

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

**May 9, 2007
7:30 p.m.**

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

The following was discussed:

NEW APPLICATIONS:

1) DAVE COVERT, OWNER/Gene Klonowski of Custom Decks, Representative

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (c) which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a Deck with a Roof; property located at 10012 Parkview Circle PPN 398-09-023 zoned R1-75.

The board discussed where the house falls on Parkview Circle. They need a variance because it's an enclosed structure although there are no walls. The owner claims they won't necessarily make it enclosed with walls in the future but, the board stated, if they moved, someone else could.

2) KENNETH AND MELANIE WRIGHT, OWNER

Requesting an 11.84' Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 31.84' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to install a 6' Fence on a corner lot; property located at 20761 Sandalwood Lane PPN 393-32-035 zoned R1-75.

The board asked for directions to Sandalwood. Dr. Goist claims there is no sight line problem and doesn't feel CPTED is necessary. Mr. Kolick said it's up to the board. The closest driveway is 200' away or more. Mr. Kolick said if someone objects they may want to send CPTED out. The owner said one night they walked around and got signatures of neighbors who approved of the fence. It will be 25 percent see through, board on board vinyl to match the neighbors on the east, 3' from the rear lot line. A survey is scheduled. Mr. Evans said he doesn't want the neighbors to want one too and that he prefers that the fence not be a stockade. Owner said they would consider a picket fence that would serve the same purpose. The owner said that they like their neighbors and that they want their neighbors to feel welcome in their yard. Mr. Evans said that vinyl picket fences are easy to maintain and the owners said that they are flexible.

LOIS BAILEY, OWNER, Scheduled for May 23, 2007 meeting

- a) Requesting an 8,555 SF Floor Area variance from Zoning Code Section 1252.15 which allows a 400 SF Floor Area and where a combined 8,955 SF Floor Area is proposed in order to construct a Barn Addition and;
- b) Requesting a 9' Height variance from Zoning Code Section 1252.04 (g) which allows a 15' Height and where a 24' Height is proposed in order to construct a Barn Addition and;
- c) Requesting a 47' Building Width variance from Building Code Section 1432.02 which allows a 13' Building Width and where a 60' Building Width is proposed in order to construct a Barn Addition and;
- d) Requesting a 80' East Side Yard Setback variance from Zoning Code Section 1252.03 (e) (2) which requires a 100' East Side Yard Setback 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.

Mr. Evans said that since he missed Mrs. Bailey presenting at the meeting on April 25, 2007, he has a lot of questions but his questions may have been answered now that he knows she has downsized her project.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

May 9, 2007

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

Present: Dr. Goist
Mr. Evans
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 May 9, 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. BALDIN AND MRS.
MCGRATH

Mr. Harr – Motion to excuse Mr. Baldin and Mrs. McGrath for just cause.

Mr. Evans – 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 25, 2007 meeting. If there are no additions or corrections to those minutes, may I have a motion to approve them?

Mr. Evans – I move that we approve the minutes from April 25, 2007 as submitted.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans - Mr. Chairman? I would like to move that we approve the amended agenda for the May 9, 2007 meeting.

Mr. Harr – Second.

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

ROLL CALL: ALL A YES: MOTION CARRIED

Dr. Goist – Okay. We have our amended agenda and we have a few witnesses here in the room. 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 be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to all standing.

Dr. Goist – Our first applicant is Dave Covert and he has a representative, Gene Klonowski. Do you want to present your application?

NEW APPLICATIONS:

1) **DAVE COVERT, OWNER/Gene Klonowski of Custom Decks,
Representative**

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (c) which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a Deck with a Roof; property located at 10012 Parkview Circle PPN 398-09-023 zoned R1-75.

Mr. Klonowski – We're proposing to put a 12' by 20' deck on the rear of their home with an 11' by 11' roof over the portion over the rear entrance there and we need an 8' variance. We're allowed to go 8' into the setback and twenty-two foot is what I was told.

Mr. Allen – No, what you need is you're not allowed to encroach into the rear yard setback at all. You'll need an 8' variance.

Mr. Klonowski – Okay. We need an 8' variance.

Dr. Goist – I'm going to ask the question now of Mr. Allen from the Building Department, also they need a variance because they are putting the roof on?

1) **DAVE COVERT, OWNER/Gene Klonowski of Custom Decks, Representative,**
Cont'd

Mr. Allen – That’s correct. By definition, it’s considered an enclosed shelter because if you look under unenclosed shelter, they just refer to a roof porch. They don’t say anything about a roofed deck. So, by definition, we treat it as an enclosed deck, which is part (c) and it says “an enclosed deck shall not project into any required yard area”. So, that’s where they’ll need the 8’ variance.

