

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

**Meeting of
July 29, 2009
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Richard Baldin; Kenneth Evans

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) DENNIS AND DEBRA STANLEY, OWNER/Oasis Sunroom, Agent

Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.32 (K) (3) E, which requires a 30' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a Sunroom on a Deck; property located at 9521 Downers Grove Court PPN 395-28-010 zoned R1-75.

The Board members discussed that they will need the homeowner's association approval letter before voting on the variance.

2) DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Boyer Signs, Agent

- a) Requesting a 99 SF Sign Face Area variance from Zoning Code Section 1272.11, which allows a 129 SF Sign Face Area and where a 228 SF Sign Face Area is proposed in order to install a Wall Sign;
- b) Requesting a 4' 3" Sign Height variance from Zoning Code Section 1272.12 (h), which allows a 5' Sign Height and where a 9' 3" Sign Height is proposed in order to install a Wall Sign; property located at 18200 Royalton Road PPN 396-11-001 zoned General Business.

The Board members discussed that the sign does not meet the master sign plan for the Greens of Strongsville that was approved when the plaza was developed.

3) SASA MIERZUINSKI, OWNER

Requesting a 4' Setback variance from Zoning Code Section 1252.16 (e), which requires a 5' Setback from a rear yard easement and where a 1' Setback from a rear yard easement is proposed in order to construct an Unenclosed Deck; property located at 20718 Diane Circle PPN 392-17-052 zoned R1-75.

Mr. Allen stated that the Engineering Department determined that the deck would not interfere with drainage.

4) **BRUCE PIPER, OWNER**

Requesting a 19' Setback variance from Zoning Code Section 1252.17 (c), which prohibits a 4' Picket Fence on a corner lot to be located less than 20' from the right-of-way of Barton Drive and where the applicant is proposing to replace an existing 4' Picket Fence to be located 1' from the public right-of-way of Barton Drive; property located at 22295 Jonathan Drive PPN 391-04-113 zoned R1-75.

The Board members agreed that the fence must meet the code since it is being replaced and not repaired. Mr. Baldin stated that the fence is in bad shape and another fence on one of the other corners is in bad shape as well.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 29, 2009

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

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

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 this July 29, 2009 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. BOHAC

Mr. Harr – I make a motion to excuse Mr. Bohac for good cause.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We received minutes in our packets from June 10, 2009, June 24, 2009 and July 8, 2009. If there are no corrections or additions, I will entertain a motion to approve the minutes as submitted.

Mr. Harr – So moved.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES:

Dr. Goist – Now, for all the people who are here who would like to speak before the Board of Zoning and Building Code Appeals this evening, if you would now please stand and be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to those standing.

1) **DENNIS AND DEBRA STANLEY, OWNER/Oasis Sunroom, Agent**

Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.32 (K) (3) E, which requires a 30' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a Sunroom on a Deck; property located at 9521 Downers Grove Court PPN 395-28-010 zoned R1-75.

Dr. Goist – We have four New Applications and I see we have four people who are going to come and speak before us and our first one is Dennis and Debra Stanley or possibly their agent from Oasis. I don't know who the representative is. If you would come forward and give us your name and address.

Mr. Stanley – Dennis Stanley, 9521 Downer's Grove in Strongsville, part of the Huntington Park Estates.

Dr. Goist – Would you explain to us what you are asking for and the variance that you are seeking?

Mr. Stanley – We would like to take our existing deck and enclose it into a four-season sunroom. The problem with it is the deck is at 25' from the property line and according to the code, the structure has to be 25' rather than where we are right now at 30'. In order to build the room the way it is designed, part of it would be within the parameters of the zone and part of it would be outside of that and we would like to have a variance so that it will all fit within the footprint and have a nice square building rather than a trapezoidal addition on the back of the house.

Dr. Goist – Rather than shorten it up by 5' you would like the variance.

Mr. Stanley – Yes and we would end up with a 7' by 18' long addition to the back of the house, which wouldn't be very useful, to say the least.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes?

Mr. Allen – Did you say a four-season sunroom or a three-season room?

Mr. Stanley – It would be a three-season room.

