

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

**Meeting of
July 8, 2009
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; William Harr; Richard Baldin; Frank Bohac

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) PATRICK FERGUSON, OWNER

- a) Requesting an 1100 SF Floor Area variance from Zoning Code Section 1252.22 (c), which allows a 1000 SF Floor Area and where a 2100 SF Floor Area is proposed in order to Enlarge an Existing Garage;
- b) Requesting a 1' Height variance from Zoning Code Section 1252.04 (g), which allows a 15' Height and where a 16' Height is proposed in order to Enlarge an Existing Garage;
- c) Requesting a variance from Building Code Section 1436.02 and from Zoning Code Section 1274.06, which requires a Portland Cement or concrete paver driveway and where an asphalt driveway exists in order to Enlarge an Existing Garage; property located a 20275 Lunn Road PPN 393-25-010 zoned R1-75.

Dr. Goist stated that Mr. Allen stated the City is opposed to this variance. Dr. Goist feels it's going to improve the neighborhood. The Board stated that the reason for the height variance is to park the RV's inside. Mr. Harr stated that the variance would allow the construction, which would be better than what is presently there. The Board stated that they would want the concrete drive from Lunn to the barn. Dr. Goist stated that if they grant the variance they should condition the variance that no outside storage be allowed. Mr. Allen stated that he started the project without permit but he did have a permit for the patio. Mr. Baldin says he will ask on the floor if he is running a business from the property since he has been told that Mr. Ferguson is a Jack-of-all-trades.

2) JON A. WEIDELING, OWNER

Requesting a 27.5' Rear Yard Encroachment variance from Zoning Code Section 1252.16, which allows a 14' Rear Yard Encroachment and where a 41.5' Rear Yard encroachment is proposed in order to construct an Unenclosed Deck Attached to an Existing Pool; property located at 14300 Oakland Park Drive PPN 398-04-016 zoned R1-75.

The Board stated that they don't see a reason to not grant this variance. Mr. Allen asked what the owner's hardship is and stated he could build a smaller deck and place it where it is allowed. Mr. Baldin stated that the deck would be too close to the fence.

**3) EUTHENICS/ENTERPRISE, TENANTS/John Cook,
Carnegie Management**

- a) Requesting a .59 Acre Lot Area variance from Zoning Code Section 1262.06, which requires a 2 Acre Lot Area and where a 1.41 Acre Lot Area is proposed on parcel SWPK 2 – B in order to Split Two Parcels;
- b) Requesting a 25' Lot Width variance from Zoning Code Section 1262.06, which requires a 200' Lot Width and where a 175' Lot Width is proposed on parcel SWPK 2 – B in order to Split Two Parcels;
- c) Requesting a 7.5' Side Parking Setback variance from Zoning Code Section 1262.07, which requires a 10' Side Parking Setback and where a 2.5' Side Parking Setback is proposed on parcel SWPK 2 – B in order to Split Two Parcels;
- d) Requesting a 7.5' Side Parking Setback variance from Zoning Code Section 1262.07, which requires a 10' Side Parking Setback and where a 2.5' Side Parking Setback is proposed on parcel SWPK 2 – A in order to Split Two Parcels; property located at 8235 Mohawk Drive PPN 395-12-005 zoned (RD) Research Development.

Mr. Kolick stated that nothing will change from what is there now and that the City asked the owner to split the parcel originally but they waited until now. Mr. Allen explained that the parking lot is for the cars waiting to be rented. The Board stated they did not see any negative impact to approving the variance.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

July 8, 2009

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

Present: Dr. Goist
Mr. Baldin
Mr. Bohac
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 this July 8, 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. EVANS

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

Mr. Bohac– 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 have an amended agenda. If I may have a motion for the amended agenda.

Mr. Harr – So moved.

Mr. Bohac – 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) **PATRICK FERGUSON, OWNER**

- a) **Requesting an 1100 SF Floor Area variance from Zoning Code Section 1252.22 (c), which allows a 1000 SF Floor Area and where a 2100 SF Floor Area is proposed in order to Enlarge an Existing Garage;**
- b) **Requesting a 1' Height variance from Zoning Code Section 1252.04 (g), which allows a 15' Height and where a 16' Height is proposed in order to Enlarge an Existing Garage;**
- c) **Requesting a variance from Building Code Section 1436.02 and from Zoning Code Section 1274.06, which requires a Portland Cement or concrete paver driveway and where an asphalt driveway exists in order to Enlarge an Existing Garage; property located a 20275 Lunn Road PPN 393-25-010 zoned R1-75.**

Dr. Goist - Our first Public Hearing is Patrick Ferguson. Patrick, if you will come forward please and I would like to have you give me your name and address first.

