

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

**May 27, 2009
7:30 p.m.**

Present - Board of Appeals Members: Glen Goist; Bill Harr; Frank Bohac; Richard Baldin, Ken Evans.

Administration: Assistant Law Director, Dan Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

Dr. Goist stated that it is 7:30 p.m. and that he would like to start Caucus. He stated that he would like the record to reflect that Mr. Baldin was not yet present.

1) CHARLES WERLEY, OWNER

- a) Requesting a variance from Zoning Code Section 1252.26 (c) (3), which permits the temporary parking of a Recreational Vehicle 34' in length or less and where the applicant is proposing to temporarily park a Recreational Vehicle which is 36' in length;
- b) Requesting a variance from Zoning Code Section 1252.26 (d) (2), which requires that no Recreational Vehicle shall be parked closer than 20' to the Public right-of-way or any sidewalk or established pedestrian walkway, whichever is closest to the Recreational Vehicle, and the applicant is requesting to park within the 20' restriction; property located at 18142 Mallard Circle PPN 397-01-053 zoned R1-75.

Mr. Allen stated that in this Application they are required a no longer than 34' vehicle and they have to be 20' from the right-of-way. Mr. Baldin asked if it was 30 or 34'. Mr. Allen stated that it was 34' and 20' from the right-of way and that the Applicant had 36' and approximately 11' from the sidewalk. He stated that Mr. Biondillo went around to sites in the community and took pictures of the situation where there was a vehicle parked in the driveway. Mr. Allen stated that in the pictures, most of the vehicles were 34' or less in length and 20' from the right-of-way in most of these the vehicles are compliant and they are on a hard surface. He did state that the picture of the fire truck was in the backyard not a side yard. He stated was the only one that was in question and stated that it could possibly be a violation. Mr. Bohac asked about the one in Chandler Commons, the one that was always decorated. Dr. Goist stated that there were probably a lot more in the City and if they started to cite them all the City would probably be rich. Mr. Kolick stated that in the Ordinance there is the difference between a 36' and a 34'. Mr. Allen stated that he was not on a hard surface. Dr. Goist stated that that applicant presented a hardship. He said that the Board

could stipulate if it was a 24 to 48 hour period. If he stays on the hard surface but he is not on the hard surface by the picture that he submitted. Dr. Goist stated that the Board was looking at 2' for 24 hours. He stated that there were many more in Strongsville that were illegal as well and that the Applicant was asking for a little forgiveness in advance. Mr. Kolick stated that he was cited. Mr. Evans stated that the problem was the Council in determining the length they would permit in the Ordinance went to extremes to make sure that they had considered the options, what the differences were and everything else. The reality is, he is asking for a period of time to be able to come in and do that. The Ordinance gives him 24 hours. I am sure that in citing the vehicle that at this point the observation is done when a contact is made by the Building Department or the Police Department and then you have to wait 24 hours until contacting them because they are not going to do a citation based on somebody saying its been there "x" number of days. We would have to make the observation within a certain period to issue the citation. Mr. Kolick stated that it would depend on the Commissioner. They might, if there are neighbors that say that they parked here a week and then they would have to go to Court and they would have to come in. If the Building Commissioner serves it himself, then he would go on his own. Dr. Goist stated that he understood that his wife has a problem and it is something that requires absolute attention. Mr. Kolick stated that we could not monitor who the individuals were at the house at all times. Mr. Evans stated that there were a couple of other options; one is that if we choose to give a variance then we are legislating because we are in fact determining that we could allow that for others. Perhaps another alternative would be for us to make a recommendation back to Council that they reconsider the 24 hours and make it 48 hours which would give somebody the ability to do it. Dr. Goist stated that he understood what Mr. Evans was saying but that the Applicant exceeds the limit and is too close to the road. His vehicle is still not 20' from the right-of-way. Mr. Baldin stated that he did not like one of the photos and he stated that he built out 10' of gravel. He stated that people so this all the time and then park the car out in front and that is another 15' to 16' to add onto the trailer. Mr. Allen stated that it was allowed.

2) **TIM AND LINDA BREHM, OWNER**

Requesting a 26' Side Yard Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the residence and where the applicant is proposing to extend the fence 26' beyond the setback of the residence in order to install a 6' high Board-on-Board Cedar Fence; property located at 14055 Wilma Drive PPN 398-02-032 zoned R1-75.

Dr. Goist stated that he had gone out and looked at this Applicant's proposal.. Mr. Baldin stated that he went out to the site and does not believe that the fence is 5' from the sidewalk. Dr. Goist stated that this street is only 3 houses long. Mr. Allen stated that it should be a 23' side yard variance not a 26'. Dr. Goist asked if that was from what measurements? Mr. Allen stated he thought it was 23' plus a 3' gate. It is just 23' total. Dr. Goist stated that the other thing is to make it not so long since its proposed to be attached to the neighbor's fence.

3) **JAMES KRZESZEWSKI, OWNER**

Requesting a 39 SF Floor Area variance from Zoning Code Section 1252.15, which allows 192 SF and where 231 SF is proposed in order to construct an Accessory Building; property located at 14692 Timber Lake Drive PPN 398-09-013 zoned R1-75.

Dr. Goist stated that this Applicant has already purchased the shed. Mr. Evans stated that there was nothing behind it but woods. Dr. Goist stated that you would not be able to see it from the street. Mr. Evans stated that it was the third lot in from Webster. Dr. Goist stated that he planned to put it right behind the house. Mr. Allen stated that he thought that the parcel number was wrong. He stated that the correct parcel number should be 398-09-047. He stated that to put a cul-de-sac on the empty lot on Webster was going to be really tight. You could probably get a short cul-de-sac on there.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice, Representative**

- a) Requesting a variance from Zoning Code Section 1272.14 (b), which permits one (1) Wall Sign on the East Elevation and where two (2) Wall Signs on the East elevation are proposed;
- b) Requesting a variance from Zoning Code Section 1272.14, which prohibits a Changeable Copy Sign in a Commercial Service Zoning District and where one (1) Changeable Copy Sign is proposed;
- c) Requesting a 49 SF Sign Face Area variance from Zoning Code Section 1272.14 (b) which permits 50 SF Sign Face Area and where 99 SF Sign Face Area is proposed in order to install a Wall Sign; property located at 12300 Prospect Road PPN 392-12-025 zoned (CS) Commercial Service.

Dr. Goist stated that this application was showing other signs as well.

5) **RICHARD NOVAK, OWNER/ Klaus Home Improvement, Contractor**

Requesting a variance from Zoning Code Section 1252.15 to permit two accessory buildings where one accessory building exists and an additional accessory building of 100 SF is proposed; property located at 10806 West 130th Street PPN 398-21-015 zoned R1-75.

6) WILLIAM VRANIC, OWNER

- a) Requesting a variance from Zoning Code Section 1252.29 (b) (1) which prohibits a Swimming Pool to be located in a side yard and where the owner is proposing an Above Ground Swimming Pool in the side yard;
- b) Requesting a 11' Rear Yard Setback variance from Zoning Code section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 4' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- c) Requesting an 11' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 4' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- d) Requesting a variance from Building Code Section 1438.02 which requires that no structure can obstruct a swale easement and where the applicant is proposing to place an Above Ground Swimming Pool 8.5' into the swale easement; property located at 13800 Blackberry Circle PPN 398-10-105 Zoned R1-75.
Motion & Vote

Dr. Goist stated that he was viewing an aerial view showing where it is compromising the swale. He asked if the Building Department was okay with that. Mr. Allen stated that the Engineering Department was okay. He stated that there was a high point where the swale goes. Dr. Goist reaffirmed that the Engineering Department was okay as long as the neighbors were okay and asked if anyone had any problems with that. Mr. Allen stated that the distances had changed. Mrs. Zamrzla stated that she did not get a copy of the plan he was looking at. Dr. Goist stated that the applicant had just brought it in tonight. He stated that it was a revised Variance Request. Mrs. Zamrzla asked if the sequence on the Agenda was correct. Mr. Allen stated that it was okay. Dr. Goist stated that based on what the real-estate people told them that they might have potential recourse. Mr. Allen stated that the pond was there when they moved in. Dr. Goist stated that the swing set was also. He stated that there was no letter from the Homeowners Association. Dr. Goist stated that the President of the Homeowners Association had written a letter and that they were all for it and that everything was fine with the Homeowners Association. Mr. Evans stated that another trustee came forward at that meeting and stated that he objected to it. Mrs. Zamrzla stated that the background was that the letter that the Homeowners Association approved was for a different location. Dr. Goist stated that the pool was purchased and that was one of his hardships but

that wasn't quite a hardship but it was purchased. We have another one coming up tonight that was pre-purchased too. Item 7 was the replacement fence on Hawks Lookout.

7) **HENRY ZALAR, OWNER**

Requesting a 10' Side Yard Setback variance from Zoning Code 1252.17 (c) which requires that the fence be located within the setback of the residence and where the applicant is proposing to extend the fence 10' beyond the setback of the residence in order to construct a 6' Vinyl Privacy Fence on a Corner Lot; property located at 17148 Hawks Lookout Lane PPN 397-10-062 zoning R1-75.

