

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

**March 28, 2007
7:30 p.m.**

Present: Board of Appeals Members: Ken Evans, Glenn Goist, Rich Baldin, Celia McGrath.
Administration: Assistant Law Director, Dan Kolick; Building Commissioner, Tony Biondillo; Recording Secretary, Kathy Zamrzla.

The following was discussed:

NEW APPLICATIONS:

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep.**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1225.35(k)(2)(c) which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a Patio Room; property located at 20380 Berkshire Circle PPN 394-21-084 Zoned R1-75.

The board discussed that they need to ask the applicant whether or not they brought their homeowners association approval letter. In addition, Mr. Baldin stated that there were no other patio enclosures that encroach in the development unlike the letter that was submitted indicated and the applicant needs to explain the side yard setbacks and the rear yard setbacks discrepancies.

PUBLIC HEARINGS:

2) **JAMES HAUGEN, OWNER/Edward Mack of Precision Home Builders, Rep.**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.06 which requires a 50' Rear Yard Setback and where a 40' Rear Yard Setback is proposed in order to construct a Room Addition; property located at 15871 Pinewood Drive PPN 393-28-033 Zoned R1-75.

The board discussed that the applicant needs to address the issue of what homeowners association Pinewood is a part of and if so, did they bring the homeowners association approval letter.

2) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative**

- a) Requesting a 15' North Rear Yard Setback variance from Zoning Code Section 1256.04 (b) which requires a 50' North Rear Yard Setback and where a 35' North Rear Yard Setback is proposed in order to construct a Day Care Center and;
- b) Requesting a 10' Driveway Setback variance from Zoning Code Section 1256.04 (c) which requires a 10' Driveway Setback and where a 0' Driveway Setback is proposed in order to construct a Day Care Center and;
- c) Requesting a 47' Setback variance from Zoning Code Section 1256.04 (b) which requires a 50' Setback abutting a residential district and where a 3' Setback is proposed in order to construct a Day Care Center and;
- d) Requesting a Sign variance from Zoning Code Section 1272.08 (a) 4 which allows one (1) Ground Sign and where two (2) Ground Signs are proposed in order to construct a Day Care Center property located at 15210 Tracy Lane PPN 399-04-005 and 396-25-003 Zoned Public Facility.
- e) Requesting a variance from Zoning Code Section 1252.25 to permit a portion of a driveway serving a public facility use through an R1-75 zoning district.

The board members stated that the new document submitted was much clearer and the building appears smaller on the revised drawing.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

March 28, 2007

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Biondillo, Building Commissioner
Ms. Zamrzla, Recording Secretary

Dr. Goist – I'd like to call the March 28, 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 MR. HARR

Mr. Baldin – I'd like to make a motion to excuse Mr. Harr for just cause.

Mr. Evans – Second.

Dr. Goist – We have a motion and a second. Kathy, would 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, tonight, an amended agenda. If I could have a motion on the approval of the amended agenda, please.

Mrs. McGrath – So moved.

Mr. Evans – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - We have minutes before us that were sent to us from our March 14, 2007 meeting and minutes from July 24, 2002. If there are no additions or corrections to those minutes, may I have a motion to approve them?

Mr. Evans - Mr. Chairman, I'd like to move that we approve the minutes from March 14, 2007 and July 24, 2002 as submitted.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Before we start any part of our meeting, I want to welcome Celia McGrath to our board. Celia, we're pleased to have you with us and we look forward to a long relationship and are glad you're here. So, thank you for being here. Our meetings are in two portions and the first portion of our meetings are new applications and the second portion are public hearings. For anyone in the audience who plans to speak tonight for any portion of either of these sections of the meeting, if you will please stand and have our Assistant Law Director swear you in at this time.

Mr. Baldin – If you're going to speak.

Mr. Kolick – If you're going to speak on a subject.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Our first new application is Richard Farruggia. Is that correct? Would you like to come to the podium? We prefer that you use that handheld mic and on the bottom is a little button. Just turn that on and hold that nice and close to your mouth and we'll get a good recording.

NEW APPLICATIONS:

- 1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep.**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1225.35(k)(2)(c) which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a Patio Room; property located at 20380 Berkshire Circle PPN 394-21-084 Zoned R1-75.

Mr. Laurianti – I'm Chris Laurianti from Better Living Patios. I'm a builder.

