



Minutes

Board of Zoning and Building Code Appeals

March 8, 2006

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is turned on and we ask you to speak right into that so that the information you give us is recorded. It is on. It doesn't amplify real well but it does pick up for our secretary. So if you would, please, give us your name and address and then explain the request for the variance.

**BRUCE MORRIS, OWNER**

**Requesting a 20' Setback variance from Zoning Code Section 1252.15 (a) which requires a 20' Setback from a main structure and where a 0' Setback is proposed in order to approve an existing Shed; property located at 17186 Park Lane PPN 397-16-085 Zoned R1-75.**

Mr. Morris – My name is Bruce Morris. I live at 17186 Park Lane Drive in Strongsville and the issue before us tonight is I have a vinyl shed. The dimensions are eight by ten that I wish to remain where it is and then reason I put it there was because there is a sewer easement along the back of my property as you can see on the topography drawing. That kind of cuts out pretty much everything and there are swales that are around the back of the property for proper water drainage and so forth and I had just a nice spot right there that that baby fit right in there. So that's why I want to keep it there.

Mr. Evans – Okay and the shed has been there for how long?

Mr. Morris – About two years.

Mr. Evans – Okay and the reason that we are now requesting the variance is that the Building Department happened to stumble upon it or...

Mr. Morris – Yes.

Mr. Evans – Okay, and realized at that point that it was too close to the house according to the ordinance and no variance on file so...

Mr. Morris – Correct.

Mr. Evans – Okay.

Mr. Morris – I check with my neighbor before I did this, directly next door, and he had no problem with it as well.

Mr. Evans – Okay. Questions from board members?

Mr. Baldin – I saw this Mr. Chairman before I came in this evening and this shed came from Home Depot?

Mr. Morris – Yes.

Mr. Baldin – This Royal Outdoor Products, that's the name of the manufacturer I assume?

**BRUCE MORRIS, OWNER, cont'd**

Mr. Morris – Yes.

Mr. Baldin – This is something about fire ratings etc. and so forth?

Mr. Morris – Those are stats.

Mr. Baldin – What can you tell me about this because I don't understand it. I'm not a fire guy.

Mr. Morris – Well, neither am I.

Mr. Baldin – Okay. So we need to present this to our Fire Department and have them give us an explanation.

Mr. Morris – It took me a lot of effort to get that because they just don't have that stuff laying around at Home Depot. I had to call the General Manager who was a patient of mine, fortunately, and he got one of his girls to do it and she finally faxed that to me today. That's what she came up with. As far as interpreting that, I looked at it. I don't know. There's a burn rate on there of – they took a section of one inch by six inch piece and burned it. I couldn't tell you. I really don't know. It's a vinyl shed. I didn't think I needed to do anything as far as pulling permits and all that stuff because it was vinyl like one of those Rubbermaid things. That's my mistake.

Mrs. Lane – They need permits too.

Mr. Morris – I didn't know that.

Mrs. Lane – Any shed needs a permit.

Mr. Morris – I found that out now.

Mr. Evans – Mr. Morris, what Mr. Baldin is referring to is that the information that you gave us from Outdoor World Products we will refer to the Fire Department. We will ask our secretary to pass that along to them so that they can evaluate that. Not being technicians in the field we're not familiar with that so we will ask them to review it and before the next meeting we should have an answer back from them as to what the technicality means and how that gets interpreted then to whether that building is fire rated or not. Other questions that anybody has/

Mrs. Lane – I just thought maybe Mr. Chairman you might address what would need to happen if the Fire Department does not approve it as it is.

**BRUCE MORRIS, OWNER, cont'd**

Mr. Evans – If the Fire Department does not approve of this meeting their requirement for fire rated then at that point the building will either have to have drywall put in the inside of it on the walls and the ceiling or it would have to be moved the twenty foot distance away from the house. Now having said that, one the things that we'll ask our secretary also to do is to probably consult with the Engineering Department. Mr. Morris has indicated that there is either a swale or a drainage easement or sewer easement that runs behind the property there and we will ask for the Engineering Department to take a look at that to determine whether or not moving it twenty foot away from the house would in fact put us into either the easement or the swale area there. Some of the houses do have fairly newer lots and we would certainly not want to make a mistake there. Mr. De Hoff, you wanted to...

Mr. De Hoff – Yes, Mr. Chairman. I just wanted to note one thing on this report he gave us, this technical report. It indicates here that the rate of burn is measured after thirty seconds. That doesn't look too good because normally the garage has the drywall between the house and the garage and the twenty minute fire door. The wall is probably a thirty minute wall. They're talking thirty seconds.

Mr. Evans – Not a lot of time.