Previously approved on August 18, 1982 for a 6' Wood Board-on-Board Fence.

Mr. Evans stated that he understood from the Applicant that there had been a fence there prior. The Applicant stated that it was going in the same location, was more attractive and lower maintenance. Dr. Goist stated that he wanted to keep it in the same spot. He stated that he could go back to the board-on-board. So he was installing the vinyl for an upgrade.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

May 27, 2009

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

Present: Dr. Goist
Mr. Harr
Mr. Bohac
Mr. Baldin
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 May 27, 2009 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL AYES: ALL PRESENT

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 all received in our packets, minutes from the April 22, 2009 meeting. If there are no additions or corrections I will entertain a motion for them to be approved as submitted.

Mr. Baldin – Motion to accept.

Mr. Bohac – Second.

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

ROLL CALLED: ALL AYES MOTION CARRIED

Dr. Goist – To all the people in the audience . . .

Mr. Evans – Mr. Chairman, I would like to move that we approve the Amended Agenda this evening.

Dr. Goist – Thank you Mr. Evans.

1) **CHARLES WERLEY, OWNER, Cont'd**

Mr. Werley continues - This is a real burden on me. I do not store this RV in that drive. If any of you gentlemen went there, you can see, the back bumper is 15' from the sidewalk. It imposes on no one, two days before and two days after. When I come back from a camping trip on Sunday, they are closed on Sunday. I have no place to go. Avalon is closed. I have to take it home and unload the food, vacuum it out and my wife is always with me. I am asking for a variance of, if you are talking about 34' feet, I am 36'. I am sorry for my action, it hurts me. I just need a variance.

Dr. Goist – Mr. Werley, I'm going to, rather than us going through all this, I am going to ask our Law Director to give you a little insight on what the City Council has done regarding the parking and not necessarily storage, I don't think that anybody is questioning your storage. He will explain what Council decided and why they decided where the trailer should be and then you will have a little more insight on where the City is coming from.

Mr. Werley – If I give you notification of when I am bringing it in to load and unload, somehow, is that possible or the other alternative, can I park at the curb for the day?

Dr. Goist – I will let our Law Director advise you.

Mr. Kolick – Mr. Chairman, just so that the Board and members of the audience understand, when the legislative body enacted the original ordinance on recreational vehicles, it was very hotly contested by recreational vehicles owners as to what the length of that should be. It went through maybe 3 Public Hearings and numerous Council Meetings to ultimately determine whether it should be 36', 34', 32' feet, whatever the length was going to be. After bringing in actually experts to testify after listening to days of literally different concepts and requests from property owners, it was decided by the legislative body to limit it to 34'. The second thing that they determined, from a safety standpoint, after talking to the Police Department is that it could be no closer than 20' to the sidewalk or the right-of-way and that was the recommendations of the Safety Forces and the CPTED Officer. We certainly did not want to see a young child or something where you could not see or get a good view coming around there and be hurt. That is why, there was a reason for those lengths. This is for the applicant and for the Board as well. They weren't just pulled out of the sky whether they were 34' or 36', they weren't just pulled out as to whether it was 20' or 15' or 10'. There were real safety reasons for doing that. That was the original context. About three years later a group of RV owners came up and asked for changes in that ordinance. They did change the ordinance and they allowed the 24 hours load and unload and a couple other items that were put in there but they again considered that 36' length and at the request of the Police Department, they determined that a 36' was just not going to work in the City and was not good from a safety standpoint. That was the reason for it, it was not to cause any hardship on anyone but they did limit it for that reason. This Board, obviously you have the ability in individual circumstances but they are normally limited to such things as topography

1) **CHARLES WERLEY, OWNER, Cont'd**

Mr. Kolick continues - and whatever. Those are reasons for granting variances as you are aware and that is what this Board has to consider. The problem from the Board standpoint here is, if it is varied in this instance then I don't know how many other instances individuals will be coming to the same Board requesting variances. It is something this Board needs to consider, you know what your authority is under the Ordinances but historically that is the legislative background behind it so the applicant understands what happened with it.

Mr. Werley – May I say this, that someone must have complained because they didn't want to see it in my driveway and as I drive around, as you drive around Strongsville, you have these vehicles all over Strongsville, larger than mine. Even I have asked the Building Commissioner, why aren't they cited? They said because nobody complained about them. We only cite the ones where somebody complains which means that it is not being treated equally across the board. I feel like I've been discriminated against because, I said your gentlemen, your inspectors drive through these streets constantly, right on Lunn and on all places and my answer was that they only have four inspectors and they can't be going around looking for RV's. I said they drive by them all the time. They came in on a Monday, an inspector on a Monday and Monday afternoon it was scheduled to go back to Avalon. Why didn't he even stop at the door and ask me about it? The Commissioner said that, "we are too busy to be stopping at the door". Let me tell you something, I have been in Strongsville a long time. I have lived at this house for 26 years, I had two houses in Ledgewood. I have always liked Strongsville and we are not the enemy. I am a good upright standing citizen and I can't even get the little respect that the man is at my house, he can't even come to my door, knock on the door which I would have told him that it is going back today. I mean, If I may say, I have been retired now for a year. I worked for CR Management. I manage, I was Vice President, 5,000 apartment units, Tower in the Park, North Church, Buffalo, Ceriquios, Pittsburgh, Fort Wayne. I didn't treat my residents like that because they were not my enemy but you act like your citizens here in Strongsville are your enemy. I don't understand it. I am not hurting anyone. I am not trying to hurt anyone. All I am asking is for, I am a caretaker and I have a hardship case and I was just asking for two days and two days. That is all I am asking for. I would hope you would reconsider that and do something in my favor. If that doesn't happen, can I sit on the street to put water in?

Dr. Goist – Mr. Werley, I was going to ask again Mr. Kolick to give us his opinion as to whether that vehicle can sit on the street because I don't know the answer to that.

Mr. Werley – Semis and everything sit on the street.

Mr. Kolick – Mr. Chairman that is something that we would have to take up with the Police Department. There are restrictions on the size of vehicles permitted in the street. I don't know where yours would fit. It is something that we can certainly discuss with the Police Department . There may be two issues here; one the citation that you have for this and also

1) **CHARLES WERLEY, OWNER, Cont'd**

Mr. Kolick continues - what is going to happen in the future. If your concern is the citation you received on this, we can certainly talk to the Building Commissioner about that particular item. What they wouldn't want to see is the vehicle return again. He is correct, the Building Commissioner is correct, in that they are complaint driven. We don't have the inspectors that drive around the City just looking for people to cite with things. That is not how it goes. It is normally when we receive a complaint. It is usually someone with a family or young children that are concerned about their children that send the complaints to the City and that is usually when we go out. I don't know, you may feel that it is unfair but I guess it is no different than the speeders, 5 people speed and they catch 1. Is that unfair to the other 4, maybe so. It is the reality of the situation, it is the same type of thing here. When they are brought to the City's attention, they take the same enforcement action that they take on you when with any other one, is all I can tell you. If the other ones weren't caught then they weren't caught. That is what we have to look at but if your concern is this particular citation, it is something we can talk with the Building Commissioner about. If your concern is being able to bring that vehicle back at different time, then this Board needs to address that issue.

Mr. Werley – Wouldn't it be the duty of the inspector that if he drives by and if he personally views an RV that is out of your code, that he would turn it in? Or is he not even going to turn it in then, only if some neighbor went by and complained. You are saying that if he sees it and he knows it is in violation, he is not going to do anything about it?

Mr. Kolick – I can't answer that. That would be between the Building Commissioner and the Inspectors and the instructions that they are given and what goes on with that I can't answer for that.

Mr. Werley – As you know, you can drive down Prospect and all the streets, there are big boats.

Dr. Goist – Mr. Werley, we do not disagree with you and we completely agree with what you just said. The Engineering Department, Mr. Allen, has something that he would like to add.

Mr. Allen – What the Building Department is doing is a process of going through various parts of the City doing property maintenance and citations are issued accordingly. There are areas that they are just starting to go through. There is a possibility that more of these vehicles will be cited. However, it is also my understanding that in many instances, when you park a vehicle in the street, if you notify the Police Department, many instances there will not be an issue. In this situation, you may want to check with the Police Department and our Law Department to see, if you do want to park it, you may want to notify the Police Department, there is a possibility that you could park it on the street.

Mr. Werley – Yes, for 6 hours or something like that.

1) **CHARLES WERLEY, OWNER, Cont'd**

Dr. Goist – Mr. Werley, what he is saying is that you may have to do a little homework between now and your Public Hearing. Your Public Hearing is going to be in 2 weeks, on June the 10th. It would behoove you to check with Chief Goss at the Police Department and ask him that very question that Mr. Allen just related and I would personally like to say to you that we feel, this whole Board, is nothing but a compassionate Board for all of the variances that we see. The rules are made and we are a Board that is able to vary those rules. We are not here to be your enemy. We are here, if we can to make the exception. Every rule is made and there is an exception for almost every rule. If we make one and we do this constantly and we allow somebody to have a fence that they are not allowed to have, then the next thing that we have is 22 people in here asking for that same variance. We then are considered legislators. We are not legislators, we are a Board, we think a compassionate Board, that will listen to your problem and we are going to try to help you solve it if you do your homework with the Police Department. We are going to have a Public Hearing, you may have 6 of your neighbors, everybody within 500 feet of your house is going to get a letter tomorrow or the next day that says you are going to have a Public Hearing and they are all going to ask. Maybe one of your neighbors turned you in, we don't know the answer to that. You got cited because of somebody or maybe an inspector saw it.