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1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Dr. Goist – Would you give us your name and address please.

Mr. Laurianti – Sure. My last name is Laurianti. Do you need it spelled?

Dr. Goist – Please.

Mr. Laurianti - L-A-U-R-I-A-N-T-I and I represent Better Living Patios and our address is 9279 Old Eight Road in Northfield, 44067.

Dr. Goist – Is that Mr. Farruggia with you?

Mr. Laurianti – Yes.

Dr. Goist – Mr. Farruggia, do you want to give us your name and address, please.

Mr. Farruggia – Richard Farruggia and it's 20380 Berkshire Circle and that's in Strongsville and it's 44149.

Dr. Goist – Thank you. Would you like to explain to us what you want to do with your variance?

Mr. Laurianti – Yes, the house is currently built at the rear yard setback for the zoning classification, which is 35 feet and we're proposing to build a 10 by 15 patio room addition with a masonry foundation and we're asking for a 10 foot encroachment into the 35 foot rear yard setback.

Dr. Goist – Okay. I personally have not been to the property yet to survey it or to look at it but between now and our next meeting, your public hearing, we will all come out to take a look. We would like you to stake it out for where your proposed area is going to be placed and it will give us a little bit better idea so that we can evaluate the situation. We know that you're in a homeowner's association. One of the things – I think you did a great job of giving us a packet of good materials, Mr. Farruggia, but there is no letter in here from your homeowners association.

Mr. Laurianti – We have received that just recently and we can forward that to the Building Department.

Dr. Goist – Okay. We will need that for our completion of our file and also, one of our members, Mr. Baldin, did happen to go out and look at your property today and he has given us some insight in caucus that I would like him to ask you the questions that he knows from when he was out there.

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1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios,
Rep., Cont'd**

Mr. Baldin – Thank you, Mr. Chairman? Mr. Farruggia, looking at your property, there are a couple of stakes in the ground now. Are those stakes in there already where you feel you're going to put the – coming out that far?

Mr. Farruggia – Yes, in the approximate area where it is going to go.

Mr. Baldin – Yes, I assumed as much. You also have a patio enclosure extending into the encroachment area now. Was that put there when the house was built originally, at the same time?

Mr. Farruggia – Yes, the pad was there originally.

Mr. Baldin – The concrete pad was there but you have it enclosed. Did you enclose that afterward or did you get a permit to enclose that? It sticks out into the encroachment area now.

Mr. Farruggia – Well, the pad was there so that was out into the back.

Mr. Baldin – You're allowed the pad but you enclosed it.

Mr. Farruggia – Yes, we put a screened – top on it and screened it in.

Mr. Baldin – Okay, but you did not take a permit out to do that?

Mr. Farruggia – Whatever they –

Mr. Baldin – Did they do that when the house was built?

Mr. Farruggia – No, it was done separate.

Mr. Baldin – Okay.

Mr. Farruggia – I contracted somebody to do that.

Mr. Baldin – Okay, we'll have to have the – as far as you know, there was not a permit taken out on that.

Mr. Farruggia – I know there was. I assume that people who do work in the city have to do that.

Mr. Baldin – They're supposed to. Right.

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Mr. Farruggia – Gee, I don't remember who did it.

Mr. Baldin – We'll have our secretary check that out. Looking at your property and how far you're going out and where those stakes are, you're going to be awful close to the swale and I think you said, also, in some of your notes, there are others in the area. I walked that whole area – other patios you're saying here.

Unidentified audience participant - There is a patio enclosure –

Dr. Goist – Would you come forward and please give us your name and address please.

Mrs. Farruggia – Ursula Farruggia. There is another patio enclosure on a house two doors away from us.

Mr. Baldin – East or west?

Mrs. Farruggia – It would be west.

Mr. Baldin – West of you, the house faces the opposite way. They are facing the east, correct?

Mr. Farruggia – Correct. The one that she is talking about –

Mr. Baldin – There is a patio. Yes, there is one there but it does not encroach into the area. It's flush with the home. There is like a lanai room, you might say, or it is an enclosure. I would have to agree but it does not encroach into the property.

Mrs. Farruggia – It's just like our screened porch. Ours is jutting out like that too. The screen porch is set on –

Mr. Baldin – No. I don't want to argue with you ma'am but I did walk the area and I did – that's right. If you want to call that – there is a patio there but it runs with the building line. It does not jut out into the property, into the setback area, if I'm correct. We'll have the City look at that again. That's the only one that I saw anywhere within the area.

