman? For the applicant, does your lot then, Mrs. Bailey, go all the way over to South Churchill Way other than that little common block?

Mrs. Bailey – No, it does not. It doesn't go all the way over to South Churchill. Do you mean over to the actually street itself?

Mr. Kolick – Its does not because that is what these maps would show according to this. Does you property go over to the back of the properties?

Mrs. Bailey – Yes, it does.

Mr. Harr – To the back of their homes, yes.

Mr. Allen – She has 014 and 005.

Mr. Kolick – There was probably another lot line going down there separating her from that lot 006 or whatever the 006 is on that map there.

Mrs. Bailey – 006 is the one that – off the top of my head –

Mr. Kolick – If you run a line straight down from lot 014, that's where you're going to have it because she is showing 182'. Lot 005 is 162' and 014 is probably your other twenty something feet.

Mrs. Bailey – Okay. So then, she has more than we anticipated here in the width of the lot.

1) **LOIS BAILEY, OWNER, Cont'd**

Mr. Kolick – I think the numbers on the agenda are correct. She is still coming right up to the back yards of those homes on Westwood Farms. Her lot width is 162’.

Mr. Harr – Total, combined.

Mr. Kolick – One hundred and sixty two?

Mr. Allen – 162.25’ combined.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr.

Mr. Harr – I have one additional question. You mentioned the existing – is part of the plan to do any type of refurbishing of the existing building?

Mrs. Bailey – Yes, I want to make it look nice again to match the proposed building so that we don’t have –

Mr. Harr – The exterior will be –

Mrs. Bailey – Exactly. It will be sided or –

Mr. Harr – So, for all intents and purposes, it will look like it was all built at the same time.

Mrs. Bailey – Exactly. Exactly.

Mr. Harr – Okay. I don’t have any further questions.

Mr. Baldin – Let me ask this question. If she got – she is proposing a 60’ wide building, correct?

Mrs. Bailey – Correct.

Mr. Baldin – You have 162’ right now.

Mrs. Bailey – That is correct.

Mr. Baldin – Okay. If you put it right dab in the middle, you have a lot of land – you have 50’ on each side left.

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. Bailey – Right. I was trying, though, to stay away from the development as much as possible and that's why I moved it more to the east because then the east side will butt up against back land that belongs to my neighbor, which can't be built on, ever, because of the conformation of the property.

Mr. Baldin – Okay, that was another question I was going to ask earlier. Your neighbor, how much land does he have behind? Can you buy a little piece from him and go further to the east? You're talking about the land on the east, right?

Mrs. Bailey – Correct. Correct. I don't know. I haven't asked him.

Mr. Baldin – He has a fairly deep lot there as well.

Mrs. Bailey – He has an acre, yes.

Mr. Baldin – Okay. If you bought a piece of property off of him in the back, which you thought they weren't going to do anything with it, maybe it's not buildable like you said.

Mrs. Bailey – No, it's not.

Mr. Baldin – Okay, but maybe it's buildable enough for your arena, for your barn, what you're proposing here. If you would pick up another piece of land back there, then you wouldn't be encroaching as much as you're asking for.

Mrs. Bailey – True.

Mr. Baldin – It's something to think about. All of these are deep lots back there. There are one or two shorter ones but they're all pretty large lots. You sold some of this property off to Westwood Farms?

Mrs. Bailey – Yes. I originally had 10 acres.

Mr. Baldin – Okay. You feel that you need that kind of height for this type of building and arena?

Mrs. Bailey – The wall height would be twelve feet. You need that to ride a horse so you don't hit your head on the ceiling and then – I'm not a contractor so I kind of guessed – somebody said you need a 4/12 pitch and so I did all that and I came up with 24'. It would probably be less but I don't know. It's not going to be any more.

1) **LOIS BAILEY, OWNER, Cont'd**

Mr. Harr - Mr. Chairman? Mrs. Bailey, when we grant the variances or if we grant the variances that you're taking a look at, we want those numbers to be what they're going to be. I don't know if you've contemplated a set of drawings at the very minimum.

Mrs. Bailey – Okay. Okay.

Mr. Harr – If you get to that point that the variances are granted and you then find out that you need another foot or two, then you have an issue.

Mrs. Bailey – If it was less, then it would be okay as long as it wouldn't be more. Am I correct?