1) **DENNIS AND DEBRA STANLEY, OWNER/Oasis Sunroom, Agent, Cont'd**

Mr. Allen – Thank you.

Dr. Goist – What you're asking for is a 5' variance.

Mr. Stanley – That's correct.

Dr. Goist – If I understand correctly, you're going to have Oasis Sunroom do this project for you.

Mr. Stanley – That is correct, out of Berea.

Dr. Goist – And you have a homeowner's association.

Mr. Stanley – Yes, we have talked to them already and they have given us their approval.

Dr. Goist – We need to have for our next meeting and I don't know – Kathy, do you need it sooner?

Ms. Zamrzla – No.

Dr. Goist – We need to have a letter in writing that your homeowner's association agrees with this variance.

Mr. Stanley – Okay, do we send a copy to each member or just bring it with us.

Dr. Goist – Just bring it in and present it to the secretary at the next meeting.

Mr. Stanley – I have also contacted the neighbors behind us who will be most impacted and they have agreed to let me do it and they have signed a letter saying that they don't oppose it.

Dr. Goist – That's good. Bring that letter. All of the people who live within a 500' radius of your home will get a letter stating what you want to do and they are welcome to come to the next Public Hearing, which in this case will be August 12, 2009. So, they will have a chance to either say they are in favor or not in favor but if you have signed letters, that certainly is in your behalf. So, we are glad to have them come. Board members, do you have any questions?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – Sir, do you have a wooded lot behind you? I'm looking at the print here and it's wooded and then there is a swale and then there are other homes on the other side. Is that a common ground area back there or is it part of your lot?

1) **DENNIS AND DEBRA STANLEY, OWNER/Oasis Sunroom, Agent, Cont'd**

Mr. Stanley – No, it's just a common swale.

Mr. Baldin – Okay. Thank you, that is all I have.

Dr. Goist – Any other questions, Board members?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – The room is being built, Mr. Stanley, exactly on the footprint of the existing deck that is being built over the existing deck so there is no extension beyond or anything so it is exact –

Mr. Stanley – Not any deeper. It will be wider to enclose the chimney and we have lengthened it for the drainage, rather than digging up the backyard and tapping into the downspouts. We are going to run the gutters into the existing gutter system. So we had to lengthen it but we didn't make it any deeper than the deck that is already there.

Mr. Evans – Thank you.

Dr. Goist – Any other questions, Board members? If not, then your Public Hearing will be August the 12th. We will see you back. If you would bring your letter from your homeowner's association.

Mr. Stanley – Will do.

Dr. Goist – Thank you.

Mr. Stanley – Thank you very much.

RULING: SET FOR PUBLIC HEARING AUGUST 12, 2009

2) **DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Boyer Signs, Agent**

- a) Requesting a 99 SF Sign Face Area variance from Zoning Code Section 1272.11, which allows a 129 SF Sign Face Area and where a 228 SF Sign Face Area is proposed in order to install a Wall Sign;
- b) Requesting a 4' 3" Sign Height variance from Zoning Code Section 1272.12 (h), which allows a 5' Sign Height and where a 9' 3" Sign Height is proposed in order to install a Wall Sign; property located at 18200 Royalton Road PPN 396-11-001 zoned General Business.

2) **DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Boyer Signs, Agent,
Cont'd**

Dr. Goist – Our next applicant is Dollar Tree. If you would come forward and give us your name and address.

Mr. Milburn – Rob Milburn, 21611 Tungsten Road, Euclid.

Dr. Goist – Okay, if you will go ahead and tell us what you're requesting.

Mr. Milburn - We are here to propose the Dollar Tree signage, 48" stacked letters that they're requesting. I don't know if you have in your possession or not – there are two letters: one from Wald and Fisher, the owners of the property and one from Dollar Tree. Wald and Fisher is going forth to the City to change their master sign criteria for the Dollar Tree so they can apply - or however you want to say it – for their signage that they are asking for and then Dollar Tree has also submitted a letter to us asking for the approval of their signage. I can read it if you want. If you have them or I don't know if you have them or not.