Mrs. Farruggia – (unintelligible, speaking away from the microphone).

Mr. Baldin – Right, and that's where the woods are behind them?

Mr. Farruggia – Yes.

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Mr. Baldin – Right. It is flush with the building line, that house. It does not encroach in the area. That's the only thing I have to say, Mr. Chairman.

Dr. Goist – Okay. Mr. Baldin, is that a big swale? You seem to be saying that they're going to be within just a very –

Mr. Baldin – They're maybe within 5 to 6 feet from the swale. It's a swale that runs the whole length, east and west behind and there's about 2 or 3 feet to the mound. Is that right?

Mr. Farruggia – Yes.

Mr. Kolick - Mr. Chairman?

Dr. Goist – Yes, Mr. Kolick?

Mr. Kolick – If I may, for the applicant, your drawing that you submitted shows that the patio is going to be 23 feet off the line. Is that incorrect? Is it twenty-five?

Mr. Laurianti – Well, the Building Department went out and surveyed that or looked at it because the documents that you people had in your file were different from mine. I don't know if Fred said that or what.

Mr. Kolick – You are going to be at 25 feet off the line, is that correct?

Mr. Laurianti – Yes, my numbers are a (unintelligible, speaking away from the microphone).

Mr. Kolick – Okay. The other item that I have is be aware, you have a smaller association, The Commons but you are also a part of Waterford as a whole. We should receive or you should receive two separate letters, one for the overall association and one for the smaller association. If you have them both, if you can get them up to the City before the meeting, please. Thank you.

Mr. Baldin - Mr. Chairman? I do have another question. Since you already have one screened enclosed patio area now, why do you want the additional one?

Mr. Farruggia – This is going to be year round.

Mr. Baldin – A year round room that you're trying to put in?

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Mr. Laurianti – As far as getting close to the swale, I'm sure that we can do some things to deal with the water and be able to carry the water away and into the storm sewer management system with some sort of drainage there, if that's an issue with the board.

Mr. Biondillo - Mr. Chairman?

Dr. Goist – Yes, Mr. Biondillo.

Mr. Biondillo – Although this is a swale, the plat that we have indicates that this is an easement. If there is piping within that easement, we're cognizant of where we put these foundations in relation to those easements, in the event that the City has to get in there and excavate out later on. If that's a deep pipe, it would require, obviously, that they step that excavation out a lot further. So, that's another consideration when you put these additions onto clusters where there are existing swales. I don't believe that's only a swale. It's an easement but I will have to check to see if there is actual piping in the ground there.

Dr. Goist – Thank you. I have one further question. On the drawing that you did, which is quite clear and we seem to be able to understand where everything is placed, on one side of lot it says you're three off of the lot line. Is that correct?

Mr. Farruggia – I don't know exactly.

Dr. Goist – I'm just looking at the drawing that you submitted to us.

Mr. Laurianti – I provided that. I'm sure he has never even seen it.

Dr. Goist – Okay. You have him 3 feet off of that existing house. Is that correct?

Mr. Farruggia – No, no. There is more than 3 feet in between the houses. Is that what you're asking?

Dr. Goist – No, I'm asking where the lot line – I'm saying it shows 3 feet on the left side of the drawing. On the right side of the drawing, it shows that the garage is 10 feet off the lot line. So, this drawing is not really to scale –

Mr. Farruggia – Well, I would say that that's pretty close because we have a bigger area on the garage side between the house and the garage. Between the other house and our garage is a much bigger area. On the other side, it could be 6 feet, 3 and 3 or it could be 8 feet, 4 and 4.

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Dr. Goist – I think just for completeness and detail we need to have a drawing that shows us
–

Mr. Laurianti – I went out and I measured the property and from where it looks like where there's a swale between the property lines and where the lot lines are at, that's where I determined it to be. Other than – I don't have the ability to sight the pins or even if there are pins there but that's what I could tell. I could possibly secure from the City the original site plan. That would help me figure that out more accurately but there is no way for me to determine that.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes.

Mr. Baldin – We had talked about this a little bit. I think with the - Tony, Mr. Biondillo from the Building Department, correct me – on the cluster homes, isn't it a little bit different from the basic residential type house where you have to have five and ten. You can have a shorter distance on the property lines?