Mr. Kolick - Mr. Chairman? What the board is suggesting, Mrs. Bailey, is we have an exact number. I don't know if you actually have to have a contractor draw up a whole set of plans but if he has the dimensions, he can certainly tell you, given the pitch of the roof, what exactly the height of the roof is going to be. So, you ought to, at least, get the correct number of the height of the roof so that we have it because on the other side, if you only need a 20' roof rather than a 24', I would rather see the board act on a 20' roof rather than a 24'. I'm just pulling numbers out of the air as to what it may be but you need to get us a correct dimension as to what you need there.

Mrs. Bailey – I understand.

Mr. Harr – Have those numbers checked.

Mr. Kolick – If you would do that and convey that to our secretary before the public notices go out, you need to get that quickly. Okay? Thank you.

Dr. Goist – Do the public notices go out –

Mrs. Zamrzla – Tomorrow.

Mrs. Bailey – Oh. That might not work.

Mr. Baldin – That gives you two weeks.

Dr. Goist - Mr. Allen? Can you give her an idea if she had a 12' wall?

Mr. Allen – She is pretty correct on a 4/12 pitch because maybe she could go to a 3/12 which would reduce it a little bit but again, it depends on – I would assume she would be building this with trusses. So, a 4/12 pitch or a 3/12 pitch, either one, is pretty much standard for a truss.

1) **LOIS BAILEY, OWNER, Cont'd**

Dr. Goist – So, 24' is very close.

Mr. Allen – Possibly 21' depending if it goes to a 3/12 or a 4/12.

Mrs. Bailey – I probably want to have the higher pitch because of the snow load. With a 60' building I would probably want to have the 4/12.

Mr. Allen – They can design them either way to carry the load. It depends on – they can space the trusses 24" on center, 16" on center. It depends. There are all different ways. You can go to James Lumber or something and they pretty much have these things already designed and laid out. You can buy them right off the shelf already designed.

Mrs. Bailey – Okay. Thank you.

Mr. Baldin – Let me ask one more question here. Your existing building is roughly a little over 1,700 square feet now. How much is she actually allowed on that lot?

Mr. Kolick – She is allowed 400 square feet total.

Mr. Baldin – That's what I assumed. Her building now is 65' by 27'?

Mrs. Bailey – Correct.

Mr. Baldin – All right.

Mr. Kolick – She is already over.

Mr. Baldin – Right. Way over.

Dr. Goist – So, Mr. Baldin, she is asking for almost 9,000', 8,955' variance.

Mr. Baldin – I understand that. It just dawned on me how much she is already over already. I have no further questions.

Mrs. McGrath – No questions.

Dr. Goist – Since we have no further questions, your public hearing will be May the 9<sup>th</sup> and if you can, talk with someone and, as Mr. Allen says, possibly James Lumber or someone else who can give you that, if you can tell Kathy tomorrow at some point. The notices are still going to go out and we'll probably use the 24' but if you had something less, we would accept something less.

1) **LOIS BAILEY, OWNER, Cont'd**

Mrs. Bailey – Okay.

Dr. Goist – We have to also keep in mind that giving a variance of this size, as we said before, may open a proverbial barn door to other people wanting it. So, we have to take that into consideration.

Mr. Baldin – I would like to make one more comment Mr. Chairman. We all know we have turned down a number of variances in this city of people requesting large type structures. I can think of one off the top of my head on Howe Road and this gentleman wanting to put a horse or two in there and some other type of animals, fur type animals –

Mrs. Zamrzla – Alpacas, I think.

Mr. Baldin – Alpacas. All right. I just wanted to make that comment.

Dr. Goist – Okay. We will see you back here on May the 9<sup>th</sup>.

Mrs. Bailey – Thank you very much for your time and consideration.

Mr. Baldin – You're welcome.

Dr. Goist – Our first public hearing this evening is James Bukvic and his representative is James Henley. If you would come forward please. If you'll give us your name and address.