Dr. Goist – I don't think you have to read them to us. I think what we're seeing here is the size – we know that the City Code will allow you 129 square feet and you're asking for 228 square feet, which is not quite twice as big as what the Code allows. So, we will have to take a look at that. We do know that in that area and I noticed that you have put up – I hope they are in the right scale – your logo, TJ Maxx and Heinen's. Do you know if all those were done to scale?

Mr. Milburn – I don't know that.

Dr. Goist – I'm just asking because I'm trying to get an idea of how big it really is. The second variance you are asking for is a 9' 3" sign height.

Mr. Milburn – Correct.

Dr. Goist – We are all pretty familiar with The Greens of Strongsville. I have to say to you that 9' sounds – that is twice as tall as I am. That is a pretty big sign. I think we will just have to look at it and evaluate for ourselves. I can only tell you that that is large. We do know that Target had come to us and asked for a sign that was somewhat different than what our Code allowed but it was a big Target sign and not so quite large a second sign. So, I think we will just have to evaluate that.

Mr. Harr - Mr. Chairman?

Dr. Goist - Mr. Harr?

2) **DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Bover Signs, Agent,
Cont'd**

Mr. Harr – Mr. Milburn, if I understand you correctly – I am not seeing the correspondence that you are referring to – the developer is petitioning for a rework of the master signage plan?

Mr. Milburn – Correct, for this tenant only.

Mr. Harr – Okay. Do you do all of Dollar Tree's work or just this work?

Mr. Milburn – We are the installer for this job.

Mr. Harr – This particular job?

Mr. Milburn – Yes.

Mr. Harr – Do you know, will we have access to any of the Dollar Trees representatives? Is the stacking format of the sign typical of their signage?

Mr. Milburn – Yes, that is typical for them. The reason why they went – it's not why they went so big, it's that they don't do a lot of advertising. Basically, in their letter, which I don't know if you have or not, they said that they don't do advertising, they don't do flyers and everything so they go strictly by their signage to the customers. So, that is why they are going for that height.

Mr. Harr – It's a conscious marketing decision on their part. So, were they here to necessarily address why they would like the sign so big, it's purely a visibility thing.

Mr. Milburn – I was hoping that they would be here tonight and I apologize.

Mr. Harr – Okay.

Dr. Goist - Mr. Baldin, do you have any questions?

Mr. Baldin – Yes, Mr. Chairman, I can understand your request from what you're saying. That is their idea and design but being – and they are in the last building as you might say in the development there but the only people who are ever going to see it are the people who are going to come into that part anyway. It's not going to be seen from the road, that is for darn sure. I have a little problem with the height that they are looking for. That is all I have to say.

Mr. Harr – The sign face is perpendicular to the road.

Dr. Goist – It only faces the parking lot to the east of the building. I guess that is going to be our concern.

2) **DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Bover Signs, Agent,
Cont'd**

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I was taking a look back at some of the historical examples that were provided of size sign face area variances that were granted for some of the other signs and while there were some variances granted, they weren't really anywhere near the percentage difference from the allowed amount that they are proposing here.

Dr. Goist – Mr. Milburn, I might suggest to you that you encourage the clients to come to the Public Hearing because we may ask them for some kind of a compromise and they might want to come in with the idea that they may have to compromise to get a variance. I think that that is only reasonable, at least from our end of it. You are the installer so I think you probably don't care if you put up a 20' sign or an 8' sign. It's going to take a little more to install the bigger one but it's not your design. You are the installer. I would encourage the people who want this larger sign to be at the Public Hearing.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I would just comment that we recognize that, first of all, we are grateful to have a new business here in town. We are happy to see people come here and do business. We certainly appreciate that. We certainly do not want to put Dollar Tree at a disadvantage compared to the other retail facilities that are in there that have received some variances to let them have a little bit more prominent signage but it has to be appropriate and in line and in scale to what everybody else is doing in there. Thank you.

Dr. Goist – Any other questions?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – Mr. Milburn, you said that typically, Dollar Tree signs are stacked? I have seen five of them in the past two weeks since I got this and I have yet to see one of them that is stacked. They are all linear because most of them are in strip centers. So, this would be the first one that I've seen on a Dollar Tree that is stacked.

