

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

**Meeting of
June 9, 2010
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; Rich Baldin; William Harr; Frank Bohac;
Ken Evans

Administration: Assistant Law Director, Dan Kolick;
Building Department Representative, Joe Allen
Recording Secretary, Kathryn Zamrzla

The Board members discussed the following:

1) LEMONBERRY FROZEN YOGURT, TENANT

Requesting a 12' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 188' Lot Width is proposed in order to permit an existing building to be occupied for General Retail Use; property located at 12927 Pearl Road PPN 396-08-003 zoned General Business.

The Board had no discussion regarding this New Applicant.

2) CATHERINE ANDRE, OWNER/Chris Tsonton, Representative

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (3), which requires a 35' Front Yard Setback and where a 30' Front Yard Setback is proposed in order to construct a New Single Family Dwelling; property located at 14262 Calderdale Lane PPN 398-25-009 zoned R1-100.

The Board had no discussion regarding this New Applicant.

(G) PUBLIC HEARINGS

3) A TASTE OF EXCELLENCE CATERING, OWNER

a) Requesting a 1.9% Building Area Coverage variance from Zoning Code Section 1258.09, which allows a 25% maximum Building Area Coverage and where a 26.9% Building Area Coverage exists in order to permit an existing building to be developed for General Retail Use;

b) Requesting a 3.4' Front Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 125' Front Yard Building Setback from the centerline of Pearl Road and where a 121.6' Front Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use;

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Con't**

- c) **Requesting a 26.8' Front Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 75' Front Yard Parking Setback from Pearl Road and where a 48.2' Front Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;**
- d) **Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Building Setback (North) abutting a non-residential district and where a 0' Side Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use;**
- e) **Requesting a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Parking Setback (North) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;**
- f) **Requesting a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Parking Setback (South) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;**
- g) **Requesting a 5' Rear Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Rear Yard Parking Setback (West) abutting a non-residential district and where a 0' Rear Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;**
- h) **Requesting a .2' Rear Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Building Setback (West) abutting a non-residential district and where a 9.8' Rear Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use; property located at 16888 Pearl Road PPN 393-34-002 and 393-34-014 zoned Restaurant-Recreational Service (R-RS).**

Dr. Goist stated that all these issues are housekeeping to bring the current structure up to date and commented on what a good job Mr. Morand did in explaining the issues at the last meeting.

4) **CHARLES CONNORS, OWNER**

Requesting an 8' Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the main building and where the applicant is proposing a 6' high fence 8' beyond the setback of the main building; property located at 10744 Waterfall Road PPN 391-05-025 zoned R1-75.

Mr. Evans stated that what Mr. Connors wants to do meets the Code with the new fence Code that hasn't been approved yet. Mr. Harr stated that the fence will not impact the house across the street and that the fence is well off the sidewalk. Dr. Goist stated that they will ask Mr. Connors to start the fence even with the corner of the house instead of 6' from the corner, but still have an 8' setback. The Board agreed.

5) **TANIOS AND DEBORAH INA, OWNER**

Requesting a 6' variance from Zoning Code Section 1252.05 Table, which requires a 50' Rear Yard Setback and where a 44' Rear Yard Setback is proposed in order to construct an Addition; property located at 18182 Fern Canyon Drive PPN 397-23-078 zoned R1-75.

Dr. Goist asked Mr. Allen if the size of the variance was correct. Mr. Allen stated that the variance is based on a perpendicular line, which is the shortest distance. The Board stated they had all been out to the property.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

June 9, 2010

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Allen, Building Department Representative
Ms. Zamrzla, Recording Secretary

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this June 9, 2010 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: 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 have minutes in our packets from May 12, 2010 and May 26, 2010. If there are no additions or corrections, I'll entertain a motion to approve the minutes as submitted.

Mr. Baldin – I'll make a motion to approve.

Mr. Harr – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist - If there is anyone in the audience who would like to speak in front of this Board this evening, if you would now please rise and be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to those standing.

1) **LEMONBERRY FROZEN YOGURT, TENANT**

Requesting a 12' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 188' Lot Width is proposed in order to permit an existing building to be occupied for General Retail Use; property located at 12927 Pearl Road PPN 396-08-003 zoned General Business.

Dr. Goist – Our meetings are in two portions and the first is New Applicants and the second portion is our Public Hearings. Our first New Applicant is Lemonberry Frozen Yogurt and whoever is here to represent them, if you would come forward and give us your name and address, please and then explain to us what you're asking for in terms of a variance.

Mr. Colabianchi – My name is Frank Colabianchi, 11005 Pearl Road, Suite 2, Strongsville and I'm representing John and Joy Bechke. They are going to be putting in the Lemonberry Frozen Yogurt and the frontage – they recently purchased the building – is on 188' and we need a total of 200' for the usage of the building. So, we're asking to get a variance on the 188' frontage.

Dr. Goist – This is an existing building. That's the way it's always been, 188'?

Mr. Colabianchi – That is correct.

Dr. Goist – There was a business in here previously?

Mr. Colabianchi – Yes.