Mr. Werley – Four houses down on the same street there is a camper in there. I asked him about it and he said that nobody complained about that one.

Mr. Bohac – How many times a year would you say that you do this.

Mr. Werley – Two, the first year I went on two trips, the second year I went on two trips. I went on one trip this year and in July the second or third week, we are going to Bowling Green. There are supposed to be 7,000 RV campers there and I planned to go there and stay out of the busy part. I made reservations at another camp site.

Mr. Bohac – So you are talking twice a year.

Mr. Werley – That is all I have done so far.

Mr. Bohac – Okay, I understand.

Mr. Baldin – When do you bring the camper in? Is it on Saturday and load it up on Sunday and leave on Monday?

Mr. Werley – I like to bring it two day at least before the trip. The last trip we just had a few weeks back which was Crooked River Camping Club. You leave the camp site at 12:00 or 2:00 on a Sunday afternoon. When I come home, I have no place to put that camper because Avalon is closed, number one; number two I have to take the food out.

1) **CHARLES WERLEY, OWNER, Cont'd**

Mr. Baldin – That is Sunday night and then you unpack it and it's gone by Monday afternoon?

Mr. Werley – Yes.

Mr. Baldin – When did you bring it in before you left on your trip? How long was it at the house before you left on your trip?

Mr. Werley – You mean this last one?

Mr. Baldin – Normally.

Mr. Werley – Normally? This last time I probably brought it in a week to week and a half before because I had some mechanical work that I had to do, put up some clocks and fix the television. It was there for about a week and a half prior on this last trip a couple of weeks back.

Mr. Baldin – If you had no mechanical problems you would bring it in the day before you would leave?

Mr. Werley - Right, there is nothing that has to be done on that RV now; nothing, only for me to put the food in and put the water in.

Mr. Baldin – Maybe two or three trips a year?

Mr. Werley – My wife would be with me because she has to be with me constantly.

Mr. Baldin – I understand that, thank you.

Mr. Harr – Mr. Kolick, I want to make sure that I perfectly understand, as does Mr. Werley, the 24 hour grace that was recently added to the ordinance is really for the 20 foot parking arrangement, it has nothing to do with the size. In other words, there is no override for the size?

Mr. Kolick – No, the size is just prohibited period and you have to keep it, but as a practical matter, it is the very thing that we are talking about. From an enforcement standpoint, not that they couldn't, but I wouldn't think that for someone that is in there for 48 hours and out, they are going to receive a complaint and get a citation. My best guess is, in this particular instance, it was there a week and a half and that is why they got the complaint and probably why they received the citation. If someone comes in on a Friday afternoon, and comes back on a Sunday, our inspectors aren't even going to be out there to get it. Regardless of the

1) **CHARLES WERLEY, OWNER, Cont'd**

Mr. Kolick continues - black letter of the laws, as a practical matter he is probably not going to get cited for that type of thing. I think the problem was, in this instance, it was there for a week and a half and we got complaints. Then we have to, we can't ignore them. If it is against the law then we have to enforce the law and it's the Building Commissioner's duty to enforce it. I am talking about for future matters, most likely we won't even get a complaint if you are there for a short period and out and it happens twice a year. That is just the practical side of the enforcement on it, I guess is where it is at. It is not to say that it is not in violation, I'm just talking about practically as far as someone complaining. I think that the problem is and even in your instance, we don't know. What if something else goes wrong with the vehicle the next time you go and its there another week and a half. Then someone is going to be calling up the City saying why aren't you enforcing the ordinance, the guy has it here another week and a half again? That is the problem we run into as a City with it, if you can understand.

Mr. Werley – Let me say that, in my defense, I was ignorant to the Code because seeing them all over Strongsville, I didn't think anything was wrong with them even on the same street, wrong with being in my drive, I don't have maybe as long a driveway as some of them have on that house. I still have 15' which I thought was plenty, from the back bumper to the sidewalk, does not interfere with anything. Fifteen feet and knowing that it is being stored permanently at Avalon, it's just that I had a couple days extra work and I did repairs on it.

Mr. Allen – The pictures that he brought for the most part of what we can observe are in compliance because they do meet the requirements of the Code. They are allowed to park vehicles, it is just the size and the distance from the right-of-way that is the difference here.

Dr. Goist – Did you understand what he just said?

Mr. Werley – Yes, but on Prospect I know that they are not 20 feet from the sidewalk.

Dr. Goist – But he is saying that the pictures that you brought us, most of them were in compliance.

Mr. Werley – Okay because there are boats and everything. I have a lot of pictures. I just gave you some RV's that are close to my house, although they are all over Strongsville. I know that on Prospect they are almost up to the sidewalk. I never thought of any kind of a Code whereas you had to be 20' from a sidewalk and so forth and so on and it's a very attractive coach, it is not something that is ugly sitting in the driveway. I want to apologize for my actions, it is very personal.

1) **CHARLES WERLEY, OWNER, Cont'd**

Dr. Goist – Your Public Hearing will be June the 10th, do a little homework yourself and we as a Board will do ours and we will see what we can come up with. All of your neighbors will be informed and they have the right to be here June the 10th.

Mr. Werley – June the 10th, may I ask what that hearing is for?

Dr. Goist – That is called a Public Hearing and that is because all of your neighbors within 500 feet have the right to come up and either be in favor or against your situation.

Mr. Baldin – You might find the one that complained.

Mr. Werely – Same time, same place?

Dr. Goist – Yes, same time, same place.

Mr. Werely – Seven Thirty?

Dr. Goist – Yes sir, actually the meeting is at 8:00 but we have our Caucus before at 7:30 p.m. Also, so that you know Mr. Werely, since you are now finished at this point, you do not have to stay for the remainder of the meeting. You are free to go if you like.

Mr. Werley – Thank you.

RULING: SET FOR PUBLIC HEARING JUNE 10, 2009

2) **TIM AND LINDA BREHM, OWNER**

Requesting a 26' Side Yard Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the residence and where the applicant is proposing to extend the fence 26' beyond the setback of the residence in order to install a 6' high Board-on-Board Cedar Fence; property located at 14055 Wilma Drive PPN 398-02-032 zoned R1-75.

Dr. Goist – Our next new applicant is Tim and Linda Brehm. If you would give us your name and address, please.

Ms. Brehm – Linda Brehm, 14055 Wilma Drive.

Dr. Goist – Please explain to the Board what you would like to do.

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Ms. Brehm – Actually I would start by saying that for one, we are a corner lot on a very quiet street. Not a lot of through traffic and all we would like to do is extend our fence 23 feet to the corner side of our house to match our neighbors fence which is in our backyard. I have pictures to better explain it, if you want to take a look at those now.

Dr. Goist – If you give us the pictures, they will remain with the Board.

Ms. Brehm – That is fine. I think they clearly show that it really is not obstructing any view from the street. Where we would like to begin our fence I believe is still 80' from the stop sign on Wilma and Nancy. It is still 80' away, it is not in anyone's view coming around the corner. On the side of us, Nancy Drive, considering that their fence is already behind us, we could not imagine having a fence any other way than what they already have existing behind us. It just would not look uniform.

Dr. Goist – I was at your house so I know exactly what you are talking about. Let me just take a quick peak at your pictures.

Mr. Baldin – I don't think that the fence is probably going to be any obstruction. It doesn't seem to need any CPTED Report or anything. I took a look at the property and the house behind it. The only thing, as I said in Caucus, whoever goes out there again, take a tape measure and see how far the other fence is from the sidewalk.

Ms. Brehm – That was 5.5', I measured that today. I am sorry 5' from the sidewalk. Our tree lawn is quite large as it is too, that is 12'-6". So there is 12'-6" tree lawn, 4' sidewalk plus another 5' inward from the end of the sidewalk. It is a total of 21'-6" .

Mr. Baldin – I am sure someone from the Board will go out and measure it, if not, I will go back out.

Mr. Allen – Mr. Chairman, if it is a 23' variance, it will be 7' to the public right-of-way and 8' to the sidewalk. It will be 8' from the back walk to the fence.

Ms. Brehm – I am sorry, is that in compliance or not?

Mr. Allen – No, you will need a 23' variance.

Ms. Brehm – I believe also, the second part of my variance, we would like to begin our fence 9' from the back corner to include our side garage door. That was written in my original plea for the variance but I would be willing to compromise that one as long as we could get our 23' and go to the back of the house. That is the most important part for us.

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Dr. Goist – Ms. Brehm, as I explained to you the other day, City Council again, after many corner lots, expanding their lot as large as they could and bringing their fences as close as they could to the sidewalk, has decided that they would stop that practice because it gave a stockade look to the neighborhood and you know that you could come from the end of your house and go right up and put a fence up tomorrow and there would be no variances needed at all. I think I explained that to you the other day.