Mr. Milburn – I think they are going by certain areas, especially with the master sign program changes that they can come in to. I'm not going by that program. I'm just going by what I visually see.

2) **DOLLAR TREE, TENANT/WALD & FISHER, OWNERS/Bover Signs, Agent,
Cont'd**

Mr. Evans – What it would look like to me is that there is x amount of square footage and space and they wanted to take up that full space and whatever.

Mr. Milburn – Correct. That is what is in Wald and Fishers letter and Dollar Trees and that brick area has so much area that with the visual when you're looking at it, the larger letters actually look a lot better than what the smaller letters would be.

Mr. Evans – I would have to echo what Mr. Harr said there that just because the space is there, doesn't necessarily mean it should all be filled with signage and the fact that if you wanted 10' letters to be able to be seen from Royalton Road, that might be a cause for that kind of explanation but this is only going to be seen from the parking lot and as Mr. Harr said, we desperately want new businesses coming into Strongsville and we certainly want to support them but we have to do it within reason because if we gave this kind of variance to every business in town, we would be in trouble very quickly. Thank you, Mr. Chairman.

Dr. Goist – Okay, bring your people and we'll see how good of barristers they are.

Mr. Milburn – Thank you for your time.

Dr. Goist – We will see you on August the 12th.

RULING: SET FOR PUBLIC HEARING AUGUST 12, 2009

3) **SASA MIERZVINSKI, OWNER**

Requesting a 4' Setback variance from Zoning Code Section 1252.16 (e), which requires a 5' Setback from a rear yard easement and where a 1' Setback from a rear yard easement is proposed in order to construct an Unenclosed Deck; property located at 20718 Diane Circle PPN 392-17-052 zoned R1-75.

Dr. Goist – Our next new application is Sasa Mierzvinski.

Mr. Mierzvinski – Good afternoon. My name is Sasa Mierzvinski. I live at 20718 Diane Circle. I have in mind to build a deck that is 16' by 24'. I am looking for a variance on 4' because of the middle of my back yard and I would like to mention that it will look proportionate to my house and otherwise it would be wasting money and then it will shorten my backyard. I have to mention that I have a 50' wooded lot that would not interfere with anyone on the neighbor's side. The easement is really just a storm protection from anyone else. There is no building allowed in the easement but I will be 1' from the space in case someone would need to walk in with a machine or do anything. In my street, the two houses on the left side have the same footage of the patio and the deck that was built before those codes were in place or strictly enforced.

3) **SASA MIERZVINSKI, OWNER, Cont'd**

Dr. Goist – Okay and we do understand that and some of the codes have been changed and we appreciate what you just said and we'll come out to look at your property and the one thing that we would ask you and encourage you to do it to mark it and stake it so that we can see exactly where you want it to go.

Mr. Mierzvinski – Okay. I have 12' but I will put in 16' and I will make sure it looks like that, and mark in the corners.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – I did look at the property and you do have two stakes out there already.

Mr. Mierzvinski – They are just 12' and I didn't take pictures.

Mr. Baldin – I didn't think that was out as far as you as requesting. Some of your neighbor's decks are out further.

Mr. Mierzvinski – I did put it 12' and today I just came from Columbus and I didn't have time to get to it. I can bring pictures –

Mr. Baldin – We understand how the codes change and that happens quite often. Most of your neighbors do have decks and you have a wooded lot behind you. Is that common ground behind you?

Mr. Mierzvinski – Yes.

Mr. Harr – The storm sewer runs right through the lot.

Mr. Baldin – Yes, but there is a storm drain and there is a big swale and then there are a lot of woods behind him.

Mr. Allen - Mr. Chairman, the area behind there is a scenic buffer easement. It's his property. It's not common ground.

Mr. Mierzvinski – Really, with those changes they are telling me about, you cannot build, you cannot cut down. I can mention that the property is maintained but nothing else. I am looking just to build a nice deck that I can have something on that property on the back side.

Mr. Baldin – I don't blame you.