Dr. Goist – Okay. Do they need a second variance or that one variance will cover?

Mr. Allen – That one variance will cover it.

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

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – How long has the applicant lived in the house?

Mr. Klonowski – I don’t know.

Mrs. Covert – We bought the house and we moved in in August.

Dr. Goist – August of 2006?

Mr. Evans – August in 2006. Okay, thank you. At this point, did the applicant have any idea at that time that they were going to be thinking about putting a deck on or is that something that now that they’ve been in the house for a while, they have determined? Is there something else that’s changed or have they added to the family that is living there or –

Mr. Covert – We thought about it when we bought it.

Dr. Goist – Give me just a second. If you’re going to speak, we need to have you stand and be sworn in. Were you sworn in before?

Mr. Covert – No.

Dr. Goist - If you would please stand and be sworn in and then we’re going to ask you to come up and talk in the mic.

Mr. Covert – Okay.

1) **DAVE COVERT, OWNER/Gene Klonowski of Custom Decks, Representative,**
Cont'd

Dr. Goist – Okay.

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

Dr. Goist – Come right up there, Dave, and when you need to speak, just talk right there into the mic and that's so that we can get it on the tape. We need you name and your address, too.

Mr. Covert – Dave Covert. 10012 Parkview Circle, Strongsville.

Mr. Evans - Mr. Chairman? The reason that I'm asking the question is going back to our reasons for granting variances. What I'm trying to do is establish whether or not there is something that has changed that's a dynamic here for the reason for creating the deck. Again, I'm trying to put this in the framework of why we grant variances.

Mr. Covert – We haven't added to our family. We owned a home in Brookpark and I had a patio with an awning over that for about twenty years and that was the first thing when we found the house in Strongsville we asked the real estate agent to get the by-laws for the development to see if there was anything in there regarding not putting a deck on the house because that was the first thing we wanted to add to the home.

Mr. Evans – Okay. At this point, according to the note that you had furnished, you would be allowed to have 6' – no, it would only be a 2' one that you would be able to have without having a variance on it. Is that right, Mr. Allen?

Mr. Allen – Yes, it is.

Mr. Evans – Obviously, a 2' wide deck would not be a real wide space to be able to enjoy. So, okay. Just trying to make sure we put everything into perspective. Thank you. That's all that I have, Mr. Chairman.

Dr. Goist - Mr. Harr?

Mr. Harr – Just, really, one quick question. So, the deck is going to be 10' by 20' but the roof space is actually just a square 11' by 11' centered over the deck in some fashion.

Mr. Klonowski – Correct. Over the house entrance, just up to the fireplace –

Mr. Harr – Okay. Just up to the fireplace bump there?

Mr. Klonowski - Correct.

1) **DAVE COVERT, OWNER/Gene Klonowski of Custom Decks, Representative,**
Cont'd

Mr. Harr – Okay. So, the deck is coming out westerly from the house?

Mr. Covert – It's going west.

Mr. Harr – The back of your house faces west.

Mr. Covert – Right. It's going west and then it's going the other direction down the back of the house then.

Mr. Harr – Towards the back yard of the house on Pine Lakes Drive. Is that correct?

Mr. Covert – That's right.

Mr. Evans - Mr. Chairman? I guess that observation by Mr. Harr would be a good one there too because I missed in caucus that the roof is less than the dimensions of the deck and I think that probably makes it obvious that it's not going to be enclosed and turned into a room but I would want to make sure that the applicant is aware that should they ever decide to reconfigure the roof and make it as big as the deck and enclose the deck and make it a three-season or anything, they would need to come back to us prior to doing that.

Mr. Covert – I understand that. We don't have any further plans to enclose it at all.

Mr. Evans – Thank you, Mr. Chairman.

Mr. Harr – I have no other questions.

Dr. Goist – Your public hearing will be set for May the 23rd so we will plan on seeing you back here May the 23rd.

Mr. Covert – Okay. Thank you.

Dr. Goist – Thank you. Our next applicant is Kenneth and Melanie Wright. Melanie, were you here to be sworn in?

Mrs. Wright – No. I'm sorry.

Dr. Goist – Would you please let our Assistant Law Director swear you in?

Mr. Kolick then stated the oath to Mrs. Wright.

2) **KENNETH AND MELANIE WRIGHT, OWNERS**

Dr. Goist – There is a hand held mic there and as each of you use it, just speak right into the mic for us, please.