Mr. De Hoff – No, that's not a lot of time. So it might be that you can figure on it has to have some kind of fire rating inside of it. So if the fire starts inside the shed it will contain it for at least thirty minutes.

Mr. Morris – What is the standard garage fire rating, garage wall, with vinyl siding?

Mr. De Hoff – It's usually thirty minutes between the garage and the resident and the door, between there is like a twenty minute rated fire door, self closing.

Mr. Morris – As I was told, you needed like a one hour fire rating on the shed.

Mr. De Hoff – Oh no. One hour would be perfect, two hour, three hour would be perfect but you would have a block shed then if you had a three hour shed.

Mr. Morris – That would be a strong shed.

Mr. De Hoff – If you could figure some way maybe to drywall it inside that would probably eliminate your problem. I know it wasn't designed for that.

Mr. Morris – Well there was some mention of three quarter inch drywall. I don't think that structure will hold that.

Mr. De Hoff – No, they make a half inch fire rated drywall.

**BRUCE MORRIS, OWNER, cont'd**

Mr. Morris – Okay.

Mr. Evans – It's a special drywall.

Mr. De Hoff – Yes, its fire rated and that would do it. You do the ceiling and the walls.

Mr. Baldin – I have one more question. What do you store in that shed now? What's in there?

Mr. Morris – Lawnmowers, tools, there's gas in the lawnmower.

Mr. Baldin – Okay. I have no further questions.

Mr. Evans – Anything else?

Mr. Kolick - Mr. Chairman. I would suggest to Mr. Morris contact our Fire Department and our Building Department before the next meeting because that way they can talk about possible alternatives and maybe give you a little time to explore those alternatives as to what can be done before you come here. It may help you out rather than trying to make a decision here at the last minute.

Mr. Morris – Okay. If I needed to drywall it I would of course need some time to do that procedure. How much time I don't know.

Mr. Kolick – You can work with our Building Department and our Fire Department. They'll work with you on it.

Mr. Morris – Okay.

Mr. De Hoff – Mr. Chairman. He pulled a permit for that shed. Didn't you just pull a permit for that recently?

Mr. Morris – Yes.

Mr. De Hoff – The permit is good for six months. That would handle the drywall too.

Mr. Morris – That's good. I didn't want to do it in a week.

**BRUCE MORRIS, OWNER, cont'd**

Mr. Evans – Right. Mr. Morris since there are no other questions, what will happen then prior to our next meeting we will be notifying neighbors of your request for the variance and they will be invited to the Public Hearing should they wish to. You may also want to let neighbors in your immediate area know because we use a five hundred foot radius, what it is that you're requesting so that people don't get excited and think that something might be happening that isn't.

Mr. Morris – Okay.

Mr. Evans – We'll invite you back here on March 22, 2006 for the Public Hearing for this.

Mr. Morris – Thank you.

Mr. Evans – Thank you. On our Public Hearings this evening, item number two is Betty Smith, owner and if we could have the representative come forward to the microphone, we'll need a name and address and if you would please for the record recap the situation here in the request for the variance.

**BETTY SMITH, OWNER**

- a) **Requesting a 1525 SF variance from Zoning Code Section 1252.15 which permits 400 SF and 1925 SF is proposed for a partially completed Pole Barn and;**
- b) **Requesting a 7' Height variance from Zoning Code Section 1252.15 which permits a 15' Height and where a 22' Height is proposed for a partially completed Pole Barn and;**
- c) **Requesting a variance from Zoning Code Section 1252.18 which permits one (1) accessory building and where one (1) exists and one (1) additional accessory building is proposed in order to approve a partially completed Pole Barn property located at 11020 West 130 Street PPN 398-20-016 zoned R1-75.**

Mr. Smith – My name is Gary Smith. We live at 11020 West 130 Street. Strongsville, Ohio.

Mr. Evans – Okay. Mr. Smith, you are requesting a variance. This is a variance that appeared before the board before. Can you just give us a very quick synopsis of what has happened and what failed to happen that you've back here for another variance?

**BETTY SMITH, OWNER, Cont'd**

Mr. Smith – I have failed to put the driveway in. I have no intentions not to do that. It's been a water problem at West 130 for quite a while and I'm sure I showed you pictures at the last time we got together here on the water problem and I am going to work out a plan and have it up here to the Building Department or the engineers and see if we can get the water drained out of there. As soon as I can I'll start on that and that will help out greatly in getting the driveway in because I have absolutely no way to get anything back there. If I start any kind of excavation chances are I'll bury the equipment anyhow so I'll be stuck until it dries. That's where I'm at right now.

Mr. Evans – Okay. Essentially Mr. Smith, the building is up and the building was built with the exceptions of the noting in the variance here and since everything was not completed and time has run out then the request is to renew these items for the variance although you are not constructing another building, this is for the construction project that was begun but not completed. Is that not correct?