Mr. Ferguson – My name is Patrick Ferguson. I'm here for the property of 20275 Lunn Road.

Dr. Goist – If you would again go over your request for these three variances that you are asking for and we will proceed from there.

Mr. Ferguson – Okay, I was asking for three variances. The first is for square footage, second is a 1' height and the asphalt or concrete.

Dr. Goist – I know that you were there and we have talked to you at the location today and you were also in the caucus. So, you know that our feelings are that one of the things on (c) is that we are going to require that you put the concrete in, the width of the garage, back to the building. So, that would be a condition that we would definitely put on the variance. Are you okay with that?

Mr. Ferguson – I heard you guys talking about that. I was just wondering, would it be possible for the Engineering Department to take a look at it. I would do it if I have to, there is no problem there.

1) **PATRICK FERGUSON, OWNER, Cont'd**

Dr. Goist – There is no option, is what I was trying to say. We as a Board, when we give out new variances, and we are hopefully improving this neighborhood with this addition and with the proposed change in the building, the City requires that you put in a concrete drive. So, we're saying that that is what we want as a condition for this property.

Mr. Ferguson – Right. I heard the proper measurements.

Dr. Goist – Right, okay. The other thing that you heard us talk about is there will be no outside storage of any materials – not lumber, not vehicles, because you also have an asphalt pad or whatever we want to call it, sidewalk, and we don't want all of a sudden to find out – this variance goes with the property and you might sell that property two years from now. So, whoever buys it, we want them to know that they cannot store things outside and that includes everything. We are asking you not to put stuff on that asphalt drive. The third condition is that you agree – and this is not our job to monitor or police it – that you will not run a business out of there and there has been some discussion, and maybe some disagreement, that maybe you are running a business out of there because of you being a handyman, that you keep some of your things in there that you use and if that is the case, that's part of your business and if that is the case then they shouldn't be there. We are not allowing you to put storage in there for business materials.

Mr. Ferguson – I understand.

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

Mr. Baldin - Mr. Chairman?

Dr. Goist - Mr. Baldin?

Mr. Baldin – Just to go on a little bit from that particular topic that you were discussing, as far as your handyman so called business, is that your full time job or position? Is that what you do?

Mr. Ferguson – I sell real estate. I do all different kinds of things.

Mr. Baldin – But you don't run a business out of that facility?

Mr. Ferguson – No.

Mr. Baldin– Do you store any equipment in that facility to help in whatever you do?

Mr. Ferguson – No.

Mr. Baldin – All right. No further questions.

1) **PATRICK FERGUSON, OWNER, Cont'd**

Dr. Goist - Mr. Harr?

Mr. Harr - Mr. Chairman, I guess that I would just comment that I think that the work that you are going to do to the building is an improvement over what we have right there now. I am a little dismayed when we start projects without permits and I don't like to be put into the position where we are forced to either tear down a structure and the work and the materials and the money that you put into the property or grant the variance when we may not have otherwise done so; but in this case, I do believe that what we end up with will be more aesthetically pleasing than what we had there to begin with. I understand you spoke with a variety of your neighbors, did you not?

Mr. Ferguson – I spoke with 47 property owners. I have a map here and I have all their signatures.

Dr. Goist – Why don't you bring that forward and we'll make it part of the file.

Mr. Ferguson – All the orange, I talked with all these people.

Dr. Goist – You need to speak into the microphone there.

Mr. Ferguson - I talked to all the neighbors, forty-seven neighbors. All the orange on this map, I have signatures on the following pages. There is only one signature per home, even though I talked to the husband and the wife when I knocked on the door. If the wife answered the door then the husband would come over. They were interested in knowing what was going on. Those just represent one signature from each home.

Mr. Baldin – So, they were all in favor?

Mr. Ferguson – All in favor. I spoke with no one that was not in favor. These two homes are vacant and there are only seven that I didn't speak with that weren't home and a couple of those are on vacation. I know this particular home was on vacation. That is the reason why a few of those, I was not able to talk to them.