(H) **PUBLIC HEARINGS:**

2) **JAMES BUKVIC, OWNER/James Henley, Agent**

- a) Requesting a 63' Lot Width variance from Zoning Code Section 1252.05 which requires a 75' Lot Width at the right-of-way and where a 12' Lot Width at the right-of-way exists in order to construct a Single Family Dwelling and;
- b) Requesting a 212 SF Floor Area variance from Zoning Code Section 1252.02 (c) which allows an 800 SF Floor Area for a Garage and where a 1,012 SF Floor Area is proposed in order to construct an Attached Garage to a new Single Family Dwelling; property located at 13847 Whitney Road PPN 398-08-011 Zoned R1-75.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Malik – Hello. My name is James Malik with Zarzycki Malik Architects. I'm here representing James Bukvic and his wife. I have with me Mr. and Mrs. Bukvic, the parents, Bob and Mary and I would like at this time to have – is it possible to swear them in so that they can give their testimony too.

Mr. Kolick then stated the oath to those standing.

Mr. Malik – Thank you. Two weeks ago, we were here and at that time we were asking a variance for – they currently have a parcel that has a 12' right-of-way onto Whitney and they would like to build a house in the location close to – near where the existing house used to be built and they apparently need a 75' right-of-way on the street and they are asking for a 60 some foot variance because of the existing right-of-way that they do have currently now and they are also asking for a variance in the garage area because they were stating that they would like to move any shed type storage into that location versus being somewhere else on the lot. I went out to the site and we staked out this site last Saturday and I hope everyone had a chance to visit the site. I have photographs to show that the building or the house that they are proposing to build is set back about 75' from their front property line. They have a 100' frontage in the rear property line. They are set back 75' and they would be 75' from an existing creek that also carries with it some flood plain coverage. So, they are 75' from the flood plain area of that creek. Beyond that creek, there is another 380' to the south and they are not proposing to do anything on that site currently. They are just proposing to build the house northerly closer to Whitney because of utility setback and stuff. So, we're asking for the board to grant these variances tonight and I will turn the mic over to Mr. and Mrs. Bukvic.

Mrs. Bukvic – My name is Mary Beth Bukvic. My address is 13349 Rosewood, in Strongsville. My son purchased this land – I don't remember exactly when it was but it was for sale and he is in the Navy and they lost everything. They had a slab and the brand new house turned out to be a slab. So, they have nothing. Right now, they are renting and they're just really – because he is going to be retiring – and he is really anxious to move up here. They have a little boy and they are renting someplace down there. There's not a lot of places to rent because everything was pretty much taken away with Katrina and he just really wants to get up here and build and he thought he was doing the right thing having an architect do it and there was an existing home on the property. So, he can't understand why it's such a problem and I know the woman in front doesn't have a problem because I walk the dog over there a lot and she says it will be great to have company. So, I don't know. I wish you could approve it.

Mr. Baldin – Thank you.

Dr. Goist - Do you have a comment?

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Bukvic – That pretty much sums it up right there. He'll be getting out of the service in August. He has nowhere to go and that's why he would like to get on this as soon as possible. He didn't think that there would be a problem like this. He was told that in three months, he could have the house built and that's what he figured. He would be coming home in August and that's where he wanted to come back to, Strongsville. So, he is just kind of up in the air right now. He's got nowhere else to go. He is renting down there now because the house he had was gone from the hurricane.

Dr. Goist – We understand that hardship. Let's go back to Mr. Malik now. You were not here – you were not present. Someone else represented you –

Mr. Malik – I was here last – two weeks ago. James Malik from Zarzycki Malik Architects. 7500 Pearl Road.

Dr. Goist – Your representative was here. Not –

Mr. Malik – I was here personally.

Dr. Goist – When did you stake that out on Saturday? I was there a week ago Monday. So, staking that out on Saturday meant that each of us would have had to know that you didn't do it until Saturday. Did anybody see the stakes?

Mr. Baldin – I was out there today.

Dr. Goist – Okay. Mr. Baldin was the only one who saw the stakes because of the timing of the placement of the stakes. So, none of us has seen – I was there and I spent two and one half hours there. Not because I wanted to because I found out that there is a lot of low wet lands.

Mr. Malik – It wasn't this Saturday. It was the previous Saturday.

Dr. Goist – Well, I was there before.

Mr. Malik – Well, they were there. I met the lady up in the front. This was not last Saturday but the Saturday before. It was directly after. So, there was a good week and a half, you know, that the stakes were out there.