Mr. Smith – True.

Mr. Evans – Okay. We make sure so that people don't think that you're erecting another building back there. Okay? Any questions for board members? Any comments?

Dr. Goist – Do you have things stored in the building as you have built it now?

Mr. Smith – I've got my dump truck I use for hauling stone. That's really – I have my tractor in there and that's the only thing that – and actually I was using that all the way up until the time that I quit using it any more and get it outside. That's why they're in there. Other than that there's really nothing in there yet.

Dr. Goist – So you've been running things back and forth into the building and then the water problem got ahead of you so now you have in there your truck for hauling stone, you don't take it out.

Mr. Smith – Exactly.

Dr. Goist – You don't take it out?

Mr. Smith – No.

Dr. Goist – You can't get it out?

Mr. Smith – I can't get it out. No.

Mr. Evans – Other questions from board members?

**BETTY SMITH, OWNER, Cont'd**

Mr. Baldin – Yes Mr. Chairman. Mr. Smith, you have a lot of cars, equipment, etc. Do you plan to get rid of a lot of that stuff when you get everything taken care of here? Clean that yard up?

Mr. Smith – The reason for the barn was my dad had all this old farm equipment which he had intended to restore and as the old barn was falling down it got to be an eyesore. I decided to help out and say ‘hey we’ll tear down the old barn and put up a new one’. Now, I intend – my intention was or still is to restore this equipment and off it. What am I going to do with it in the city?

Mr. Baldin – That’s the thing. It’s been sitting around, getting rusted and out back there for a long time. People are complaining. You’re getting to put this big barn up and hopefully you can move that stuff in there of just get rid of it.

Mr. Smith – Well, to move it into the barn, finish fixing it so it runs so I can put it on Ebay or whatever I may have to do. My intention was not to leave it parked outside for as long as it has been. I don’t need people driving by saying ‘look, this is a bunch of people from somewhere’. I don’t need it. I’ve been over there for the last five years trying to clean this place up. I’m trying to work with the City doing it. We’ve sunk almost forty eight thousand dollars to try to improve this piece of land. It still isn’t making everybody happy. That’s a hunk of change out of...

Mr. Baldin – Yes it is. Thank you.

Mr. Harr - Mr. Chairman? So just to clarify then, the equipment, once the improvements have been made there it’s your intention to, at the very least, house that equipment within the barn so it won’t be scattered among the yard and so forth?

Mr. Smith – True. Exactly.

Mr. Harr – We have talked - from a timing prospective we recognize that there are some water issues there that have to be dealt with and there are weather requirements with regards to grading and the hard surface driveway. We were talking about a time frame that should allow you some spring and early summer time to hopefully dry that out and put in that hard surface driveway running at about June 1, 2006 and you feel that’s a reasonable time frame weather permitting to get the hard surface done and your grading?

Mr. Smith – That gives me three, plus the rest of this month, three months. I would definitely say that would be enough time so I could drain that property. If it all works out I would say definitely.

Mr. Harr – And it’s your intention to work on the drainage issues aggressively here, shortly.

**BETTY SMITH, OWNER, Cont'd**

Mr. Evans – Other questions? Mr. Smith, is the building complete in terms of the structure or is there still work that needs to be done on finishing the exterior or anything?

Mr. Smith – It's complete.

Mr. Evans – Okay and is there a floor now in the barn?

Mr. Smith – It's just a gravel floor. Now that would be another question I would have but I don't know if I can present it right now. I would like to eventually put a concrete floor in there. I can't ask for that right now because if I get a deadline on it I may not be able to complete it. I don't know if there would be a problem on me putting in a concrete floor in there besides going through the proper measures on getting the permits and have it inspected or however you do it. I'm all for that too. But I didn't know if that is possible and I haven't asked that question yet. Now that you're asked that to me, is there a problem putting in a concrete slab, is there a time limit on it?

Mr. De Hoff – The concrete floor isn't one hundred percent necessary in an accessory building but at the time you're ready to put one in, it's a twenty dollar permit and then we'll come and inspect it. We'll do a pre-pour inspection and you can go at it.

Mr. Smith – Okay. Fine.

Mr. Evans – Okay. Any other questions? Okay, then Mr. Smith, what we'll do is give you a moment here and you can put the microphone down and we'll head into the Public Hearing part of it. I'll ask if there is anybody in the audience this evening who wishes to speak in favor of the variance request. If so if you'll indicate and come forward to the podium and we would appreciate your name and address and then you can address your comments to the board.

Mr. Mulvena – My name is Ed Mulvena. I live at 11110 West 130 Street and I own the property at 11156 adjoining myself. So I am two property owners that are both in favor of his building. And we do have a water problem. We never had the water problem until they put the development in. The street used to be a swale. Now it's not. Okay? That's all I wanted to say.