Mr. Biondillo – That is correct.

Mr. Baldin – Okay. So, I think that might answer that for you.

Dr. Goist – Thank you. I appreciate that. Any other questions, board members?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes, Mr. Evans.

Mr. Evans – Mr. Farruggia, I guess one of the questions I have is are you the original owner of the property?

Mr. Farruggia – Yes, we were the ones that originally built it.

Mr. Evans – Okay. When you built the property, did the builder indicate to you that the way that it was situated on the property that it would not allow you to add on to the cluster?

Mr. Farruggia – No, he never mentioned that but at the time, we weren't even thinking about adding on.

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Mr. Evans – Okay. In the letter that Mr. Laurianti submitted on your behalf is a statement of personal hardship. I would call your attention to item number 5 and item number 6, which talks about the condition existing as a result of the original layout and that the practical application of the current building code eliminates any opportunity for a functionally sized room addition and the reason I point these out is because when the cluster developments are done, the developer and ultimately the builder who actually builds out the properties, generally speaking, tries to maximize the utilization of the parcels or the property and in most cases does not allow for additions of rooms. That's why you don't see any others other than the one that Mr. Baldin pointed out, which is within the building line. So, that was configured by the builder so that it would fit but one of our problems is that when developers and builders do these things and then when people want to start adding on, it increases the density of the building, which goes against what the building code is and it puts us in a position where we're forced to look at these types of things and try and determine whether or not there are other ones that are already there and if there are not, then the propensity is that as soon as you put up one, somebody is going to want one that is bigger and while yours might back up to greenbelt area there, somebody else who backs up against another house, when they're doing that, it decreases the setback between the units and we talked a little bit tonight about the fact that this becomes a problem because when one person does it, everybody wants to follow and so where we have a situation where there are none, it really does behoove this board to take a look at it and look at what it might be if everybody decides to do that and how big it becomes when somebody says, Well, I don't just want a 10 by 10. I want to add a 15 by 15 and then it grows from there. So, at this point, item number 5 and number 6 and your statement of personal hardship, since you are the original owner or the original builder of the property or whatever, that condition has existed since then. You knew what the restrictions would have been at the point that you built it and the fact that the current code would be no different than what it was at the onset means that while your circumstances may have changed, the reality is that the City circumstances haven't changed.

Mr. Laurianti – I think that Mr. Farruggia indicated that he wasn't aware of what the setback was when he purchased it. He wasn't made aware of that. I've been before the board in this exact same circumstance in these types of developments where they have granted variances for this particular case. The scenario is the same other than the measurements, maybe, and the homeowner. A lot of time these people get into these situations and they get in front of these builders and they buy and have no clue what's going on with the setback and I don't think you can talk to many people that say, I know what my setback is at my house when I bought my house.

Mr. Evans – I understand that.

Mr. Laurianti – They're at the mercy of the builder whether they communicate that to them or not and that really never happens.

1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Mr. Evans – I understand that and as a contractor you make your money based on variances within the City and as you indicate, you have been before the board before. We have granted variances and I think we try to look at every situation and in this case, because there are none there and because the code has not changed since that was built and in some cases the code has changed since some other cluster developments were built, I think that I would just want to prepare the applicant that this is a different circumstance and while you have brought requests to us before, we look at each one of those and in this case there are no circumstances that really have changed that would warrant us granting the variance and so I'm just making you aware that 5 and 6 really do not pertain at this point and are not germane to our consideration of the variance request.

Mr. Laurianti – You feel that it's just limited to the particular development and not the other members of the community just because they're in this particular development, that the opportunity for a variance and allowing them to enjoy a room addition doesn't extend to them just because they're in this community versus a different community?

Mr. Evans – I'm indicating that we look at each and every variance application and at this point, there are no circumstances here that would be the type of circumstance that would warrant special consideration.

Mr. Laurianti – On the east side of the development, I believe someone did have an addition put on the back.

Mr. Evans – We will all be out and look at the development.

Mr. Laurianti – Coming out, it's probably last house before you start to turn on the east side.

Mrs. Farruggia – (unintelligible, speaking away from the microphone).

Dr. Goist – Hold the mic to your mouth. We understand what your telling us and we will all come out and take a look and that's what Mr. Evans is telling you, that, yes, we know that we have granted variances but we have to look at each particular situation and even to the builder, to answer your question, we have to look at this on a case by case presentation. So, you may have gotten a variance in some other neighborhood but we have to take a look at this one on it's own merit. Any other –

Mr. Baldin – I have no further questions.