Dr. Goist – Maybe because I was stuck in the mud I didn't quite look at the stakes, as I should have. I apologize for that.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Malik – Okay. The neighbor lady sometimes uses their drive to get access to the back where she can't use her own drive. Apparently, there is some mud on her drive that makes it impassible sometimes.

Dr. Goist – I know some of our board members have some other questions relating to the property itself. Mr. Harr, do you want to explain to them –

Mr. Harr – Sure. Actually, a few questions just to get my bearings as well. So, the house, at the point where the 12' wide strip disappears, the back yard of the house immediately in front of this on Whitney, and your setback then is approximately 75' from there.

Mr. Malik – Right.

Mr. Harr – Okay and then how far from the back of the house to the creek, roughly?

Mr. Malik – It's approximately another 75' maybe 80' to the flood plain.

Mr. Harr – Okay.

Mr. Malik – Then the creek is probably another 75' in to that area.

Mr. Harr – So, 150' behind the house?

Mr. Malik – Right. I calculated another approximately 380' on the other side south of that.

Mr. Harr – As I did not walk back to the creek but the creek runs, basically, east/west through the back yards of those lots?

Mr. Malik – That is correct.

Mr. Harr – Okay because as we discussed a little bit in caucus, I'm concerned looking at the plat map that there is property. The properties to the immediate west of this parcel and also a little bit to the south east, these are all bowling style lots, they are very deep lots, and they could be back land that is sold off. There is a stub street there at Pine Lakes Drive and conceivably it's property that could be developed and while the house immediately in front of this property has no objection, one of those neighbors three or four doors down may have an objection if, in any fashion, the placement of this home could impact their ability to sell off their property and have it developed. Now, being on the other side of the creek –

Mr. Malik – I do see houses west of their property that are setback pretty far, just as far as they are proposing, yes.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Harr – As I said, you can tell a little bit there on the aerial how the creek runs. You can see a little bit of that.

Mr. Malik – There is currently some structure placed back on the neighboring property at the same area that they are proposing to place their house.

Mr. Harr – This property was purchased after the point at which the house was raised or before?

Mr. Malik – I don't know about the negotiations.

Mr. Harr – Your son did not raze the property?

Mr. Bukvic – No.

Mr. Harr – It was already torn down but he was aware that there was a house on there?

Mrs. Bukvic – Yes there was a house and they had a pool. You could see where the pool was and he knew there was a house there. You could tell.

Mr. Harr – He simply presumed that there was not a problem building a house there because there was a house there. Not knowing that the frontage aspect didn't get grandfathered with the lot when the house was razed.

Mr. Bukvic – Correct. It was sold like that when he talked with the real estate agent. He just didn't think there was going to be any type of problem whatsoever. It was sold as a lot to build a home on.

Mr. Harr – The tie ins for utilities and so forth are all going to Whitney?

Mr. Malik – That's correct.

Mr. Harr – They are all going underneath the driveway then for that stretch?

Mr. Malik – That is correct.

Mr. Harr – Okay.

Dr. Goist – Mr. Allen had a comment to make a few minutes ago.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Allen – Yes, the distance from the creek to the back of the house is 200'. The utilities out there, we are presuming that they're existing utilities. That's what the site plan shows that the utilities are there. We're going to make sure, before they tie in, that the utilities are in good working condition.

Mr. Harr – So, the original home was hooked up to the sanitary and everything?

Mr. Allen – Yes, it was.

Mr. Harr – It was.

Mrs. Bukvic – I know they called the utilities and they have gone out there and marked things. I know that right after they bought the property. I don't know that much about that though so I don't know but I know they have been called.

Mr. Harr - Mr. Allen, do you have any knowledge about the extent of the flood zone there or whether or not it would impact the ability to develop that, that back area?

Mr. Allen – The flood zone is indicated on the drawing that he has - not on the drawings that he – he has more current drawings than what he has and it indicates the flood plain.

Mr. Harr – As it pertains to that little piece of land that I'm thinking about through the other parcels.

Mr. Allen – I don't have a flood plain map with me but there is a certain area there – it is possible to develop in the flood plain but, like you pointed out, you have to have special flood insurance and so forth. There are areas in Strongsville where the flood plains have been developed.

Mr. Malik – I would like the zoning board – if there is a plan to develop, I think there is adequate amount of land south of that creek that could be developed and broken off without affecting the lots next door.