Ms. Brehm – Yes, and I said that would be an eyesore.

Dr. Goist – To you maybe, to us, no. The other thing was that I did explain that we really like the new fiberglass fences. Did you at all consider changing from board on board to a fiberglass fence?

Ms. Brehm – We were hoping to keep uniform and go with the cedar as the neighbor behind us did to keep it looking nice. There are four houses on Nancy that are looking right at a straight cedar fence. I would rather keep it uniform to what they have.

Dr. Goist – Now I am going to argue with you once more. As I left your house and drove around the neighbor's house, that fence is in horrible disrepair, horrible. Not just a little bit and that fence is going to be coming down, as you well know. They are not on a corner lot.

Ms. Brehm – They are.

Dr. Goist – That is not a corner lot, there is another house beyond there.

Ms. Brehm – No.

Dr. Goist – They are not on the corner, the fence is not on the corner.

Ms. Brehm – Yes they are, they are on the corner of Oakland Park and Nancy.

Dr. Goist – Okay, I apologize, I thought there was another house there. Both you and I know that fence is coming down. If it doesn't come down mother nature is going to bring it down. That is how bad it is. Maybe your neighbor wants to consider something other than a board-on-board wooden cedar fence and make the neighborhood really look good compared, because that is what happens with wood. In 20 years the wood is going to deteriorate and we know that from every fence that is in the City. That is one of the reasons that we like the new fiberglass fences better. I know that I asked you to consider that and you are still going to have a Public Hearing and at that Public Hearing you still have a chance to change your mind.

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Mr. Allen – Also, we have inadvertently overlooked, she would need, like she said, a second variance to come to 19' – 4".

Ms. Brehm – I would be willing to let that one go. I didn't realize till Glenn visited me yesterday I thought this was going to be a piece of cake. We just wanted to do what they did, make it look uniform and he pointed out to me that I would have trouble trying to get this 23' variance. I said that I would let the other part go then. That is all I am fighting for at this point, I want 23', we will take it from the back corner of our house and I am fine letting that part go.

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

Mr. Kolick – Mr. Chairman, for the applicant, I know that at one time Oakland Park Estates had a Homeowners Association and I think that when Cartwright came in they were talking about disbanding it. Did they ever disband it or is it still in existence?

Ms. Brehm – We don't have an association where we are at. Cartwright very well may, they are connected to our neighborhood but . . .

Mr. Kolick – So as far as you know Oakland Park no longer has an Association, they did before Cartwright came in because they had some Common Land that joined into where Cartwright went in.

Ms. Brehm – Yes, where Nancy dead ends right there. I was told by the people that bought that house, right there by the dead end that they are not going to build that area. As far as what I know there is no Association..

Mr. Kolick – My only concern is if you have a Homeowners Association, they need to be notified that is all. But if you are not aware of one. Thank you.

Mr. Harr – No.

Mr. Evans – Ms. Brehm, you should be aware that as a general practice, our Board tries not to legislate as Dr. Goist explains. Council looked at this and looked at it very hard. Nevertheless, even though we don't like legislating, we have in the past granted variances for corner lot fences where we have allowed the fence to come off the house some minimal distance. Part of the reason is, although you may want your backyard to look as large as it possibly can, those people that live across the street from you that you described, look at the same type fence. One of the problems is that if they look at two yards long of fence, as Dr. Goist said, it presents a stockade type of image. In addition to that when you only have 5'

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Mr. Evans continues - away from sidewalk, any time that you happen to use that sidewalk it is like walking down a football field sized fence because within 5' of the sidewalk there is no landscaping or anything else, it is just a long fence that exists there. In granting the variances that we have, we have compromised with people where it has been to the advantage of the City where we have allowed them to come 10' or sometimes 15' off depending on what the size of that side yard is. You might want to, as Dr. Goist intimated, consider that as an option because this Board is most likely not going to follow suit with granting you a fence within 5' of the sidewalk because again, everybody on a corner lot wants a fence that comes within 5', 2' or whatever of the sidewalks. We as a general practice have not granted variances in that manner. Again, you should at least be considering whether or not that is something the you want when we get to the Public Hearing time on June 12th because, June 10th, I am sorry, that might make a difference in terms of our approach. Just so that you are aware of what our historical pattern has been you can compromise on.

Dr. Goist – I did tell you that too.

Ms. Brehm – You did. You made me very nervous today but I have to say, that is one thing that I am really not willing to budge on. If you don't allow it then we will probably just stick with no fence and plant some privacy bushes along that whole line. Isn't that going to look sort of like a stockade too?

Dr. Goist – Now, Ms. Brehm, let me just explain to you, we had exactly that situation happen on South Inlet and Cheryl Drive in Strongsville. If you were to go to South Inlet and Cheryl the gentleman came in and asked for a huge fence. His now tree line and tall, decorative grasses is probably the nicest natural barrier that we have, one of the nicest ones in the City. His neighbor came and complained and complained and I think we may have granted the variance and he turned around and planted it with pine trees, the real tall decorative grasses and it looks absolutely gorgeous today. That may be something that you want to consider.

Ms. Brehm – Okay but that won't keep the dog in.

Mr. Allen – The hedges can not be over 6' tall.

Dr. Goist – Well these were pine trees. They grow.

Mr. Allen – The Code says hedges.

Dr. Goist – We have a landscape expert, is that a hedge? Mr. Bohac, is that a hedge?

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Mr. Bohac – There are two different ways to look at that. But, no, you would not call a pine tree a hedge.

Mr. Evans – I was going to ask what the purpose of the fence is? People have different purposes for these, whether you have animals and what have you but if it is really just a privacy issue, with the right landscaping you can solve that and make it a much much more attractive situation.

Ms. Brehm – Honestly it is a mixture of things. We have two small children, a small puppy; we have neighbors that decide to use our backyard as a walkway because that cuts off a huge chunk of the neighborhood there. Which I would imagine that trees aren't going to stop that. They are just going to walk through the trees and continue walking through our back yard.

Mr. Evans – Depending on how you set up the landscaping. A good landscape person can address most of those issues for you. Something to think about.

Dr. Goist – You could, and again I am just going to reiterate that at the Public Hearing, if you said that you would go 12' if we would consider that, but you are not willing to give on that, correct?.

Ms. Brehm – It would look silly.

Dr. Goist - You are still getting 12' more than you had and considering the length down to your fence. You know that the neighbor's fence is going to be changed. I am just giving you some options.

Mr. Allen – Also keep in mind that at 7' she is right inside of the public utility easement. That is where CEI and OBT lines are. If they ever have to come in and do anything, they will move your fence.

Ms. Brehm – Really?

Dr. Goist – At your expense.

Ms. Brehm – Well that sounds like a good point.

Dr. Goist – They will take your fence down but it is your expense to put it back.

Mr. Allen – There is a 10' utility easement from the right-of-way over that area.

2) **TIM AND LINDA BREHM, OWNER, Cont'd**

Ms. Brehm – So either way we are going to have to vary that 23’.

Dr. Goist – Right and Mr. Allen had told me that in Caucus and I had forgotten.

RULING: SET FOR PUBLIC HEARING JUNE 10, 2009

3) **JAMES KRZESZEWSKI, OWNER**

Requesting a 39 SF Floor Area variance from Zoning Code Section 1252.15, which allows 192 SF and where 231 SF is proposed in order to construct an Accessory Building; property located at 14692 Timber Lake Drive PPN 398-09-013 zoned R1-75.

Dr. Goist – Our third application, James Krzeszewski. If you would give us your name and address.

Mr. Krzeszewski – James Krzeszewski, 14692 Timber Lake Drive, Strongsville.

Dr. Goist – If you would like to explain to us your request for a variance.

Mr. Krzeszewski – I have a storage building that I want to put up. It is a prefab storage building made of a plastic type material. I am about 39 SF over what is allowed for my lot size and that equates to about 2’ in length of this building. It is 11’ wide and it would be around 21’ long. The reason that I am asking for the variance is, obviously I purchased it already. I am kind of throwing myself at your mercy because I called my Homeowners Association thinking that they knew and they didn’t. When I went to apply for a Building Permit I was told I was too long and would need a variance. I have a garage that is absolutely full. I haven’t parked a vehicle in my garage since I moved to town 2 ½ years ago and I would like to do that because I think it would be a lot more aesthetically pleasing to have the vehicles garaged rather than in the driveway 24/7. The building as I said is very aesthetically pleasing. I did bring a few photos of it. I know there are more than three of you here but there are three photos that I can submit.

Dr. Goist – You can give them to us and we will keep them as part of the record if you want to submit them. Also while we are looking at the pictures, do you have a Homeowners Association?

Mr. Krzeszewski – Yes.

Dr. Goist – Your Homeowners Association is?

3) **JAMES KRZESZEWSKI, OWNER, Cont'd**

Mr. Krzeszewski – Pine Lakes.

Dr. Goist – Have you gotten a letter?

Mr. Krzeszewski – I haven't gotten a letter. I called them and verbally got an okay. I can get one, I am sure.

