

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

**Meeting of
May 13, 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: Joey Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

1) 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 13.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 1.5' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- c) Requesting a 13' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 2' 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.

The board discussed with Mr. Vranic the consequences of not knowing where your own property lines are and that his options are limited because of the swale easement and the fact that the Engineering Department submitted a letter stating that they are against putting a pool into a swale easement.

2) 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.

The Board stated that they don't feel that the fence would be a problem to the neighbors since a fence has been there since 1982. They stated that they agreed that placing a vinyl fence there would be an asset.

3) **BRADLEY WUENSCH, OWNER**

Requesting a 9' 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 9' beyond the setback of the residence in order to construct a 6' High Board-on-Board Fence on a Corner Lot; property located at 15205 Prospect Road PPN 393-24-021 zoned R1-75.

The Board stated that Mr. Zalar has submitted for a fence that is only for the corner to keep trespassers off his property and cut down on road noise. The Board agreed that they approve of the fence but would ask on the floor if the applicant would consider a vinyl fence instead of cedar.

4) **MARGARET COLE, OWNER**

Requesting a 22' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 70' Front Yard Setback from the right of way and where a 48' Front Yard Setback is proposed in order to construct an Addition to an Existing Garage; property located at 12700 Alameda Drive PPN 393-23-013 zoned R1-75.

The Board stated that they feel the addition would not be an eyesore to the neighborhood since it is sparsely populated with residential property and would be hidden from view.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

May 13, 2009

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

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

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 13, 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. Baldin – Second.

Dr. Goist – We have a motion and 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.

Dr. Goist – For all the people who are here in the audience, if you would like to speak before the Commission this evening, if you would now please stand and be sworn in by our Legal Counsel.

Mr. Kolick then stated the oath to those standing.

Dr. Goist – Before we start this evening, we would like to welcome back to our Board, Frank Bohac, who was on the board before, went to the Architectural Review Board and is now back on our Board because Celia McGrath has resigned. We would also like to say that Celia did a great job and will be missed as part of our Board.

Mr. Baldin – Correct, I second that.

1) **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 13.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Rear Yard Setback and where a 1.5' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool;
- c) Requesting a 13' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1) which requires a 15' Side Yard Setback and where a 2' 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 – Welcome. Our meetings are in two portions. The first portion is our New Applications, of which we have two and there are two Public Hearings this evening. So, our first New Application, if you would like to come forward, William Vranic, and if you would give us your name and address first and then tell us what you want to do.

Mr. Vranic – William Vranic, 13800 Blackberry Circle, Strongsville and, basically, what I would like to do is – I purchased my home a little over a year ago and was not aware of the common ground issue and when I went to apply for a pool permit, that is when I became aware of it. I was denied my permit and that is why I'm coming here to apply for the variances for the property lines and, basically, the hardship is it states that due to the topography of the land there is no other viable spot in the yard. I already have the pool purchased and we need to go from there.

Dr. Goist – Okay. We know that you have asked for four variances but before we go any further, let me just read into the record because we have received a letter from the Engineering Department that says, "Based on our review of the sketch provided and an inspection of the site, it appears that the proposed swimming pool will be constructed in a drainage swale on the property. The Engineering Department strongly discourages the practice due to the probability of causing flooding on this and neighboring properties. We encourage the applicant to work with the Engineering Department to possibly determine another location for the pool outside of any drainage swales." So, I think not to extend this

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

Dr. Goist continues - and we know that you have other variances that you're asking for, the first thing that you're going to have to do is resolve this issue with the Engineering Department as to where you might put that pool. You were fortunate or at least I think that tonight we probably talked to an applicant more than we have talked to them usually. Usually, we talk between ourselves in the caucus. So, you have a good idea that the Engineering Department is not going to allow it, which when they ask us not to allow it we certainly have to respect their wishes as their expertise and I think what I would suggest to you is that maybe we table this at this point and you get together with Mr. Allen or the Engineering Department and put your heads together and he will try to give you a plan that will work for you to have your pool. It could mean some alterations to your existing structures but at least he'll try. If a pool is a priority, which it appears to be and I don't blame you, that's great, but we, kind of, have to satisfy the Engineering Department here.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes, Mr. Allen?

Mr. Allen – In any case where he relocates it, he is going to need some variances. So, we'll just have to come up with which ones work the best.

Mr. Vranic – Okay, fair enough.

Mr. Kolick - Mr. Chairman? If we are going to do that, why don't we set him for a Public Hearing and in the meantime, he can come out and if we need to modify some of those, so be it but there is no use holding him up because Mr. Allen said that no matter where he goes, he is going to need a variance. So, he ought to get up to the Engineering Department and talk with them about an alternate location if one could be found. So, why don't you just set him for a Public Hearing.

Dr. Goist – Okay. If you wouldn't mind, we'll make your Public Hearing on May the 27th, which is the day that it would have been normally and we're going to anticipate that you're going to get together with Mr. Allen and the Engineering Department and you'll have whatever variances and we'll try and act on that. You, kind of, have to do it in a very quick manner because Kathy has to get those letters out to the neighbors within 500' tomorrow.