Mr. Harr – What would the minimum rear yard be from the house if they were to place this house – they could in effect sell off, still, the back piece of their property.

Mr. Allen – The minimum setback for the back of this house is for an R1-75 –

Mr. Kolick – Fifty feet.

Mr. Allen – It would be 50' in the rear of this house.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Harr – Okay. So, conceivably, this lot, as well as other lots, could sell off the back piece on the other side of the creek?

Mr. Allen – Yes. That is very conceivable.

Mr. Harr – Okay.

Mr. Baldin – Can we see those pictures up a little bit closer?

Mr. Harr – Has there been conversation with the immediate neighbors, especially, I guess, the two that are on either side?

Mrs. Bukvic – I have talked to them – I live right around the corner and I walk the dog back there a lot – the woman in the front actually – as soon as it got nice after he bought the property, I went back there and she came out and I told her who I was and she said how someone used to live back there and they had a lot of kids and everything and then she said, “Well, good. I’m glad he’s building back there because maybe it will keep some of the deer away.”

Mr. Harr – Yes, one of those two homes –

Mrs. Bukvic – Yes, the one in the front and then the other home, since that – when that house first went up for sale, that house was for sale. There is a for sale sign, so these people who bought it – actually I just spoke with him maybe about two weeks ago and he just asked because he knew that we were building and I said we were really having a hard time and then he said, “Why?” and I said, “I’m not really sure.” They don’t have a problem at all. Especially the woman in front.

Mr. Harr – Were those two homes – what did we determine that the home that was razed – was it built in the 50’s?

Mr. Baldin – We talked about that in caucus. It was questionable. The house that was razed was clearly there prior to the other houses built. Does anybody know that?

Mrs. Bukvic – I don’t know anything about that.

Mr. Harr – I would speculate that they sold off the front piece and that house was probably built first. So, it’s safe to say that those owners of those properties were aware that it was back there, at least if they are the original owners.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mrs. McGrath - Mr. Chairman? Would it make any sense for us to talk to Bob Hill, the City Planner and tell us if this makes sense on the east side? It sounds like it could be buildable on the south side. They could sell off and build on the south. Is this going to impede or obstruct any plans for a developer on the east side?

Dr. Goist – I personally can't answer that question. Mr. Allen, can you give us some insight there?

Mr. Allen - Mr. Chairman? The property to the east – and you can ask Mr. Lipovits, I believe his pond is just to the east of this. I don't think they'll be developing on the pond. There is a possibility that they would develop to the west.

Mrs. McGrath – Okay.

Mr. Harr – I think if – taking a look at it, those are homes that back up coming off of that street off of Whitney right there, so I don't – you only have a couple of lots in there. I don't think there is enough to do anything with it. It's really – if you come in from the south, where there is really not any room to do anything.

Mr. Baldin – I would like to ask Mr. Joe Lipovits, who is a builder and developer, if he would mind coming up to the podium here and ask a couple of questions for him?

Dr. Goist – As he is coming up I want to make note that you did not stand and be sworn in so before you talk would you please have our legal counsel swear you in?

Mr. Kolick then stated the oath to Mr. Lipovits.

Mr. Baldin – Name and address please.

Mr. Lipovits – Joe Lipovits. 7676 Saratoga Road, Middleburg Heights.

Mr. Baldin – Joe, you have been around a long time. You have done a lot of building in the area. You have some land adjacent to this property right now, is that correct?

Mr. Lipovits – That is correct, yes.

Mr. Baldin – Would this be a buildable lot? Why would you have not picked this up? I'm just being a little bit nosey here.

Mr. Lipovits – First it was the price. I couldn't do much with it attaching it to mine because the cul-de-sac is not involved with me. So, you would have to go to the west and start from there coming back and that might be a long period of time.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Baldin – So, you felt economically it was not feasible at this particular time. The lay of the land and where it's situated and where it's at?

Mr. Lipovits – Right. I don't know if somebody called from them or somebody else was going to buy it and what he asked for the back land was unreasonable. First of all, the whole area was unreasonable but he had a million dollar mortgage shown on that property. It was a shack really. It really was unreasonable.

Mr. Baldin – The land was pretty wet. Of course, it's been raining for a day or two. Does that seem to be a problem? We know there is a creek back there.