Mr. Baldin – So, do we want to submit this to be part of the record?

Mr. Ferguson – That would be fine.

Dr. Goist – Thank you. We appreciate that.

Mr. Ferguson – You're welcome.

1) **PATRICK FERGUSON, OWNER, Cont'd**

Dr. Goist – Any other questions from Board members? Mr. Ferguson, this is a Public Hearing so I am now going to ask you to step aside and I will ask if there is anyone in the room that is here to speak for this variance. Is there anyone here to speak against this variance? Seeing none and hearing none, I will request a motion to be made.

Mr. Harr - Mr. Chairman, I make a motion that a request for a 1100 SF Floor Area variance from Zoning Code Section 1252.22 (c), which allows a 1000 SF Floor Area and where a 2100 SF Floor Area is proposed in order to Enlarge an Existing Garage; and a request for a 1' Height variance from Zoning Code Section 1252.04 (g), which allows a 15' Height and where a 16' Height is proposed in order to Enlarge an Existing Garage; and a request for a variance from Building Code Section 1436.02 and from Zoning Code Section 1274.06, which requires a Portland Cement or concrete paver driveway and where an asphalt driveway exists in order to Enlarge an Existing Garage; property located a 20275 Lunn Road PPN 393-25-010 zoned R1-75 be approved subject to the property having no outside storage allowed upon completion of the building in question, secondly the Portland cement or concrete paver driveway from the existing concrete driveway off of Lunn be brought to the front of the garage matching its width at its entry and that no business be operated from the property.

Mr. Bohac – Second the motion.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – Mr. Ferguson, your variance has been approved and there is a twenty-day waiting period for City Council to now look at this also. So, you cannot continue and you cannot pull any permits until that twenty-day period is up and City Council has the right to review it. So, that very well could happen - it has happened in the past - and then you go to the Building Department and they will carry you through from there.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes?

Mr. Allen – Mr. Ferguson, we will work on your plans so that they will be ready in twenty days. I will call you to go over it.

Mr. Ferguson – Okay.

Dr. Goist – Mr. Ferguson, you do not have to stay for the rest of the meetings. If you want to leave, you and your family may leave.

RULING: VARIANCE APPROVED WITH CONDITIONS

2) **JON A. WEIDELING, OWNER**

Requesting a 27.5' Rear Yard Encroachment variance from Zoning Code Section 1252.16, which allows a 14' Rear Yard Encroachment and where a 41.5' Rear Yard encroachment is proposed in order to construct an Unenclosed Deck Attached to an Existing Pool; property located at 14300 Oakland Park Drive PPN 398-04-016 zoned R1-75.

Dr. Goist – Our second Public Hearing on the agenda is John Weideling. If you would come forward please and give us your name and address.

Mr. Weideling – My name is John Weideling. My property is at 14300 Oakland Park Drive and I'm requesting a variance on the encroachment for the pool deck on the existing pool. From the last meeting, I made some changes to bring it farther away from the fence lines and shifting it west to accommodate the suggestions of the Board.

Dr. Goist – Okay and I just want to ask Kathy, does our amended agenda show those changes in numbers?

Ms. Zamrzla – No, I got those when we arrived.

Dr. Goist – So, we will have to put in the appropriate numbers. So, your request for the rear yard encroachment – do you have that number, Mr. Allen?

Mr. Allen - Mr. Chairman, originally he was requesting a 27 ½' variance - Mr. Chairman, the numbers have been changed on the agenda.

Ms. Zamrzla – But you said to make them even.

Mr. Allen – This is close enough.

Ms. Zamrzla – Okay.

Dr. Goist – So, they have been changed. I just want to make sure our agenda reflected that. Board members, do you have questions?

Mr. Harr - Mr. Chairman, I visited the site today and I would say we do appreciate you moving things over farther away from the fence because obviously we had some concerns about that. I took a look at your property because I think the natural conclusion for me would have been to put the deck off the back of the house. I know that you do have right there your power, your air conditioning unit, you have some other potential issues there if you would have come right off the back of the house, correct?

Mr. Weideling – Yes.

2) **JON A. WEIDELING, OWNER, Cont'd**

Mr. Harr – I'm sure they may be able to circumvent it at some point but not without a little bit of work.

Dr. Goist – Any other questions?