Mr. Vranic – Is it okay if I come up Friday afternoon?

Dr. Goist – Can you handle that?

Ms. Zamrzla – Yes.

Dr. Goist – Her part is to get the letters out in a timely fashion to the neighbors. If you could get together with them Friday, that would be great.

Mr. Vranic – Thank you, gentlemen.

RULING: SET FOR PUBLIC HEARING ON MAY 27, 2009

2) 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.

Dr. Goist – Our second New Application is Henry Zalar. If you would come forward please and give us your name and address.

Mr. Zalar – My name is Henry Zalar. I live at 17148 Hawks Lookout Lane. It's a corner lot and I'm requesting to install a fence in a location, which was approved for a variance back in 1982. This fence will be in the same location as the original fence. It will be the same height and it will be the same length. Everything will be identical except for the material. The original, which was approved for a variance back in 1982 was a board-on-board. This fence will be vinyl. It's a corner lot and there is a certain amount of traffic and the privacy fence make the back yard a lot more usable. It's really a hardship not to have a fence.

Dr. Goist – I think we certainly understand. I think almost everyone has seen your property or if they haven't they know where you're at and you are only asking for a change in material. Board members, do you have any further questions of our applicant. Mr. Baldin, do you?

Mr. Baldin – The only thing I have to say, Mr. Chairman, is that since he is replacing it, that's not a real problem for me except that he is going to a different material. Since he is using different material, I would like to have the CPTED officer do a sight study on it.

Mr. Harr – For safety concerns?

Mr. Baldin – Yes.

Dr. Goist – He is just asking the Police Department to make sure they look at it for safety concerns. You already have permission because even if they said you have a sight line problem you could go back to board-on-board. So, it's, kind of, a Catch-22 situation, I think.

Mr. Zalar – If at all possible, we would like to go with the vinyl because it's more attractive.

Mr. Baldin – Understandable.

2) **HENRY ZALAR, OWNER, Cont'd**

Mr. Zalar – The board-on-board does get, kind of, unsightly as time goes on.

Mr. Harr - Mr. Chairman? I would agree with that comment. This Board has always presented general disdain for the board-on-board barracks style appearance that it creates. I think any opportunity to upgrade that to a maintenance free more attractive product is a good call.

Dr. Goist – I agree. So, we'll ask the CPTED people to give us a report and your Public Hearing will be May the 27th also.

Mr. Zalar – Thank you very much.

Mr. Baldin – Please stake out where it's going to be, where it's going to connect.

Mr. Zalar – Right now there are three of the original posts and I'll mark the fourth post so you can see what the location will be.

Dr. Goist – Or put a little flag on them so that they know.

Mr. Zalar – No problem. Thank you.

Dr. Goist – Thank you, sir.

RULING: SET FOR PUBLIC HEARING MAY 27, 2009

(F) **PUBLIC HEARING**

3) **BRADLEY WUENSCH, OWNER**

Requesting a 9' 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 9' beyond the setback of the residence in order to construct a 6' High Board-on-Board Fence on a Corner Lot; property located at 15205 Prospect Road PPN 393-24-021 zoned R1-75.

Dr. Goist – Now we open the second portion of our meeting, the Public Hearing. Our first Public Hearing is Bradley Wuensch. I hope I pronounced that correctly. If you would give us your name and address and again, tell us what you're doing and why you want to do it.

3) **BRADLEY WUENSCH, OWNER, Cont'd**

Mr. Wuensch – My name is Bradley Wuensch. I live at 15205 Prospect Road. We're looking to put up a privacy fence for the back yard. Actually, it's a corner fence, L-shaped. The whole idea is to reduce some of the traffic noise as well as some of the traffic in general coming off of Lunn Road. Hopefully, it's a bit of a deterrent for some of the school kids cutting through the back yards. We are proposing a board-on-board construction. We do intend to use outdoor deck screws, not nails, to make it a better structure because I am aware that over time, nails with board-on-board can be unsightly. I'm working with my brother-in-law at Kalinich Fence. We are considering using cedar to also give it a much nicer appearance. That's really what I've got for you.

Dr. Goist – You have heard us say that we really like the vinyl fences. Did you eliminate that from your thinking?

Mr. Wuensch – We did. Only because we're handling the construction factor I actually came up with a custom-made fence that I submitted to you in the drawing. Once again, like I said, we're looking to put cedar, which is a much more durable, weatherable board for the board-on-board fence.

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

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Just so we enter into the record here, the dimensions from the drawing are L-shaped, 18' down each length and it's going to line up approximately with the current out building there on the northern edge.

Mr. Wuensch – Yes, the current shed.