Dr. Goist – We definitely will need a letter stating that they are okay with this project. The other thing is that you should know that you can not have a business out of this shed or it is almost a garage, it is pretty good size. You can't store any vehicles in there.

Mr. Krzeszewski – Right, it would be just for lawn equipment, I have a little riding lawn mower, I have an edger, all the usual stuff and my wife and I have both gotten married late in life and we both had our lives pretty established. We have merged a lot of things and gotten rid of as much as we can but we haven't gotten rid of quite enough, evidentially. I am aware of the fact that I have to be at least 10' off the property line which is no problem. In the back of my home, and I heard you mention this in your Caucus, it is wooded. I don't know but I assume that it is going to stay wooded back there. I guess there was some discussion about whether or not it was buildable or not.

Dr. Goist – Whether it could be built on.

Mr. Allen – He only has to be 5' off the property line.

Mr. Krzeszewski – It is only 5'? Okay, again I made the mistake of talking to Pine Lakes rather than calling the City because they told me 10'.

Mr. Allen – The Homeowners Association may have some rules and regulations that are different than those of the City.

Mr. Krzeszewski – Okay, that makes sense, so maybe it is 10'. How about, how far away from my home? They said 20'.

Mr. Allen – That is correct.

Mr. Krzeszewski – It would be way more than 20'.

Mr. Baldin – How wide are the doors?

3) **JAMES KRZESZEWSKI, OWNER, Cont'd**

Mr. Krzeszewski – How wide are the doors? I would have to take a look. There are two doors that are about this big (indicating behind). There is a double door that opens up in the front so I would say you are probably looking at approximately 4' of door opening.

Mr. Baldin – Probably 6' maybe.

Mr. Harr – Four to Five.

Mr. Baldin – Four to Five? About Five feet, okay.

Dr. Goist – Any other Board members have any question?

Mr. Harr – Just to clarify because we were debating a little bit, the house that we are actually talking about. You are the third house in on Timber Lake, right?

Mr. Krzeszewski – That is correct, the third one on the left.

Mr. Harr – The one with the gravel in the drive.

Mr. Krzeszewski – I am the one with the big pile of pea gravel in the drive.

Mr. Harr – Where is that going?

Mr. Krzeszewski – That is going underneath the shed for drainage and to level it.

Dr. Goist – Also, we looked at the City map and we think that the City map for whatever reason has the wrong parcel number on the map.

Mr. Allen – Not the City map, the site plan.

Dr. Goist – The site plan has the wrong number on it so we just need to make a correction on our number there. You are okay there with the correction.

Mr. Evans – The applicant may want to know that too because his tax bill I am sure shows the right number but if he is using that number that is on the topo he should know that it is an incorrect number.

Mr. Harr – To dispute anything. You would be disputing your neighbor's taxes.

Dr. Goist – Mr. Allen can give you the correct number right now.

3) **JAMES KRZESZEWSKI, OWNER, Cont'd**

Mr. Allen – Yes, the correct parcel number is 398-09-047.

Dr. Goist – Are there any other questions?

Mr. Evans - Mr. Krzeszewski, is there a swale behind your property? I am looking at the way that the design is done on the topo there, does that slope down in the back there into a swale?

Mr. Krzeszewski – Yes, where I am planning on putting the shed it is very level. It is kind of back toward the woods. There is probably a good 20 to 25' that is level, and then it dips, and then the shed, then it slopes down toward the home.

Dr. Goist – Just as a point of interest before we finish with this gentlemen, yesterday when I was at his house we walked in the back, both of us were kind of startled and jumped and there was a fawn laying in the grass probably a day or two old.

Mr. Krzeszewski – Yes, it may have been less than that because you suggested getting a camera which I did right after you left and I had to look for where my wife had put it after the weekend. I found the camera about 5 minutes later, went out there, he or she had raised its head at that point, looked at me and when I started snapping pictures it got up and stumbled around and it looked like it's first steps. It was really wobbly on its legs and it wobbled into the woods.

Dr. Goist – You ever see it out there?

Mr. Krzeszewski – No, I have never seen it since.

Dr. Goist – It was so neat and it was so interesting that I went and got my wife out of the car and said come and look at this. It was an exciting day.

Mr. Krzeszewski – This building just for the record, I think it is going to be virtually invisible from the roadway because of how close the homes are and I am not putting it too far to the side of the property line so you would have to drive by very slowly and be looking for it to even see the thing. My neighbors to the right side, you can tell they planted some woods as a barrier so they are not really going to see it too much. The only one that maybe would see it is the neighbor that is on my left as you drive in my driveway. Would a letter from any of these people help my case at all? Maybe bring that back when I come back.

Dr. Goist – Actually at the Public Hearing they are welcome to come or you may bring a letter that they have given you to present to us.

3) **JAMES KRZESZEWSKI, OWNER, Cont'd**

Mr. Krzeszewski – The building is 9’ tall and that is to the peak of the roof.

Dr. Goist – Any other questions?

Mr. Krzeszewski – No I just thank you for your consideration.

Dr. Goist – We will see you on the 10th.

RULING: SET FOR PUBLIC HEARING JUNE 10, 2009

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice, Representative**

- a) Requesting a variance from Zoning Code Section 1272.14 (b), which permits one (1) Wall Sign on the East Elevation and where two (2) Wall Signs on the East elevation are proposed;
- b) Requesting a variance from Zoning Code Section 1272.14, which prohibits a Changeable Copy Sign in a Commercial Services Zoning District and where one (1) Changeable Copy Sign is proposed;
- c) Requesting a 49 SF Sign Face Area variance from Zoning Code Section 1272.14 (b) which permits 50 SF Sign Face Area and where 99 SF Sign Face Area is proposed in order to install a Wall Sign; property located at 12300 Prospect Road PPN 392-12-025 zoned (CS) Commercial Services.

Dr. Goist – Our next applicant is Strongsville Express Tire and Automotive, David Justice Representative. If you would give us your name and address first please.

Mr. Justice – David Justice, 24944 River Glenn, Columbia Station, Ohio 44028.

Dr. Goist – Okay and if you would like to explain your request and the reason for the variances.

Mr. Justice – I am requesting a variance on a reader board sign, first of all I am requesting a second sign. I am what is called a G3X, which means that I am a Goodyear store, although I own everything personally. It is not necessarily a franchise but that is what Goodyear requests is to have some kind of signage identification. That is in there and as well I am requesting a reader board on the main island sign that is in between two pillars. The reason for that is I am, a big thing that I do is market quite a bit and this will allow me to in my grand opening give away a 42” big screen TV to allow people who go past it to know about

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Justice continued - it. Also we do things like buy 3 and get 1 free on your tires and so on and so forth. I had marked that down, taken some pictures. Some other thing, obviously not to get anybody in trouble or anything of that sort but to hopefully reinforce some of my thoughts about being able to put up a reader board sign. I did overhear in Caucus that there is some grandfathering and so on and so forth but I am hoping that you will consider it. It was a vacant parcel of land. We are going to build some mounds up front, we are going to make it beautiful and it will be a nice place. I have owned Parkway Auto Care Goodyear in Berea, my family and I owned it for 40 years and I think that if anybody has been passed Berea or whatever know what kind of ship that we run. I hope that you will consider it.

Dr. Goist – Just so that you know, Mr. Justice, some of the signs that you have shown us are certainly signs that I think that if I ask our Law Director, he would say to you that they are not in compliance with the City Code. Again, it is like going around the City and if we had a full time enforcement officer, he could not catch every one of those signs that get put up.

Mr. Justice – I understand, I was just driving down the street, I am a business owner, brand new business owner in Strongsville and I would like to have the opportunity to mark it. It is a big opportunity for me on Prospect. I took a little drive and there were those signs. I understand exactly what you are saying.

Dr. Goist – When you say changeable, is this the kind of thing where you would go out and change the letters or is this going to be a digital electronic thing?

Mr. Justice – At first I put in digital, I understand that is only to the City itself, schools and churches. No problem there. It would be encased in glass so there would not be somebody coming up during the week and writing something that we all did not want to see or what have you. Glass locks would be on either side and we would go out and take care of it ourselves.

Mr. Allen – Mr. Chairman, there is going to be an additional variance needed. The maximum allowable square footage of sign is 50 SF and they are asking for 99 SF. He will need a 49 SF variance.

Dr. Goist – I think Mr. Allen that has been corrected on our Amended Agenda.

Mr. Justice – I apologize if I missed that.

Dr. Goist – We have all been made aware of it because we amended the Agenda so we are showing it. Board members, do you have questions or would you like to . . .

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Baldin – Mr. Kolick, isn't the City considering passing a new ordinance and allowing some temporary signage? We see a lot of these pictures here and we know that a lot of these have been breaking the law for a long time in the City. This one in particular (indicating a picture) has been up for 4 years.

Mr. Kolick – The new ordinance as drafted, although it hasn't even been introduced before Council yet, does allow a little bit more liberality as to temporary signs. It limits them as to size and periods of time that they can be up so that the temporary sign doesn't become a permanent sign out in front of somewhere. You would be required to get a permit for it but again that is just a proposed law and hasn't been approved yet, in fact, Council hasn't even seen it yet. It is in a drafting form but yes, we are looking at liberalizing a little bit the temporary sign provisions under the Code.