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1) **RICHARD FARRUGGIA, OWNER/Chris Laurianti of Better Living Patios, Rep., Cont'd**

Dr. Goist - Mrs. McGrath, Mr. Evans? Your public hearing will be April 11, 2007 and if you could please get both of your homeowner's association letters in we would appreciate that. Our first public hearing is James Haugen. Would you give us your name and address?

(G) **PUBLIC HEARINGS:**

2) **JAMES HAUGEN, OWNER/Edward Mack of Precision Home Builders, Rep.**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.06 which requires a 50' Rear Yard Setback and where a 40' Rear Yard Setback is proposed in order to construct a Room Addition; property located at 15871 Pinewood Drive PPN 393-28-033 Zoned R1-75.

Mr. Mack – Edward Mack, 10533 Abbey Road, North Royalton, 44133.

Dr. Goist – Okay. You want to go back over your reasons for –

Mr. Mack – The whole purpose of the addition – I'm asking for the setback variance for the purpose of putting up an addition for his mother-in-law, who is moving in this weekend. She is coming in from Oregon. She has no other family members to stay with and, pretty much, they're taking her in to take care of her. Due to the – where the house is located, to stay within the zoning requirements, the addition would be just too small to accommodate her, what she would need for her sleeping quarters.

Dr. Goist – Okay. Board members do you have any questions?

Mr. Baldin - Mr. Chairman? I did take a look at the property and I don't see any problem with it whatsoever.

Dr. Goist – Okay. Mrs. McGrath?

Mrs. McGrath – No problem.

Dr. Goist – Okay, Mr. Evans?

Mr. Evans - Mr. Chairman? Mr. Mack, we had asked whether or not this house was in a homeowners association and to be honest, my conclusion is that it's part of Walnut Creek and we would require notification from the homeowners association that they have no objection to the variance being granted. We had asked that you check and ask the applicant whether or not they were in a homeowner's association.

2) **JAMES HAUGEN, OWNER/Edward Mack of Precision Home Builders, Rep.,
Cont'd**

Mr. Mack - I got with him. He never got back with me due to our schedules. The secretary – were you going to look into it also? I thought you had mentioned you were going to check and see. I checked with him and he didn't get back with me on it.

Mrs. Zamrzla – I did do that and it showed on the topographical survey that it was part of Pinewood Development. The Assistant Law Director here wants us to check the deeds and restrictions for the development.

Mr. Mack – All right. I'm going to try to get with him again. He is new in the area and he never mentioned anything about it.

Unidentified audience participant - Can I say something?

Dr. Goist – Were you sworn in?

Unidentified audience participant – No, I was not. I didn't know that this question was going to come up.

Dr. Goist – Finish your statement please, first. Go ahead.

Mr. Mack – That's it.

Dr. Goist – Kathy said she thought it was part of Pinewood. Now we have another gentleman who has not been sworn in. Would you please stand and have our Assistant Law Director swear you in, please.

Mr. Kolick then stated the oath to the gentleman standing.

Dr. Goist – Would you come forward, give us your name and address and then –

Mr. Conroy – Bill Conroy, 20672 White Bark Drive. I'm right around the corner from this house. I'm part of the Pinewood development and we have no homeowners association at all. I've been there for 34 years or 33 years since the development was created and we have never had a homeowners association and this house is within the Pinewood development.

Dr. Goist – In that case, do we say they are in the development but there is no homeowners association?

Mr. Kolick – We do have developments that don't have homeowners associations. I'm not sure where Walnut Creek begins and ends. They have an association. Maybe this gentleman –

2) **JAMES HAUGEN, OWNER/Edward Mack of Precision Home Builders, Rep.,
Cont'd**

Mr. Conroy – Walnut Creek starts from the intersection of Pinewood and White Bark Drive. There are four houses – it's either four or five houses. Do you know where the park is at that goes back into Walnut Creek that you can access by a walkway off of White Bark Drive? That's where Walnut Creek starts.

Mr. Kolick – So, you're saying that these homes are further to the west of where Walnut Creek stops?

Mr. Conroy – Yes.

Mr. Kolick – Okay, I don't know that. That could very well be true, Mr. Chairman.

Dr. Goist – So, can we in fact act on this?