Mr. Harr – Which is about 16' feet off the right-of-way. I was at the site today. As far as I can tell, you aren't going to have any visual issues from a traffic standpoint where it's located. I don't think we're going to experience any issues to the north across the street as their view is really obstructed by some really large white pines, and so forth, there in the beds. So, I don't think we have some of the visual issues. That and combined with the fact that we're not enclosing the yard. This is an open deterrent for people cutting the corner, so to speak. That is what it amounts to. Just my thoughts on that, having looked at it today.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

3) **BRADLEY WUENSCH, OWNER, Cont'd**

Mr. Baldin – I've seen the property; it's been there a long time and they have really put some money into that and upgraded that facility over the years and I think the fence would be a nice little addition. That's all the comment I have.

Mr. Harr – Whoever is in charge of landscaping is doing a good job.

Mr. Wuensch – She's right behind me.

Mr. Harr – There you go.

Dr. Goist – Any other comments from the Board? If not, this is a Public Hearing so I am going to ask if there is anyone in the audience who would like to speak for this variance. Is there anyone in the audience who would like to speak against this variance? Hearing none and seeing none, I will entertain a motion.

Mr. Harr - Mr. Chairman, I would make a motion that a request for a 9' 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 9' beyond the setback of the residence in order to construct a 6' High Board-on-Board Fence on a Corner Lot for 18' in two directions; property located at 15205 Prospect Road PPN 393-24-021 zoned R1-75 be approved.

Mr. Bohac – Second the motion.

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

ROLL CALL: ALL AYES

Dr. Goist – Your variance has been approved. There is a twenty-day waiting period. At twenty days, you can go to the Building Department and they will tell you how to proceed. City Council has the right to review all of these so that's the reason for the waiting period.

RULING: VARIANCE GRANTED

4) **MARGARET COLE, OWNER**

Requesting a 22' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 70' Front Yard Setback from the right of way and where a 48' Front Yard Setback is proposed in order to construct an Addition to an Existing Garage; property located at 12700 Alameda Drive PPN 393-23-013 zoned R1-75.

Dr. Goist – Our last Public Hearing is Margaret Cole. Come forward please and give us your name and address.

4) MARGARET COLE, OWNER, Cont'd

Ms. Cole – Good evening, my name is Renee Cole. I came with Margaret Cole to the last meeting. She asked permission for me to appear on her behalf. She is out of town on business. I am appearing regarding the property located at 12700 Alameda Drive, Strongsville, Ohio.

Dr. Goist – Okay and your address for the record.

Ms. Cole – My address is 17823 Howe Road, Strongsville, Ohio.

Dr. Goist – Again, if you would like to go over your request for the variance. Is Margaret your mother?

Ms. Cole – There is no relation actually, it's just the same last name, coincidental. She is requesting an addition to her existing garage on her property on Alameda for storage purposes. She would like to build on, basically, to the existing garage in the front of the building.

Dr. Goist – Okay. The question for you is they are not going to conduct any kind of a business out of this addition? It's strictly for storage?

Ms. Cole – Yes, it's just for storage.

Dr. Goist – Okay, and maybe automobile storage?

Ms. Cole – I believe she needs storage and a place for an automobile. She is downsizing from a bigger house.

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

Mr. Baldin – Mr. Chairman, I went out and looked at the property there and I believe that's not a real problem to have the addition put on since it is located in the industrial area, basically. It's strictly for storage. She is going to build it out front. Is she going to use the back part of the garage for living space or just for storage?

Ms. Cole – I don't believe so. My understanding is it is additional storage.

Mr. Baldin – I have no problems.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

4) **MARGARET COLE, OWNER, Cont'd**

Mr. Harr – I would echo Mr. Baldin's comments that it's really industrial land to the north, shielded by a lot of growth and trees and so forth. The house to the south fronts on Westwood –

Ms. Cole – correct.

Mr. Harr – and is shielded by a 6' fence there as well. Actually, with the addition, there is no aesthetic issues or anything that I can see.

Dr. Goist – Okay, no other questions? Mr. Bohac, any questions?

Mr. Bohac – No, I agree.

Dr. Goist – Again, this is a Public Hearing and I'm going to ask if there is anyone in the audience who wishes to speak for or against the variance. Hearing no one and seeing no one, I would entertain a motion.

Mr. Baldin – I make a motion to request a 22' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 70' Front Yard Setback from the right of way and where a 48' Front Yard Setback is proposed in order to construct an Addition to an Existing Garage; property located at 12700 Alameda Drive PPN 393-23-013 zoned R1-75 be approved.

Mr. Bohac – Second the motion.

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

ROLL CALL: AYE AYES

Dr. Goist – Your variance has been approved. There is a twenty-day waiting period so please tell the other Ms. Cole and then she will go to the Building Department to pick up her permits.

Ms. Cole – Thank you for your time.

RULING: VARIANCE GRANTED

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

Meeting adjourned at 8:17 p.m.

<u>Signature on File</u> Glenn Goist, Chairman	<u>Signature on File</u> Kathryn A. Zamrzla, Sec'y	<u>June 10, 2009</u> Approval Date
---	---	---------------------------------------