Mr. Lipovits – I don't think it would be a problem. You might have a swale a little bit into that existing stream in there because that stream has to go through there. You cannot change anything in there, yes.

Mr. Baldin – I appreciate your information. Thank you.

Dr. Goist – Board members? Any other questions?

Mr. Harr – I think where they are putting the home, I don't believe that it would necessarily deter the development coming in from that Pine Lakes stub there. I don't think you can come in from the northeast. There is nothing to do there. Mr. Lipovits has indicated his plans for coming in from the southeast would effectively abut this property so really, the only development coming in would have to come from the southwest and the placement of this home in my opinion would not necessarily detract from the ability to develop the sites.

Dr. Goist – So, that has answered some of your questions that you had at the beginning, I take it Mr. Harr.

Mr. Harr – Yes.

Dr. Goist – Okay.

Mr. Baldin – I don't have any further questions.

Dr. Goist – This is a public hearing and as such, I would ask if there is anyone in the audience who would like to come and speak for the variances being asked for? Seeing none, if there is any one opposed to the variances please come forward. There are none. If we have no other questions from board members, I would entertain a motion.

2) **JAMES BUKVIC, OWNER/James Henley, Agent, Cont'd**

Mr. Baldin – I would like to make a motion that a request for a 63' Lot Width variance from Zoning Code Section 1252.05 which requires a 75' Lot Width at the right-of-way and where a 12' Lot Width at the right-of-way exists in order to construct a Single Family Dwelling and a request for a 212 SF Floor Area variance from Zoning Code Section 1252.02 (c) which allows an 800 SF Floor Area for a Garage and where a 1,012 SF Floor Area is proposed in order to construct an Attached Garage to a new Single Family Dwelling; property located at 13847 Whitney Road PPN 398-08-011 Zoned R1-75 be approved.

Mr. Kolick - Mr. Chairman? I would suggest we make that subject to that back shed coming down that goes over another property line be added to the motion.

Mr. Baldin – Thank you for bringing that up. Subject to the back shed, which they agreed to do.

Mrs. Bukvic – Yes, I agree.

Mr. Harr – Second.

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

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – Your variances have been approved. There is a twenty-day waiting period. You will be notified by the Building Department when you are able to pick up your permit. So, congratulations and good luck.

Mr. Bukvic – Thank you.

Mrs. Bukvic – Thank you.

Dr. Goist – Before we go to our next public hearing, in talking to our secretary, this is a public hearing and you have presented your application. You are certainly free to go. You do not have to stay. I just wanted you to know that you have been very nice and pleasant and sat there but you do not have to stay for the public hearing. Our next public hearing is Richard Walters, owner and Tim Dean, representative.

3) **RICHARD WALTERS, OWNER/Tim Dean, Representative**

- a) Requesting a variance from Zoning Code Section 1252.18 which permits one (1) Accessory Building and two (2) are proposed and;
- b) Requesting a 312 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area for an Accessory Building and where a combined 504 SF Floor Area is proposed in order to move a Second Accessory Building onto the property; located at 19388 Bowman Drive PPN 393-37-046 Zoned R1-75.

Dr. Goist – Name and address please, Tim.

Mr. Dean – My name is Tim Dean. I live at 22100 Horseshoe Lane in Strongsville, Ohio.

Mr. Walters – I’m Rick Walters. I live at 19388 Bowman Avenue, Strongsville, Ohio.

Mr. Dean – Our request here is to request a size variance of 312 square feet to relocate an existing shed that is 12’ by 26’ to an area that is exhibited on the drawing that you have in front of you.

Mr. Baldin - Mr. Chairman? I have a question. Did we ever determine or look to see if the shed had a permit to be built? I think we talked about that at the last meeting.

Mr. Kolick – I believe we looked and couldn’t find any evidence of a permit for either one of those sheds frankly.

Mr. Baldin – Do you know about that?

Mr. Dean – Mr. Walters purchased the property and both sheds were there when he purchased the property. So, it was the previous owner who cheated.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes.

Mr. Harr – Just to cover a couple of things that we discussed as well for the record. So, pursuant to the new sketch that we have here, the shed will be aligned, basically, with the back of the existing shed so that we no longer have any type of rear yard setback issues, right? Should that shed be found not suitable for relocation, we’re still looking for the variance in as much as you intend to build a shed of identical size in that location. Right?