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – I just want to thank the gentleman that he did revise this somewhat upon our request and he probably would have done it a little bit differently if he would have thought about it a little bit sooner but you have a nice piece of property there. You take good care of it and your fence is in good shape, your yard and everything. We really appreciate that you keep it up. Good luck with your deck.

Mr. Weideling – Thank you.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I think some of the issues with the proximity of the fence is really because the applicant has maintained that fence line right along the sideline of the property. There was no previous request. He put his fencing where he could and it results in a relatively small and close space in the back of the yard there.

Dr. Goist – Thank you. This is a Public Hearing. I will ask if there is anyone here that would like to speak for this variance. Is there anyone who would like to speak against this variance? I will entertain a motion.

Mr. Baldin – I would like to make a motion that a request for a 27.5' Rear Yard Encroachment variance from Zoning Code Section 1252.16, which allows a 14' Rear Yard Encroachment and where a 41.5' Rear Yard encroachment is proposed in order to construct an Unenclosed Deck Attached to an Existing Pool; property located at 14300 Oakland Park Drive PPN 398-04-016 zoned R1-75 be approved.

Mr. Harr – Second.

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

ROLL CALL:

ALL AYES:

MOTION APPROVED

2) **JON A. WEIDELING, OWNER, Cont'd**

Dr. Goist – Your variance has been approved. There is a twenty-day waiting period and at that time, you can go to the Building Department and they will carry you through.

Mr. Weideling – Thank you.

Mr. Baldin – Good luck. Enjoy the summer.

RULING: VARIANCE APPROVED

3) **EUTHENICS/ENTERPRISE, TENANTS/John Cook,
Carnegie Management**

- a) **Requesting a .59 Acre Lot Area variance from Zoning Code Section 1262.06, which requires a 2 Acre Lot Area and where a 1.41 Acre Lot Area is proposed on parcel SWPK 2 – B in order to Split Two Parcels;**
- b) **Requesting a 25' Lot Width variance from Zoning Code Section 1262.06, which requires a 200' Lot Width and where a 175' Lot Width is proposed on parcel SWPK 2 – B in order to Split Two Parcels;**
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- d) **Requesting a 7.5' Side Parking Setback variance from Zoning Code Section 1262.07, which requires a 10' Side Parking Setback and where a 2.5' Side Parking Setback is proposed on parcel SWPK 2 – A in order to Split Two Parcels; property located at 8235 Mohawk Drive PPN 395-12-005 zoned (RD) Research Development.**

Dr. Goist – Our last Public Hearing is for Euthenics/Enterprise. John Cook, Carnegie Management. Please give us your name and address please.

Mr. Cook – Good evening, my name is John Cook with Carnegie Management, 27500 Detroit Road. Carnegie is the parent company of Lescar Company, which is the limited liability company, which owns the current parcel on Mohawk. We are here for a lot split and this is brought about mainly for finance reasons. The bank that we originally had our loan with was bought out by PNC. They will no longer carry the loan, so our new bank, Lorain National Bank, requires the lot split to separate the parcels for the mortgage. So, we are here strictly for financial reasons. Secondly, it's, kind of, the common sense thing to do since we have two parcels. Real briefly, as you are aware, Euthenics is the existing building right here

3) **EUTHENICS/ENTERPRISE, TENANTS/John Cook,
Carnegie Management, Cont'd**

Mr. Cook continues - (indicating on the plan). Enterprise is currently under construction and we have met all the approvals. This pink line is our proposed lot split line. The variances strictly have no adverse effect on the neighbors. This is somewhat imaginary just to get the lot split. So, that is why we are here tonight.

Dr. Goist – Board members, do you have any questions? I think we have, kind of, gone over this in caucus.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – We mentioned in caucus but just to make sure the applicant is aware of this, any approval that we would grant tonight would be subject to our Law Department’s review of your easements.

Mr. Cook – Correct. We have submitted a preliminary grant version of our easement that is going to be set up for review.

Dr. Goist – Any other questions?

Mr. Baldin – No questions, Mr. Chairman. It’s pretty cut and dry from what I can see here.

Dr. Goist – Okay. If not, this is a Public Hearing. Is there anyone who would like to speak for this variance? You can come forward. If you can give us your name and address and try to speak right into the microphone. Our secretary is having a little bit of a problem picking up the speakers.