Mr. Evans – Thank you. Is there anybody else in the audience this evening who wishes to speak in favor of the variance being granted? Is there anybody in the audience this evening who wishes to speak against the variance being granted? Okay, hearing no one and seeing no one then I would entertain a motion from members of the board.

**BETTY SMITH, OWNER, Cont'd**

Mr. Kolick - Mr. Chairman, before you do, I would suggest that any motion would be made subject to a hard surface drive and all grading work and the installation of that drive by June 1, 2006.

Mr. Evans – Okay.

Ms. Knickerson – Could I speak? I'm sorry. My name is Susan Knickerson, 13457 Burlwood Drive. I understand your frustration with it being a water problem. My question is why did you proceed with putting the pole barn up if water wasn't the issue from the get go. My concern as a resident is all the stuff that is sitting out in the yard. Secondary concern to that would be if there is a water problem, all that equipment that is sitting out there, God knows what's running off of it. We may have EPA issues as well. It's running into the ground water. That's all I have to say and if we could expedite this thing it would be awesome. Thank you.

Mr. Mulvena – I would like to ask these people who bought the houses back at Burlwood there, if they bought the houses, going past our houses every day to check on our houses, why they would buy a house back there is they had – why would they buy a house if they saw all the stuff – what did they do? Expect us to clean it up immediately? I've got twenty thousand dollars in the new garage I had to put in to do the same thing. They complained about my yard. They put a driveway in. They put the road in and they tied into my driveway to touch. My phones got killed twice. Okay? That's why I had to put a new driveway in. I came for a variance. We put in a garage, I put a driveway. So I spent a lot of money and these people go by every day. They see that thing there and they still buy a house back there. That's all I want to say.

Mr. Evans – Thank you.

Mr. Smith – I've got one thing to say too.

Mr. Evans – Alright. Mr. Smith, hang on for just one second here. Board members are we – there's no other questions because of their comments? Right? I just wanted to make sure I got that out of the way first. Okay, Mr. Smith?

Mr. Smith – To answer to the young lady that said 'God knows what's running off of these equipment', the water is running towards our house. Not to theirs. At one time the fall was back towards Webster Road. Now it's towards us. We get yelled at for having a tire sit outside but we've got open ditches on West 130 Street that breed mosquitoes. I don't understand it. You want to move out to the country. I don't know what you call country anymore.

**BETTY SMITH, OWNER, Cont'd**

Mr. Evans – Okay. Thank you Mr. Smith. Alright, germane to the issue before us is the variance which is completing the project such as it was started and at this point we have Mr. Kolicks comments as well so Mr. Harr...

Mr. Harr – I would make a motion that a request for a 1525 SF variance from Zoning Code Section 1252.15 which permits 400 SF and 1925 SF is proposed for a partially completed Pole Barn and a request for a 7' Height variance from Zoning Code Section 1252.15 which permits a 15' Height and where a 22' Height is proposed for a partially completed Pole Barn and a request for a variance from Zoning Code Section 1252.18 which permits one (1) accessory building and where one (1) exists and one (1) additional accessory building is proposed in order to approve a partially completed Pole Barn property located at 11020 West 130 Street PPN 398-20-016 zoned R1-75 for purposes of and subject to the completion of the grading and hard surface driveway by June 1, 2006 be approved.

Dr. Goist – Second.

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

ROLL CALL:

ALL AYES:

MOTION CARRIED

Mr. Evans – Thank you. Mr. Smith, the board has granted approval for the variance. I will remind you that the drainage issue that we've talked about, you do need to get into the Engineering Department so that you can proceed on that. The project must be completed. If it doesn't get completed in that time then you need to come back in here and not have the City chasing after you. If you do plan to put in a hard floor you want to make sure that you get the permit and do that the right way and lastly the grading as well be completed back there and hopefully at this point you'll be able to accomplish getting that drained out so that you can get the work done back in there and get the equipment in the barn and a lot of people will be happy. Okay, Mr. Kolick is this still require a twenty day review? It does not right?

Mr. Kolick – Any variance does. Yes.

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**BETTY SMITH, OWNER, Cont'd**

Mr. Evans – Okay. At this point there is a twenty day review period during which point City Council can review this but in the meantime you need to get to the Engineering Department and get in there and work on the drainage so that you can move forward with it. Okay? Is there any other business to come before the board this evening? If not I declare the meeting adjourned.

Meeting adjourned at 8:30 p.m.

Original Signature on file  
Kenneth. D. Evans, Chairman

Original Signature on File  
Kathryn A. Zamrzla, Secretary

3/22/06  
Approval date