Mr. Baldin – Thank you.

Mr. Justice – If I might, if you look at the sign too, its going to be between block pillars. It is going to be a nice sign, its not just a board hanging out there or something.

Mr. Kolick – The only thing I can say Mr. Justice, understand again, its an issue as you heard from some of the other ones that our legislative body considered allowing changeable copy signs and they limited that to certain districts like Public Facility, both aesthetically and for other safety reasons for cars coming down and trying to read signage to see what it says instead of watching where they are going. The legislative body has made again a decision about not permitting changeable copy but in very limited instances to churches, schools and all that you see and again, this Board has the authority to vary that in specific instances but, just like some of the other ones, if your business is granted that, you can imagine the next 5 businesses down there, they all want to market and we understand that, they want to have the marketing too so it puts this Board in a bad position as far as setting a precedent as to what goes on . You just need to understand that as to the changeable copy sign.

Mr. Justice – I wholly understand, if we don't swing the bat we can't hit a home run. Again we are taking a vacant piece of land; I think we are going to build something real nice there. It will be well taken care of. I just hope that you will consider it for me.

Dr. Goist – You know, I drove down there to find it and realized that there was no building there yet. Are you right across the street from . . .

Mr. Justice – Do you know where Slim & Chubby's is, we are in that parcel that is a dual split zoned parcel.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Dr. Goist – I wanted to make sure that I was in the right place.

Mr. Evans – Mr. Justice, are you going to still own the one in Berea? Is this an additional one?

Mr. Justice – Absolutely.

Mr. Evans – At this point Mr. Allen, on the changeable sign, is that two sided or one sided as proposed?

Mr. Justice – It would be two sided.

Mr. Evans – I just wanted to ask the question because I didn't see anything in here and I didn't know whether square footage wise or anything else had a bearing in the way that this was presented and I just wanted to be sure that we knew the answer to that and had considered that in the way that we prepared the request here.

Mr. Justice – If I didn't write that up correctly, I apologize.

Mr. Evans – It is not a problem, but I wanted to make sure that we had considered that and then I am also going to ask another question after that, Joe so . . .

Dr. Goist – Mr. Allen did you have another question?

Mr. Allen – No.

Mr. Evans – I have another question. The other one may be a little bit easier for you and that one can be a rhetorical one that we can answer before we get to the Public Hearing. The other question is, when we talk about the 49 SF variance, is that because of the second sign or is that for the first sign?

Mr. Allen – The way the ordinance reads is . . .

Mr. Evans – We are doing the variance for the second sign I know but is he under the square footage on either or both.

Mr. Allen - No he is not under on either.

Mr. Evans – On either, so we are asking for a bigger sign in addition to the second sign.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Allen – That is correct. The way that the ordinance reads is you are allowed 1 SF for every lineal foot of frontage. His building is 88 feet long so he can have 88 SF however, there is a second part in the same ordinance that says a maximum of 50 SF. If you look at, he is 58 feet long on one sign by itself, so he is over just on the one sign already. Between the two signs he would need a total of 49 SF variance.

Mr. Evans – Now when we are measuring those two signs, are they grouped together? A lot of times when we've done Petitti's we've had floral that was included in the space in between and all of that.

Mr. Allen – The dimensions in the sign presented to us. They are right there on the drawing.

Mr. Evans – I didn't calculate it, I just wanted to make sure again that we had it done the right way. Just so that we all remember as Board members the Code does not take into consideration Corporate Logo's and things like that. We ran into this with the Enterprise variance and have run into that before and putting the Good Year logo up which is sometimes a requirement for the distributorship. The current sign Code does not take that into consideration.

Mr. Allen – Mr. Evans, and also in regard to your other question, many of the signs are perpendicular to the public right-of-way and therefore they have signage on both sides and when we figure that signage we don't add two sides, it is just one.

Mr. Evans – Thank you that is all Mr. Chairman.

Dr. Goist – Any other questions from the Board members?

Mr. Harr – Mr. Justice do you feel, the size of the sign that you are requesting, looking at the plat map here you are about a buck and a quarter off the road?

Mr. Justice – Yes sir.

Mr. Harr – Do you think that size, if the drawing is to scale, you certainly can't miss it.

Mr. Justice – Are you talking about the island sign?

Mr. Harr – The wall sign.

Mr. Justice – The wall sign.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Harr – Yes, the one that is over on the square footage.

Mr. Justice – That is through Good Year. I took their parameters.

Mr. Harr – Okay.

Mr. Justice – It is what they want, it tends to be a little bit more than a recommendation, but that is what they want.

Mr. Harr – Are we talking about for their logo aspect of the sign or for the entire signage? The Strongsville Express Tire and Automotive?

Mr. Justice – The Strongsville Express Tire and Automotive is what we have put together ourselves. My understanding through ARB is, I thought that one was already approved. It was just about the reader board that I was coming in today and about the Good Year sign.

Mr. Harr – Maybe they just did not pick up because that aspect of it is on our Amended Agenda.

Mr. Justice – I think that maybe they did not pick it up because I was told that the sign was approved and that the reason why I was coming back . . .

Mr. Kolick – Joe, I guess the question comes, without the Good Year, is he over the size permitted and if so by how much is the question that is being asked? I know its 49 feet for all of them.

Mr. Allen – Fifty Eight times 1.5 is 87. He would need just for his sign alone a 37 foot variance.

Mr. Justice – Eighty Seven.

Mr. Baldin – You are just sitting back 125' from the road where the signage is going to be correct?

Mr. Justice – On the wall, yes it will be on the building.

Mr. Baldin - It is sitting back quite a ways.

Mr. Justice – That is what it is supposed to be from my understanding of what the City wanted. We built it to their expectations.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Baldin – I can understand why you are looking for the size of your signage.

Dr. Goist – Mr. Baldin, listen to what Mr. Allen has to say.

Mr. Baldin – Okay.

Mr. Allen – Just on the Strongsville Express Tire and Automotive sign he would need a 37 foot variance. The Good Year sign is only 12 square feet.

Mr. Kolick – Yes, it is only 87 feet is what it would come to. I guess the question is from the Board, can you live with a smaller Strongsville Express Tire and Automotive sign that would come closer, if not fit within the Code parameters of 50 SF as opposed to 87 SF, which is a separate issue from your second sign for Good Year which is a separate issue from the reader board.

Mr. Justice – I am just sort of stunned because I have already been to ARB and they told me my sign was approved. I was coming in here, this is like a grab bag for me now. I was coming in to talk about getting a reader board on my sign. Then also the sign on my building. Now . . .

Mr. Kolick – I can only say that this is what the numbers are. It is something but we don't need an answer here to tonight but it is something you ought to consider and look at. You need to spend some time with it, we understand.

Mr. Justice – Okay.

Mr. Harr – I guess that one of the things that I was leaning toward is that if the size of that sign was a little bit dictated by, as I look at this proposed ground mounted sign there, the actual signage for the company itself is a pretty small aspect of it and the rest of it was going to be the specials and what have you. My thought was as opposed to a reader board, if you went with a full sized monument, ground monument sign with the company on it, without any of the display items and so forth, that would be very visible and I don't think you would need as big a wall sign either.

Dr. Goist – Mr. Justice, I just have one question and again I would have to defer to some of the other Board Members but I can't hardly imagine that a company the size of Good Year that has been around for as many years as they have been around, they certainly have to know that they can not dictate to local authority, what size that sign is going to be and what it sounded like to me and maybe that is not the way you meant it, was Good Year says "this is what I have to have". If Good Year said that, there would be a lot of places in the United

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Dr. Goist continues - States that Good Year does not have their sign up. So, what I am saying to you is that in this case, I think local jurisdiction is certainly going to prevail. If you decide that you want to make it smaller and you say to Good Year, "I am sorry but the City of Strongsville says this is the way its got to be", they are going to take something rather than nothing, would you agree with that?

Mr. Justice – I would hope so, I haven't crossed that path. Does is sound reasonable? Absolutely. I haven't crossed that path.

Mr. Evans – Mr. Justice, could I also ask, I don't know if you have available to you, if I could get an idea of what the display section of the sign was proposed looks like.

Mr. Justice – I will have it all set up for your tomorrow if you want me to bring it in.

Mr. Evans – What your TV special or whatever is going to be like on there. Just so that we can get an idea of how that is going to look.

Dr. Goist – Also Mr. Justice, I think and again I am going to have to ask Mr. Kolick, but I think there is some provision for a new business that is opening that have been allowed to put up a banner which is not a permanent sign and that banner is allowed to be up for a specific time, maybe it is 30 days. You could do your promotional for 30 days and then I think and I am not sure, again I would have to ask Mr. Kolick because there are all kinds of ways to bend the rules but then you take it down for one day and you can have another banner up and I am not sure that I am right. Am I right?

Mr. Kolick – You are over killing with this. For your grand opening, the City always works with new businesses. I am not worried about the grand opening, I am more concerned with your signage thereafter.