3) **SASA MIERZVINSKI, OWNER, Cont'd**

Mr. Evans – Mr. Chairman, could we have the Building Department render an opinion on that. Being that it's a 20' wide sewer easement, a lot of times, depending on the size of the sewer the 20' – I won't say it's excessive – is an area that we might be able to encroach on that easement with some degree of knowledge that we might not need that. The applicant is going to have to understand that if we would have to remove part of the deck or whatever that that would be at his expense but I would be interested in having a Building Department opinion on it.

Mr. Allen - Mr. Chairman, if we grant him the variance, he still will not be in the easement and the City doesn't have the permission, regardless if we grant the variance or not, to work outside of that easement.

Dr. Goist – Does that answer you question Mr. Evans?

Mr. Evans – I think so.

Mr. Mierzvinski – There will still be 1' left.

Mr. Allen - Mr. Chairman, we have a 20' easement and regardless whether he gets his variance or not, we can only work in that 20' and he is not asking to encroach into that 20' at all.

Mr. Evans – Okay.

Dr. Goist – Okay.

Mr. Harr – It just may impact the ability to turn machinery around.

Mr. Evans – It shouldn't even do that because we can't work outside of the easement.

Dr. Goist – If you will please stake out the four corners for us and your public hearing will be August the 12th and all of the neighbors within 500' will get a notice and so they may be here. I encourage you to talk to your neighbors and communicate and they are certainly welcome to come to the meeting and speak in your behalf.

RULING: SET FOR PUBLIC HEARING AUGUST 12, 2009

4) **BRUCE PIPER, OWNER**

Requesting a 19' Setback variance from Zoning Code Section 1252.17 (c), which prohibits a 4' Picket Fence on a corner lot to be located less than 20' from the right-of-way of Barton Drive and where the applicant is proposing to replace an existing 4' Picket Fence to be located 1' from the public right-of-way of Barton Drive; property located at 22295 Jonathan Drive PPN 391-04-113 zoned R1-75.

Dr. Goist – Our next application is Bruce Piper. If you will give us your name and address first and then explain the reason for the variance.

Mr. Piper – Bruce Piper, 22295 Jonathan Drive in Strongsville. What I would like to do is replace an existing fence that is falling down. The fence currently comes from the back of the house and goes out to the property line and then down along the property line just about 1' from the sidewalk and goes back to the back of the property and across. Almost all of the property on that street, the fences go the same way. It's been there since I moved in. It looks like its been there about thirty some years. It's falling apart and I just want to replace the existing fence.

Dr. Goist - I understand your reasoning and I understand the situation. I think you did hear us mention in caucus because we had asked the same question. If you were doing substantial repair to the fence, you wouldn't be here asking for a variance but since you're asking to replace it then we are going to have to take a good hard look at where it's at because the new code does not allow you to be 1' from the sidewalk for safety reasons and it may be true that these others were previously there and may have been there for thirty years but the City and I think, rightfully I think in their wisdom, have seen that this can create problems that we really don't want to have. So, we need to take a good hard look at it and I would ask you to somewhat be prepared to say you could possibly compromise that too.

Mr. Piper – I'll go back and see what I could do. The biggest problem is all the bushes and the sidewalks and things in the backyard itself and to comply with the code, I would lose 90 percent of my backyard.

Dr. Goist – We don't want you to lose 90 percent of your yard but you may be able to leave the bushes and not have the fence.

Mr. Piper – Well, then my dog doesn't stay inside the yard.

Dr. Goist – Then I understand that problem also.

Mr. Piper – The reason I want to keep the fence is that we want to replace the fence and stain it so it looks nice and goes along with the house. We had the house remodeled three years ago and put a new porch on the front and put new siding on it and now we want to get the yard looking as nice as the house does.

4) **BRUCE PIPER, OWNER, Cont'd**

Dr. Goist – I understand. I just want you to know what you may be up against. We would like to see you do something that you would like to do but we have to look at it from safety concerns and what is there.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – Mr. Piper, I'm looking at the photos and it looks like it's, kind of, a slated board-on-board?

Mr. Piper – I want to replace it with a 4" picket 4' high fence as opposed to a 5 ½" picket.

Mr. Harr – It's 5 ½" now.

Mr. Piper – Yes, it's that big.

Mr. Harr – You're going to something a little thinner?