Mr. Dean – Yes, as to both.

3) **RICHARD WALTERS, OWNER/Tim Dean, Representative, Cont'd**

Mr. Harr – I don't have any other questions.

Dr. Goist – We did talk in caucus, you are going to put the buildings 3' apart. Is that correct?

Mr. Dean – Yes.

Mr. Baldin – Why do you really need both of these sheds? What do you do for a living? Do you work on equipment? Are you going to run a business out of there or what?

Mr. Walter – This is storage. My wife does painting, pottery, different things like that. Just ample storage. It was really nice when we looked at the property and have all that extra room and such a large shed was really nice. No, I don't run a business out of there. I do store some things in the barn part as far as where the tractor is. Some materials that I might use on a job but otherwise the back section of this barn is strictly for the wife or for storage, different things like that.

Mr. Baldin – What type of work do you do?

Mr. Walter – I'm a handyman currently.

Mr. Baldin – Construction type work. Remodeling, etc.

Mr. Baldin – So, you keep your tools back there. Any gasoline or anything like that?

Mr. Walters – No. The only thing I might have is my tractor back in there, as far as gasoline.

Mr. Baldin - I don't have any further questions.

Dr. Goist – Board members, any further questions?

Mr. Walters – Really, all I'm looking for is apples for apples. I moved in and three months after I moved in, it was made aware to me that they were going to buy the property and we bought it for this reason. We had the nice open land. I have three little children and all this was perfect. Three months after we move in, they let us know that they were going to – I was pretty much forced in selling my property.

Mr. Baldin – You didn't really have to but everybody else in the neighborhood wanted to.

Mr. Walters – I have this gentleman next to me that was going to make a quarter of a million dollars and we were sitting at the fire one night and he says, "I don't know if you really want to live next to me. This is my retirement money. Why don't you think about your decision a little?"

3) **RICHARD WALTERS, OWNER/Tim Dean, Representative, Cont'd**

Mr. Baldin – How many feet was sold depth wise?

Mr. Walters – About twenty-five percent of my property. One hundred feet. Eighty by one hundred exactly was sold. I was actually the last one to sign. I didn't want to sign. I was highly upset, as anyone would be. You move in to a property and three months later they say, "Well, say goodbye to twenty five percent of your land. We're going to take it." So, I was the last to sign. My neighbor – we had a beer at the fire and he said, "You don't want to live next to me. I've waited forty years for this."

Mr. Baldin – I think some of that land over there – that's an older section of the city and I do think there are some lots there that have more than one shed on the back of them. So, I have no further questions.

Mr. Harr – Quite a few, actually.

Dr. Goist – Any other questions from board members? If not, I'll entertain a motion.

Mr. Kolick – You should ask for the audience.

Dr. Goist – Oh, I'm sorry. This is a public hearing. Is there anyone here to speak for the variance? Anyone? Is there anyone against the variance? Anyone? Seeing none, now I will entertain a motion.

Mr. Harr - Mr. Chairman, I make a motion that a request for a variance from Zoning Code Section 1252.18 which permits one (1) Accessory Building and two (2) are proposed and a request for a 312 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 192 SF Floor Area for an Accessory Building and where a combined 504 SF Floor Area is proposed in order to move a Second Accessory Building onto the property; located at 19388 Bowman Drive PPN 393-37-046 Zoned R1-75 be approved.

Mrs. McGrath – Second.

Dr. Goist – We have a motion and a second. Roll call?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – Your variance has been approved. You do have a twenty-day waiting period before you can get your permit. So, you will have to wait that twenty days. Kathy, real quick, they will be informed by the Building Department that the permit is ready, is that correct?

3) **RICHARD WALTERS, OWNER/Tim Dean, Representative, Cont'd**

Mrs. Zamrzla – Yes, after the twenty day waiting period, you will be called and notified how much the building permit is, what you need to bring as far as the check for the building permit and that's pretty much it.

Dr. Goist – Any other business to come before this board? If not, meeting is adjourned.

The meeting was adjourned at 9:04 p.m.

Signature on File  
Glenn Goist, Chairman

Signature on file  
Kathryn Zamrzla, Secretary

May 9, 2007  
Approval Date