Mr. Johansen – My name is Jeff Johansen. I live at 15706 Sassafra Drive. They are currently working on the Enterprise development behind us. We are residents there and we received this variance application. We really don’t understand it. We want to see how it is going to affect us as a resident and then I also have some issues with the existing renovation that is going on for the parking lot for Enterprise. In particular, some of the drainage issues that we have had for years – I have pictures to show it and it has been running through there. It comes off of the Honeywell parking lot and it comes down. All of the erosion that is coming through, I have talked to Mike Daymut about. I have asked him to take a look into it, actually for a few years now and we haven’t had anything resolved.

Dr. Goist – Can we see those pictures?

Mr. Johansen – Absolutely.

3) **EUTHENICS/ENTERPRISE, TENANTS/John Cook,
Carnegie Management, Cont'd**

Dr. Goist – I am going to ask our Law Director, at this point, we are here to consider the variances that they are asking to be made. Does this fall under the area?

Mr. Kolick – Let me see the pictures and then I'll address it.

Mr. Allen – Mr. Chairman, the gentleman can come to the Engineering Department any time and we can sit down and go over the issues.

Mr. Johansen – There is an existing storm drain.

Mr. Allen – He can fill out an Action Request form.

Mr. Johansen – I just want to understand how this is going to –

Mr. Kolick - Mr. Chairman? Let me address the gentleman here. They aren't changing anything physically with this from what is there so it's neither going to make it better nor worse. They are just drawing a line on the plat. So, what they are doing is the area where Euthenics is now and you have the area where Enterprise is going in, there is going to be a lot line and a lot line is nothing but an imaginary line. It's going to go from Mohawk back to the fence line there so it's just going to be an imaginary line. There is nothing physically being changed by way of detention or storm sewers or anything else. So, it isn't going to make things any worse for you. It's not going to make things any better either. So, if you have problems with the drainage, please come into our Engineering Department and talk to them. I know if you have talked to your councilman, maybe you need to –

Mr. Johansen – I have been there and I've talked to Mike and I'm still – here we are five years later and now they are taking down our buffer and they are going to put in storm drains to the new parking lot and we still have the same issues where we are at.

Mr. Kolick – Well, there are –

Mr. Johansen – We haven't seen anything resolved from that.

Mr. Kolick – I can't speak to the Engineering issues but please come in and you can start with Mr. Allen. He can get you to the right people. I don't know if all the improvements on that line are yet taken care of or if they are still in process because, as you know, the building and the lot and all are still going up yet. So, they may not have it all in progress but if there is something that they miss, you can certainly address it with Engineering. This, although it's instructive to the Board, it's not part of what this Board will be doing. They are not going to be looking at the Engineering issues with this because nothing they are doing here is going to make them better, nothing is going to make them worse.

3) **EUTHENICS/ENTERPRISE, TENANTS/John Cook,
Carnegie Management, Cont'd**

Mr. Johansen – Sure but this pertained to our area and pertained our issues.

Mr. Kolick – There is no problem with you bringing it up but you need to take it to the Engineering Department. That's the people who have to take care of this problem for you.

Mr. Johansen – Do I need to make an appointment with Joe?

Mr. Allen – Just call and make an appointment and we'll set it up and go over all the Engineering for you.

Mr. Kolick – They are important. I'm not saying they're not important to us. We need to get them straightened out up there but what they are asking tonight isn't going to affect you. It's just going to be an imaginary line on a plat.

Mr. Johansen – Right and we didn't have a clear understanding of that.

Mr. Kolick – That's why you come up here and we're happy that you do.

Mr. Johansen – This gives us an opportunity, at least, to speak about it.

Mr. Baldin – Are you overall in favor of this? That is what the Chairman asked, if anybody in favor would come forward.

Mr. Johansen – Sure.

Mr. Baldin – Okay.

Dr. Goist – Let the record show that he said, "Sure" because the mic isn't in front of you.

Mr. Johansen – As long as they work with us on this.

Dr. Goist – That's good. Now is there anybody else here to speak for the variance.

Mr. Kolick – Mr. Chairman, the other thing that I would say is if he could contact the representative, maybe the representative can give you his card and you can also share with him because he represents Carnegie who actually owns both of these parcels right now. Correct?

Mr. Cook – Correct.

Mr. Kolick – So, if you can talk with this gentleman, maybe you can address some of his concerns outside of this forum here tonight. Okay?