Mrs. Wright – Okay.

Dr. Goist – You may go ahead and tell us what you’re asking for. Please state your name and address.

2) **KENNETH AND MELANIE WRIGHT, OWNERS**

Requesting an 11.84’ Side Yard Setback variance from Zoning Code Section 1252.17 (c) which requires a 31.84’ Side Yard Setback and where a 20’ Side Yard Setback is proposed in order to install a 6’ Fence on a corner lot; property located at 20761 Sandalwood Lane PPN 393-32-035 zoned R1-75.

Mrs. Wright – Melanie Wright, 20761 Sandalwood Lane, Strongsville.

Dr. Goist – That is your husband. What is his name and address?

Mr. Wright – I’m Kenneth Wright. 20761 Sandalwood Lane in Strongsville.

Mrs. Wright - We are requesting an 11.84’ Side Yard Setback from Zoning Code Section 1252.17 (c), which requires a 31.84’ Side Yard Setback and where a 20’ Side Yard Setback is proposed in order to install a 6’ Fence on a corner lot; property located at 20761 Sandalwood Lane PPN 393-32-035 zoned R1-75.

Dr. Goist – Okay. I know the reason that you’re putting the fence up but would you tell us please.

Mrs. Wright – We have twenty-one month old boy/girl twins that, as these last few weeks of summer weather, we have realized that now they are going in two separate directions so we would like to, kind of, enclose it, just for to keep them out of the street and out of harms way.

Dr. Goist – In caucus, we talked about the fact that you were going to do board on board but we expressed our concerns. Mr. Evans expressed his concern that we would like to have something that gives us a little bit more space in between so that we have a little bit of sight between your house and the next house for safety purposes.

Mrs. Wright – Yes, providing we can go the 11.84’ side yard then we would be willing to do the picket fence and we would actually do it less than 6’. It would probably be a 5’ fence.

2) **KENNETH AND MELANIE WRIGHT, OWNER, Cont'd**

Dr. Goist – Okay. You would do the back portion exactly the same.

Mrs. Wright – In the exact same.

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

Mr. Evans - Mr. Chairman? As I understand it, there is a fence that is contiguous to the lot here. One of the neighbors has a pool and that one is a 6' board on board and at this point, that is a wood one and they're going to make a connection into that with the picket or –

Mrs. Wright – What our plan is to have, actually, a – I guess, according to code, they said that we'll just have a board flush up against their fence but it will not connect directly to their fence. It will be a separate entity from their fence. It will just make the square.

Mr. Evans – Okay. My only question to the applicant would be that in terms of the yard and the spacing, if you were to go with what the ordinance required with the fence being in line with the house, how much room would that give up in the back yard then or what type of circumstance would that create?

Mrs. Wright – We would lose, roughly –

Mr. Wright – Thirty-three feet.

Mrs. Wright – No, no, no. We would lose 12' by 34'.

Mr. Wright – Oh, I'm sorry, you're doing square feet.

Mrs. Wright – Right. Twelve times thirty-four is what?

Mr. Evans – It's a significant portion of the back yard.

Mrs. Wright – Yes, it's significant because it's only 10' on the other side. We also have a magnolia bush that has a rock and there is some flowers that come up in the spring and it's nice to look out our kitchen window and look at that corner. That was the whole reason of where we came up with that 11.84' setback to go over.

Mr. Evans – With the 11.84' setback, then you would still have a lot of distance before the sidewalk. So, Mr. Chairman, I would recommend that we not worry about a CPTED review of this for visibility or anything, because I don't think that that is going to pose a problem here, particularly if they're looking with going with the picket fence.

2) **KENNETH AND MELANIE WRIGHT, OWNER, Cont'd**

Dr. Goist – I agree with Mr. Evans. I've seen the property and I can tell you that that 11', if you stand there right on the corner – they did not have it marked but it was easy to be able to walk out 11' and there is no sight problem and particularly if you go with the picket fence, it will – I think you will like the looks. You were thinking board on board all the way but I think you'll like the looks this way.

Mrs. Wright – The look of the picket - when we saw our neighbor around the corner, we did like the picket.

Dr. Goist – Okay. Mr. Harr, do you have questions?

Mr. Harr – No, I think I understand what is happening here. I think we should also just note that, apparently the Wright's have been speaking to a number of their neighbors already in advance of our public notice because we have a number of documents from them indicating their assent to the fence. So, you have already been speaking with some of your neighbors. You have not met with any objections that you are aware of or anything like that?

Mrs. Wright – No, the only objection that we have had – the only question that we've had was the question of the property line, which is why a survey – just to make sure that we're by code and the property setback from the fence to the property line in the back.