Mr. Justice – My thought process was on that, if we built a very nice aesthetically looking sign that we could have a reader board on that. I would not be poking stuff all in my shrubs and everything and sticking signs on my building every other month. That was my thought process, that we would be able to do that. If we are not able to then we will do what we have to do.

Dr. Goist – We don't disagree with you but we also know the parameters that the legislation has given us.

Mr. Bohac – Mr. Justice, I don't want you to think, I hope you are not getting misled, there are no reader boards as far as I know other than the churches and the City itself.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Allen – Other than the temporary ones that we go along and pick up all the time. We haul them in with the lights and we pick them up and cite them all the time.

Mr. Justice – Dairy Queen has a reader board. That might have been here before.

Mr. Kolick – That one has been approved to come down with the new Dairy Queen that is supposed to be constructed. Just so you know.

Mr. Baldin – Mr. Justice, if you do not get your reader board, your manual sign, and I see here where you show you are going to have the name of the company across the top, and how many more lines of verbage would you be putting on there?

Mr. Justice – Well that is exactly what I will get together for you all and put into a little presentation for you.

Mr. Baldin – Didn't we have a rule in here about how many lines of verbage you could use?

Mr. Evans – I would assume if it is not a reader board you would simply expand that into a larger monument sign.

Mr. Justice – I am positive that is what we will have to do if that is the case.

Mr. Baldin – We have had some situations here in the City where you were allowed only 2 or 3 lines. I think that there has been a change to as much as 4 or 5 lines.

Mr. Kolick – That is for multi-tenant properties. That was just for multi-tenants that we did that. No for one business.

Mr. Baldin – Okay, that is right.

Dr. Goist – Mr. Justice, also so that you know, for you to give us the information on what you are proposing on this sign, on the reader board, that would have to be to Mrs. Zamrzla the Thursday before June 10th because she sends our packets to us on Friday.

Mr. Justice – No problem, I know everybody at the City by now.

Dr. Goist – They are hand delivered so we know that we are going to get them.

Mr. Justice – Thanks for your consideration.

4) **STRONGSVILLE EXPRESS TIRE AND AUTOMOTIVE/ David Justice,
Representative, Cont'd**

Mr. Baldin – One other comment, I think that it is a great asset that you are coming to our City and taking a piece of property and cleaning it up.

Mr. Justice – We will do our best, I think it will look nice when we finish.

RULING: SET FOR PUBLIC HEARING JUNE 10, 2009

5) **RICHARD NOVAK, OWNER/ Klaus Home Improvement, Contractor**

Requesting a variance from Zoning Code Section 1252.15 to permit two accessory buildings where one accessory building exists and an additional accessory building of 100 SF is proposed; property located at 10806 West 130 Street PPN 398-21-015 zoned R1-75.

Dr. Goist – Our last New Application is Richard Novak, if you would come forward and give us your name and address please.

Mr. Novak – Richard Novak, 10806 West 130th Street, Strongsville. I would like to request a variance for a second accessory shed.

Dr. Goist – You have a gentlemen with you, were you both sworn in?

Mr. Novak – Yes.

Dr. Goist – Okay, give us your name and address.

Mr. Klaus – Gene Klaus, 513 Westchester, Brunswick, Ohio. Mr. Novak has a piece of property 652' deep. Currently he has a shed off of the house, it is 184' from the back of the house into the back yard. His neighbor got a variance to put up a garage right next door, directly next door and I have some photos and you can keep these photos. This gentlemen got a variance for the building and Mr. Novak is good with that. He wanted to satisfy his neighbor but he would like to put something decorative and also functional to kind of break up that whole white wall. The building that we propose to put up is going to kind of look like a little house.

Mr. Kolick – Sir, you need to speak into the microphone, she may not be able to pick you up.

Mr. Klaus – I am sorry,

Mr. Kolick – Maybe you can repeat what you just said there into the microphone.

5) **RICHARD NOVAK, OWNER/ Klaus Home Improvement, Contractor, Cont'd**

Mr. Klaus – What we propose to do is put up a small shed directly behind the house to kind of break up that long white wall. So the shed will be decorative and it will be functional. It will be mostly for garden tools so Mr. and Mrs. Novak have something, it is close to the house for shovels, if you go to their house they keep their yard really nice and they keep their garden really nice and all of their flower beds are around the property. So they will have something that looks good, breaks up that wall, it also has a functionality so they have a place to put some of those things. Again I say that the existing shed is 184' back and the length of his total property is 652' so really the only people that will actually see that building will be the guy with the, the gentlemen next door with the white garage and Mr. Novak himself.

Dr. Goist – I have one question to ask you. What is the square footage of the existing shed that you have now?

Mr. Klaus – I believe that it is 12' x 12'.

Mr. Allen – One Hundred Forty Four square feet. The proposed shed is 100 square feet.

Dr. Goist – I noticed in one part of the application that it was called a potting shed.

Mr. Klaus – Yes, it is going to have a little porch roof, like a 4' porch roof on the front. It will make is really pleasing to look at. She will have some place to put her pots, shovels and all that kind of thing.

Dr. Goist – I thought that maybe they were going to have a little greenhouse out there.

Mr. Klaus – No.

Dr. Goist – That is what it sounded like.

Mr. Kolick – Mr. Chairman, just for our purposes, if there is going to be a porch in the front we need to include that in the square footage.

Dr. Goist – So that is another 30 SF.

Mr. Klaus – It is going to have a door in front like an old fashioned barn door, two small windows with flower boxes, very pleasing. And again, like I said, it would break up that long garage for Mr. and Mrs. Novak.

Mr. Baldin – Mr. Chairman, a couple of questions; are you going to put this on concrete or gravel?

5) **RICHARD NOVAK, OWNER/ Klaus Home Improvement, Contractor, Cont'd**

Mr. Klaus – I was going to use 4 x 4 posts and treated decking. In other words it would be made out of 2x 8, 2x6 on top and then the building on top of that. That way you would have that little area to the front porch and it would look like a little deck in the front. Then the building would sit on top of that.

Mr. Baldin – Okay so you propose to put this where that garage sets this way next to you. You propose to put your building to, you have a really nice yard by the way. You propose this to come out perpendicular? Okay sort of blocking the view.

Mr. Klaus – I have a couple more copies of that if you need more copies.

Dr. Goist – I would just like to reiterate what Mr. Baldin just said. I was at your property and you have a very nice backyard and after I showed my wife the fawn in the other yard, I had to take her back and show her your yard.

Mr. Baldin – The other comment I had, by the way the neighbor that lives next to you, she is always on top of things. She wanted to know what I was doing there. The other thing is, I need to go back to see if I was on the Board back then when we gave the variance for that big garage next door, I apologize. I might have been asleep at the clock.

Mr. Allen – Based on the square footage of 48,900, he is allowed a single 400 SF accessory building. If you grant him permission to have a second accessory building it has been the policy in the past that he would have the permission to do two, 400 SF buildings. So in both cases he would be under the 400 SF requirement.

Dr. Goist – Did you understand, okay? Any other questions from any other Board members? The other thing that you should know is that you can not have a business, this potting business, I thought maybe you were going to be selling plants. You can't store any vehicles there. If you store a vehicle you have to have a hard surface driveway all the way. Thank you very much and your Public Hearing will be June 10th. All of your neighbors within 500' will get a notice.

RULING: SET FOR PUBLIC HEARING JUNE 10, 2009

6) WILLIAM VRANIC, OWNER

- a) Requesting a variance from Zoning Code Section 1252.29 (b) (1) which prohibits a Swimming Pool to be located in a side yard and where the owner is proposing an Above Ground Swimming Pool in the side yard;
- b) Requesting a 11' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 4' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- c) Requesting an 11' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 4' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- d) Requesting a variance from Building Code Section 1438.02 which requires that no structure can obstruct a swale easement and where the applicant is proposing to place an Above Ground Swimming Pool 8.5' into the swale easement; property located at 13800 Blackberry Circle PPN 398-10-105 Zoned R1-75.

Dr. Goist – The next portion is our first Public Hearing, William Vranic, please state your name and address for the record.

Mr. Vranic – William Vranic, 13800 Blackberry Circle, Strongsville.

Dr. Goist – Okay, you have four variances that you have asked for.

Mr. Vranic – Yes sir, basically due to the topography of the land basically. Per the last meeting two weeks ago, I was not able to put the pool on the right due to the issues with the swale so upon a meeting with Mr. Allen the day after, I decided to apply for variances on the other side of the yard and its kind of like at the top where there is no swale running through and basically the variances are for the property line, the common ground and what not.

Dr. Goist – Mr. Allen, you are okay with where it is placed now as far as the swale is concerned. It is a matter of just granting the variances that if we, if the Board says yes, is that correct?

Mr. Allen – That is correct, Mr. Chairman, I discussed this and showed the area to the City Engineer and he says that this is fine where it is located now.