Mr. Kolick – Well, we did notify everybody within 500 feet and I imagine that if someone had a problem and we posted and we advertised it and there is no one up here with a problem –

Mr. Conroy – Yes, that's why I'm here because I got the notice in the mail. Okay, to be truthful with you, I just wanted to see what the addition was going to look like more than anything else. I don't really have a problem with it but –

Dr. Goist – Okay. I see another gentleman in the audience who has raised his hand. Were you sworn in?

Unidentified audience participant – Yes, I was.

Dr. Goist – Okay. Would you like to come forward and give us your name and address, please?

Mr. Gecewich - My name is Jim Gecewich. That's G-E-C-E-W-I-C-H and I actually am on the board of the Walnut Creek homeowner's association and I'm here because we did receive the notice also and I don't believe he is in the association. I think it stops where he said, at the park. So, I think whatever the City would decide would be fine with us.

Dr. Goist – We appreciate your coming. Board members, any other questions?

Mr. Baldin – I have no further questions.

Dr. Goist - Mr. Evans, are you satisfied with what you've heard?

2) **JAMES HAUGEN, OWNER/Edward Mack of Precision Home Builders, Rep.,
Cont'd**

Mr. Evans – Yes, Mr. Chairman, thank you.

Dr. Goist – If so, I would entertain a motion for a –

Mr. Baldin - Mr. Chairman, I make a motion that a request for a 10' Rear Yard Setback variance from Zoning Code Section 1252.06 which requires a 50' Rear Yard Setback and where a 40' Rear Yard Setback is proposed in order to construct a Room Addition; property located at 15871 Pinewood Drive PPN 393-28-033 Zoned R1-75 be approved.

Mrs. McGrath – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your motion has been approved and your variance has been approved. You have a twenty-day waiting period and then you can apply for your permit and you can begin.

Mr. Mack – Thank you.

Dr. Goist – Okay. Our next is Kids First. Mr. Boyer. Welcome. You may go ahead.

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

3) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative**

- a) **Requesting a 10' Driveway Setback variance from Zoning Code Section 1256.04 (c) which requires a 10' Driveway Setback and where a 0' Driveway Setback is proposed in order to construct a Day Care Center and;**
- b) **Requesting a 40' Setback variance from Zoning Code Section 1256.04 (b) which requires a 50' Setback abutting a residential district and where a 10' Setback is proposed in order to construct a Day Care Center and;**
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3) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative, Cont'd**

- d) **Requesting a variance from Zoning Code Section 1252.25 to permit a portion of a driveway serving a Public Facility use through an R1-75 district; property located at 15210 Tracy Lane PPN 399-04-005 and 396-25-003 Zoned Public Facility.**

Mr. Boyer – We have changed our plan for –

Mr. Baldin – Name and address.

Mr. Boyer – Oh, Willis Boyer. 10 Farwood Drive, Moreland Hills, 44022, Ohio. We have, since the last meeting, modified our plan to eliminate a requirement or request for a setback variance on the north property line and submitted a plan that illustrates, maybe not the final, final plan but it illustrates pretty closely to what we would do. We're still studying the interior of the building assuming that's acceptable to the board, we would then go forward and redesign the inside of the building too, but we have studied enough that we think we're confident that can work.

Dr. Goist – I want to compliment you on the redesign and, in fact, the picture that we got showed up much clearer than what we had seen before. We thought the building was bigger because we like to think color is better but in this case the black and white drawing shows us much better and you did move it back. You have complied with all of the things that we've asked you on the different variances. The only one that we want to make sure that we make a note of is that second ground sign is going to be one-sided, which I know you had agreed to that and so I have no more further questions. I think the Engineering Department and the City have done their homework on the traffic. We got, kind of, I want to say, hung up a little bit on what was going to happen there and I think that they have studied it, looked at it and have decided the way it's going to be able to taken care of.

Mr. Kolick - Mr. Chairman? One other thing I would like to comment on the signs and just be sure at the last meeting your counsel stated that you were going to bring the language on the signs into compliance with our code and I just want to make sure that we're still doing that.

Mr. Boyer – When we come back for, I presume a sign – the sign company will come in and get a special permit for that. That's normal, is that correct?

Mr. Kolick – At least the language on the signs will comply with the sign code. Is that correct?

Mr. Boyer – We understand, yes. Right.

3) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative, Cont'd**

Mr. Kolick – Okay. So, we're just granting a variance to the number of signs is what we're looking at, correct?

Mr. Boyer – Correct. I assume that there is a special permit for a sign, is that correct?

Mr. Kolick – Well, we have a permit for the sign but if you're going to do something that's not permitted outside the code within the area of the sign itself, this is the only board that can grant that. So, I just want to make sure that the signage is all going to be in compliance except for the number of signs here.

Mr. Boyer – Yes, we understand. Mr. Warner did explain to us what you had said and that is acceptable.

Mr. Kolick – Okay, thank you.

Dr. Goist – Board members, any other questions.

Mr. Evans - Mr. Chairman? I think that we want the record to reflect the fact that the applicant did rearrange to eliminate one of the variance requests so that we have four instead five and one of the setback requirements was eliminated and to reflect our appreciation for that.

Dr. Goist – Thank you.

Mr. Baldin - Mr. Chairman? I would also like to make that comment as well. I think you did a very good job here in submitting a new print to us. I think we were able to understand it much better. He eliminated the variance that was in question and he did adjust another variance that he asked for in the past and he did add some bollards and a few other things and I have no further questions other than the fact that when we do give this request we want to tack on that the one ground sign on Tracy Lane – I assume that's where that sign is going to go, with the one-sided.

Mr. Boyer – Yes.

Mr. Baldin – Okay. I have nothing further.

Dr. Goist – No other questions, I'll entertain a motion.

Mrs. McGrath – So moved. Mr. Chairman, I move that the four requests for variances on record be approved.

Mr. Baldin – You've got to read the whole thing.

3) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative, Cont'd**

Mrs. McGrath – You have to read the whole thing?

Mr. Baldin – Yes, you have to read the whole thing.

Mrs. McGrath – I can read that.

Mr. Baldin – Go right ahead.

Mrs. McGrath – I'd like to move that we approve the following variances that are requesting a 10' Driveway Setback variance from Zoning Code Section 1256.04 (c) which requires a 10' Driveway Setback and where a 0' Driveway Setback is proposed in order to construct a Day Care Center **AND** requesting a 40' Setback variance from Zoning Code Section 1256.04 (b) which requires a 50' Setback abutting a residential district and where a 10' Setback is proposed in order to construct a Day Care Center **AND** requesting a Sign variance from Zoning Code Section 1272.08 (a) 4 which allows one (1) Ground Sign and where two (2) Ground Signs not to exceed 30' are proposed in order to construct a Day Care Center **AND** requesting a variance from Zoning Code Section 1252.25 to permit a portion of a driveway serving a Public Facility use through an R1-75 district; property located at 15210 Tracy Lane PPN 399-04-005 and 396-25-003 Zoned Public Facility be approved.

Mr. Baldin – Second.

Dr. Goist – Okay and the one thing on c), we did want to make a note that that would be a single-sided sign.

Mr. Boyer - Mr. Chairman? There is, perhaps, a typo in there that I would like to clarify if I might. It says not to exceed 30' and I think the code requires 30 square feet and it's 30 square foot per sign. It's each.

Dr. Goist – Correct. Is there a second?

Mr. Evans – Second.

Dr. Goist – Kathy, would you call the roll.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Your variance has been approved.

3) **KIDS FIRST LEARNING CENTER/Willis Boyer, Representative, Cont'd**

Mr. Kolick - Mr. Chairman? For the applicant, just so he understands. Mr. Boyer, you've got the twenty-day waiting period. You need to get back on the Planning Commissions agenda and if you recall, you need to bring us in a consolidation and a split plat now for these parcels and show the easements on it that are being granted to the City for the sanitary and all. Okay?

Mr. Boyer – We have those prepared and are prepared to submit them. There was a question, however, Mr. Chairman and Mr. Kolick, about somebody preparing some language or submitting some language relative to the easement.

Mr. Kolick – If you contact our Engineering Department, they have a form easement that they can share with you. Okay?

Mr. Boyer – Thank you.

Mr. Kolick – Thank you. Any other business to come before this board this evening?

Mr. Baldin – Not that I know of.

Dr. Goist – Meeting is adjourned.

Meeting adjourned at 8:33 p.m.

Signature on File
Glenn Goist, Chairman
Signature on File
Kathryn Zamrzla, Secretary
April 11, 2007
Approval Date