Mr. Piper – It's a little thinner. I think it's a 4" picket and a 3" space between them.

Mr. Harr – And only 4' tall?

Mr. Piper – Yes, it will remain 4' as it is now.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes?

Mr. Allen – You are proposing to put it on the right-of-way line, right on your property line? Is that where you are proposing to put it?

Mr. Piper – That is where it is now.

Mr. Allen – Thank you.

Mr. Harr – Do you happen to have a picture of what you're intending to do? That would be helpful. If you do not, I understand what I think you're doing but just so we can see.

Mr. Evans – If you are buying the sections from Home Depot or Lowe's or something –

Mr. Piper – I was looking at two contractors that we have, kind of, settled on. One is R & M and one is not Great Lakes but some other one that's local.

4) **BRUCE PIPER, OWNER, Cont'd**

Mr. Harr – A piece of the fence would be helpful, what kind of visual affect it has especially when you talk about safety concerns and things like that and it would behoove you to give us a real clear idea of what you're intending to do.

Mr. Evans – Or if they have a picture of one that they have installed already.

Mr. Piper – They had pictures but they had them in their little book and took it with them.

Dr. Goist – Is this going to be wood or is it going to be vinyl?

Mr. Piper – It's going to be wood and then we're going to stain it.

Dr. Goist – One other question I have is that it appears that behind your property there may be some kind of a driveway, is that correct?

Mr. Piper – Behind my property is a sidewalk, which is an access to Surrarrer school.

Mr. Baldin – There is a sidewalk and then there is a driveway.

Mr. Piper – The driveway is to the house behind me.

Dr. Goist – The question then becomes maybe we should have CPTED go out and look at this now to see whether it is a potential hazard to either the driveway or the kids. That will influence our decision also as to what CPTED says. So, I'm just saying to you I have a dog and I don't have a fence. I wish I had a fence but I don't want a fence in my yard so I understand your situation but I would rather have the dog and no fence. We aren't going to shut you out but we are going to ask serious questions.

Mr. Allen - Mr. Chairman, I think there should probably be a correction on this setback variance. In Section 1252.17 there are two parts to the side yard. One is the minimum requirement of the building line and in this case it's 18' and it also says the more restrictive is 20' so they would probably need a 20' variance, which is the more restrictive of this Section 1252.17 (c).

Dr. Goist – You're saying instead of 19' it would be 20'?

Mr. Allen – Yes, if he is going to put it on the building line.

Dr. Goist – Okay. Did you understand that Mr. Piper?

Mr. Piper – Yes.

Mr. Baldin - Mr. Chairman?

4) **BRUCE PIPER, OWNER, Cont'd**

Dr. Goist – Yes?

Mr. Baldin – I did look at the property already and I concur with the property owner that the fence needs to be replaced. There is no doubt about it. You do have a lot of shrubs, flowers, trees, etc. but again, with our code it might not look that bad if the fence is moved in but you do have a very, very large tree in the back yard and again, that would be a hindrance to our new code that would be outside. So, think about where you really might want to compromise in case we get to that point. You don't want to pull that big tree down.

Mr. Piper – The big tree would still be inside the back yard if we went straight back from the edge of the house. The one big tree would still be there. The one in the back would not. The one in the back would be outside.

Mr. Baldin – Just keep that in mind. You do have a lot of nice flowers and shrubs and so forth but again, we do have the codes and we'll look at it pretty hard.

Dr. Goist – Do you have any other questions, Mr. Piper?

Mr. Piper – No.

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

Mr. Baldin – Yes, when you say picket, is the top of the fence going to be flat or is it going to be pointed?

Mr. Piper – I believe we are looking at flat.

Mr. Baldin – Thank you.

Dr. Goist – Any other questions? If not, your Public Hearing will be August the 12th and we will see you back then.

Mr. Piper – Thank you.

RULING: SET FOR PUBLIC HEARING AUGUST 12, 2009

Dr. Goist - If there is no other business to come before this Board, meeting is adjourned.

Meeting adjourned at 8:27 p.m.

Glenn Goist, Chairman

Kathryn A. Zamrzla, Sec'y

Approval Date