6) WILLIAM VRANIC, OWNER, Cont'd

Dr. Goist – Okay, Board members do you have any other questions? I think we went through this. Mr. Evans you didn't have the chance to be here but we had gone through this and explained that it just wasn't going to work and the swale would not allow it and the Engineering Department and Building Department would not allow it. So, he has graciously consented to flip to the other side and he also did not realize that if he had a pond that was there before the moved in, he thought that the pond was in his yard and its not. Any questions Mr. Evans since you were not here?

Mr. Evans – Mr. Allen, in terms of definition of side yard, does moving the pool to the other side eliminate that need for the variance because of the positioning.

Mr. Allen – No Mr. Chairman, he needs to be 15' off the rear property line and 15' off the side property line. The confines of his property won't allow that so you would still need a side and rear yard variance.

Dr. Goist – Are there any other questions from the Board members?

Mr. Baldin – He is not going to be in the swale area any more than?

Dr. Goist – Just a tiny bit but it is at the top of the swale and that is the way that the water runs off.

Mr. Evans – Mr. Chairman we also have the issue of Pine Lakes. I noticed that we do have our distinguished visitors here in the audience from Pine Lakes. We would need to know whether or not they have passed judgment on this request for variance.

Dr. Goist – Gentlemen, would you like to come forward. I know that you were sworn in, but the other gentlemen wasn't. If you would come forward, identify yourself and tell us your situation and also since we have been meeting pretty regularly lately, you do realize that when this happens, we need a letter that goes in the file so just you coming up here and stating what you are stating is not enough, we need it in writing. Okay, if you would please. What are your feelings? Your name and address first.

Mr. Schutte – Patrick Schutte, I live at 10652 Woodrun Drive, Strongsville, Ohio 44136.

Dr. Goist – Your position with the Pine Lakes Board?

Mr. Schutte – President of the Pine Lakes Residential Community.

Dr. Goist – Okay, how many are on the Board?

6) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Schutte – Seven Trustees.

Dr. Goist – Are you speaking for all seven Trustees at this point?

Mr. Schutte – Yes.

Dr. Goist – Okay, go ahead.

Mr. Schutte – I am fairly new to this process and I have, first of all we weren't notified, I don't think that we were notified that the request for the pool was moved to the other side of the property.

Ms. Zamrzla – You wouldn't be notified of that.

Mr. Schutte – We would not be notified of that, okay. Well our first concern was the swale and being on the one side of the property I guess we should be concerned about that. Being moved to the other side of the property, does that take away the requirement for a variance to the swale. My question is this, there are some boundary issues on Vranic's property. He purchased a house with common property being encroached upon by the previous owner. There is a rather large pond that has some pretty huge boulders on it that share the property line between the common property and Mr. Vranic's property. We talked to Mr. Vranic, he called us and mentioned to us that he was going to request a variance. We went out there and we found his property stakes and looked the situation over and it didn't look good for where he was placing his pool. Then all these variances then were going to have to be required. I guess my only question is, and again, I am new to this process, I just want to know where in this whole process of planting that pool, is it verified that the pool is indeed where the plans say it is going to be? Does the City go out and survey it? Is it up to the homeowner to provide that information?

Mr. Allen – Mr. Chairman, I can double check this, I looked in the record and I don't know that there was ever any application made for the pond in the back.

Mr. Schutte – I am well aware that the pond is on common property and we have to deal with that at another time. As far as the placement of the pool, in the final placement of the pool, where in the process is it guaranteed that that pool is indeed on Mr. Vranic's property, where he said it is going to be? Where is it verified is what I am asking.

Mr. Allen – When the Building Department comes out they will check if the pool is in, they are not going to measure down to the inch but they will make sure that the pool is in the proper location.

6) WILLIAM VRANIC, OWNER, Cont'd

Mr. Schutte – Okay, so the Building Department does locate the stake and determines that it is per the plan that has been submitted.

Mr. Allen - That is correct, again they are not Surveyors but they will make sure that it is relatively close.

Mr. Schutte – Okay.

Mr. Kolick – Mr. Chairman, so that the applicant is clear, it is always up to the property owner to make sure that it is set the way it is on his plans. The City will do a review but they do not, as Mr. Allen has stated, they don't send out surveyors to make sure that it is exactly 10' off but if they see it going across the property line or something then they will stop the construction. They will generally see that it is sited correctly but it is always up to the property owner so even though he got a permit, at some point if a surveyor came out there and determined that it was not in the right spot it would be up to the property owner then to have to move that structure whatever it is whether it is a pool or deck. The City does do some checking but not down as a surveyor would do it, so you understand.

Mr. Schutte – I do, I understand. My only reason for having that concern is the fact that there are boundary issues that are there now and I just don't want to perpetuate those issues.

Mr. Kolick – Well in this case it may be easier if those stakes are already located there so they have a better way of measuring it when they come out.

Mr. Vranic – There is no problem with the stakes they are visible.

Mr. Allen – The City Engineer and myself were out there and we located the stakes.

Dr. Goist – Mr. Allen is saying that the City Engineer and Building Department located the stakes so they are there. Pat, also just you know, we would ask you to give us your verbal okay from Pine Lakes and ask for a written copy if you would, if that is your inclination.

Mr. Schutte – That is our intention to go ahead and work with Mr. Vranic and approve or give our approval of a variance for him to install a pool in his yard and I will get you something in writing in the next day or so.

Mr. Kolick – Mr. Chairman, the only thing that I want the Homeowners Association President to understand is that they moved the pool but they are still going to need variances even where the new location is. There is still going to be encroaching on that easement, it is just that from an Engineering standpoint they are at a higher point on the property and don't think it would cause as much problems as where it was originally.

6) **WILLIAM VRANIC, OWNER, Cont'd**

Mr. Schutte – Yes I understand what Mr. Allen said earlier and there is a trampoline, is that going to be moved?

Mr. Vranic – Yes.

Mr. Shute – Which I think is over the property line on that side. Anyhow there is another very sticky issue here that we need to deal with at a later point in time and we will do that at another time.

Mr. Baldin – Pat, what is the pond which is another issue that you people have to deal with and the children's playground area? Everybody gets to use that, that live in that area if they want to, right? Another question that I have for Joe. Joe, they have a deck and with this new plan or photo that we have here, how close is that pool to that deck? To me what we are looking at is right next to it.

Mr. Allen – That is correct.

Mr. Baldin – You know that you have to have a fence of course and you are going to have a gate. Are you going to have access to get to that?

Mr. Vranic – I don't have to have a fence, it is going to be a 54" pool. As long as it is above 48" I am good.

Mr. Baldin – Doesn't it have to have a gate? Because it has an entrance from the deck to the pool?

Mr. Allen – Yes, there will have to be something.

Mr. Vranic – There is a railing on the deck. There is a railing around the deck.

Mr. Bohac – That is what you have to worry about.

Mr. Vranic – I understand that 100%. There is a ladder that comes up and locks up now till I get the deck. When I get the deck I am going to have to come back and apply for the permits for all that stuff but definitely I am going to build the deck off the existing deck and have a gate up top.

Mr. Allen – At that time we will review those plans.

Mr. Vranic – Yes sir, right now there is a fence on my deck.

6) WILLIAM VRANIC, OWNER, Cont'd

Mr. Kolick – Mr. Vranic, what they are saying though is you will need to give us some detailed plans. One of the things our code wants to make sure is that the railing isn't such that somebody can crawl up on the railing and fall into the pool so we will need some pretty detailed plans about what you plan on doing and you can work with the Building Department to do that. Understand there will be some restrictions on it. They are just safety requirements within the Code.

Dr. Goist – Is there any other questions before I ask if there is anybody in the audience, this is a Public Hearing, is there anyone who would like to speak for this variance request, is there anyone who would like to speak against this variance request?

Mr. Evans – Mr. Chairman before we go to a vote I would like to say that we as a Commission appreciate Mr. Shute and the other gentlemen who are from Pine Lakes being here. It is a thankless job. Many of us on the Board happen to be involved with Homeowners Associations and understand that. Just for the record, I just want to say we appreciate your being here because you are taking time out of your lives to be able to be here for an hour and a half and I want to make sure that this Board extends its appreciation to you on behalf of the City for fulfilling your role as a Trustee.

Dr. Goist - Hearing no one's request for or against I will entertain a motion for the variances.

Mr. Evans – Do we have all the numbers correct?

Dr. Goist – The numbers are all correct in the Amended Agenda.

Mr. Evans – I would like to move that we approve a request for a variance from Zoning Code Section 1252.29 (b) (1) which prohibits a Swimming Pool to be located in a side yard and where the owner is proposing an Above Ground Swimming Pool in the side yard; and approving a variance requesting a 11' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 4' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool; and approving a variance requesting an 11' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 4' Side Yard Setback is proposed in order to install an Above Ground Swimming Pool; and approving a variance requesting a variance from Building Code Section 1438.02 which requires that no structure can obstruct a swale easement and where the applicant is proposing to place an Above Ground Swimming Pool 8.5' into the swale easement; property located at 13800 Blackberry Circle PPN 398-10-105 Zoned R1-75.

Mr. Harr – Second.

Minutes
Strongsville Board of Zoning and
Building Code Appeals
May 27, 2009
Page 44 of 44

Glenn Goist, Chairman

Kathryn A. Zamrzla, Sec'y

Approval Date