Mr. Harr – You're going to have the pins done so that you know exactly where the back line is?

Mrs. Wright – So, we know exactly where the back line is, yes.

Mr. Harr – Okay. We talked briefly in caucus about gates and I'm looking at the drawing and unless I'm missing it, where would the gates go?

Mrs. Wright – I apologize. Immediately next to the house, there will be a gate.

Mr. Harr – Where the fence –

Mrs. Wright – Where the fence - there will be a gate there and then there also on the other side of the house there will also be – there will be gates on either side of the house so we could either go from the right or the left side.

Mr. Harr – Okay. The balance of the fence will all be solid then.

Mrs. Wright – Correct. It will be 10' on one side and 10' on the other.

2) **KENNETH AND MELANIE WRIGHT, OWNER, Cont'd**

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes.

Mr. Allen – It should also be noted that the swale that is indicated there will have to be maintained so the fence would have to be raised enough for that existing swale for the water to get out. See, you have a swale located –

Mr. Harr – Along the easterly line there.

Mr. Allen – You're going to have to keep the fence up at least a little bit so that swale can continue and the water will shed. That way, you don't have any problem.

Mr. Evans - Mr. Allen, if that is a picket fence, that won't pose the same problem because you wouldn't have a bottom board on it. The picket fence, I believe, would allow flow even if you go out at the ground level, against the swale there, as long as it's not in blocking the swale. I think, if my memory serves me right, from previous conversations, that it does not need to have the same situation as a board on board would.

Mr. Allen – Depends where the boards end up.

Mr. Kolick – Mr. Chairman, it would depend on how that swale flows. Is that a very deep swale there or a depression? Is the water actually flowing down in that area between the two homes?

Mrs. Wright – It's pretty dry. Actually, it ends up in both of our actual back yards and, kind of goes around where the – it's not very depressed.

Mr. Harr – You've got one back there as well, you indicated here.

Mr. Kolick – The only thing you need to make sure is that whatever fence you put in there, that it doesn't block the flow of water that would cause problems on either side or for yourself, frankly. Sometimes you catch wood and things coming down there and if it gets grabbed into your fence, it could block it. So, either move it out of the swale or do it in such a way that it's not going to block any drainage in there because that's the way the drainage was designed on your topo that way.

Mrs. Wright – Okay.

2) **KENNETH AND MELANIE WRIGHT, OWNER, Cont'd**

Mr. Kolick - Mr. Chairman? The other thing we ought to do is, we note on the agenda, it's a picket fence. Kathy will note that when the notices are going out. You need to let us know how high, exactly, it's going to be. If you can call our secretary and let her know before the public notices go out. If it's going to be 5' then we'll put it on as 5' but it should go to the highest member of the fence. So, whatever the highest member is –

Mrs. Wright – We'll go 5' with the picket because it's going to have the archway. The highest point will be 5'.

Mr. Kolick – The highest point will be 5'. Then we'll list it on the agenda as a 5' picket fence and that's the way it should be. Okay.

Dr. Goist – Okay. The other thing, I think I told you when I was there the other day, we would like you to put a stake at the corner where it's going to be.

Mrs. Wright – Exactly where it's going to be. Okay.

Dr. Goist – Our other two board members – well, I was there but they have not been and our other two board members will be out and they may not come until even the day before or the day of the next meeting. So, if you will get it staked out as soon as possible, we already know the height.

Mrs. Wright – Okay.

Ms. Zamrzla - Mr. Chairman?

Dr. Goist – Yes?

Ms. Zamrzla – I'd like to tell the board and also the homeowners that the Building Commissioner has recently required that all fences have a property pin inspection by the Building Department, which means that the homeowners need to prove where their property pins are. They need to be able to be seen by the building inspectors, all four of them and if not, the Building Department will require the homeowner to get an engineering survey.

Mrs. Wright – Okay. That's before the fence actually goes up?

Ms. Zamrzla – Yes. That's before we will issue your permit.

Ms. Wright – Okay.

2) **KENNETH AND MELANIE WRIGHT, OWNER, Cont'd**

Dr. Goist – Just so you know how the process goes, your public hearing will be the 23rd and then if you are approved, then there is a twenty-day waiting period so you can understand the dynamics of the timing. Any other questions from board members?

Mr. Harr – I have no questions.

Mrs. Wright – Thank you.

Mrs. Wright – Thank you.

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

The meeting was adjourned at 8:20 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn Zamrzla, Secretary

May 23, 2007
Approval Date