Dr. Goist – Okay. Board members, do you have any questions? I think this one is pretty straight forward, and cut and dry.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – I think it's pretty cut and dry also and it looks like they have enough parking spaces and so forth. I don't think there is going to be any real problem here. They do have some other additional property in the back. There is some gravel back there if they ever need the extra.

Mr. Colabianchi – We talked about that a little bit. Down the road they are planning on paving it and doing whatever need be but for right now they had the big expensive purchase of the building and the buildout of the printing place in the front and definitely down the road, if this thing goes as well as they think it's going to go, they are going to pave and do whatever they need to in the rear part of the property.

Mr. Harr - Mr. Chairman?

1) **LEMONBERRY FROZEN YOGURT, TENANT, Cont'd**

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – Frank, what is on either side there?

Mr. Colabianchi – To the north is Kenny Kings.

Mr. Harr – That's how old we are.

Mr. Colabianchi – And Dr. Peacock on the other side.

Mr. Harr – Okay, so there is no real opportunity there for you to acquire more land to add to the site.

Mr. Colabianchi – Dr. Peacock's building is so close, I can't even walk between the buildings. They are right next to each other.

Mr. Harr – I don't have any other questions.

Dr. Goist – Any other questions?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – Mr. Colabianchi, are they planning on doing signage out front, do you know? It doesn't necessarily pertain to the variance but I'm just curious as to –

Mr. Colabianchi – Do you mean a ground sign?

Mr. Evans – Yes, CQ Printing is on the front of the building.

Mr. Colabianchi – Oh, you saw that? At some point in time, they may come back to do that but right now they have it – it's going to be like a storefront on the front of the yogurt place with a sign above that. Right now, there aren't any plans to do that.

Mr. Evans – Okay, thank you.

Dr. Goist – Any other questions, Board members?

Mr. Evans – No.

Dr. Goist – If not, Mr. Colabianchi, your Public Hearing is going to be June the 23rd. We will see you back in two weeks.

1) **LEMONBERRY FROZEN YOGURT, TENANT, Cont'd**

Mr. Colabianchi – Thank you very much. I appreciate it.

Dr. Goist – You do not have to stay for the rest of the meeting.

RULING: SET FOR PUBLIC HEARING ON JUNE 23, 2010

2) **CATHERINE ANDRE, OWNER/Chris Tsonton, Representative**

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (3), which requires a 35' Front Yard Setback and where a 30' Front Yard Setback is proposed in order to construct a New Single Family Dwelling; property located at 14262 Calderdale Lane PPN 398-25-009 zoned R1-100.

Dr. Goist – Our next New Applicant is Catherine Andre and Chris Tsonton. If you would give us your name and address please.

Mr. Tsonton – My name is Christopher Tsonton, 2403 Hunters Creek Circle, Hinckley, Ohio. I'm representing the owner of the property, Catherine Andre and we are requesting a 5' front yard setback variance. It's set up right now for a 35' setback and we're looking to move the building forward 5' for a 30' setback.

Dr. Goist – Okay. I have not seen this property. We will all be there between now and the next meeting, which will be the 23rd. If you can mark for us the corners, either on the ground or little stakes, we would appreciate that so we can see exactly where it's going to go.

Mr. Tsonton – Okay, no problem.

Dr. Goist – Board members, anybody have any questions.

Mr. Baldin – I have no questions, Mr. Chairman.

Dr. Goist – Mr. Evans?

Mr. Evans – Mr. Tsonton, are either of the two lots on either side there developed already?

Mr. Tsonton – The lot to the left of this property, which is lot five, has a home already built on it and then there is a proposed home to the right of it that is to be built by Mr. Colabianchi, who just left. The topography of the lot is fairly flat if you look at it from the street but it drops pretty heavily on the left rear corner, left side, and the house is a ranch so because of the garage being out front, we need to push it forward just a bit just to get out of that ground. In the rear of the lot there is wetland and for me to do the proper grading in the back it would be a much better product in the end for her as well as maintenance and things of that nature in the rear yard.

2) **CATHERINE ANDRE, OWNER/Chris Tsonton, Representative, Cont'd**

Mr. Evans – Thank you.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I know there are a number of houses over there that we made adjustments to because of the unique topography that the subdivision has there. The house that exists and the proposed home – if you know offhand – do they also align – our concern obviously, just from visual standpoint, is that the houses are basically aligning as far as the setbacks so that we don't end up with any odd setbacks there.

Mr. Tsonton – The house next to it looks to be a 35' from what I can see from my own topographic so we would be pushing out in front of it just a bit. The proposed home is a three-car side load so in the way this house sets up, the garage is out in front. It's a 2,600 square foot ranch. So, there is really no opportunity for me to go to a two-car garage. The client doesn't desire a two-car garage at all or what I would consider a front-load, side-load view because of the deed restrictions that Avery Walden has. The house is designed specifically for a relative that has to have wheelchair access in all points of the home. So, I have the home design in the interior for universal design so she can access every part of the home. It's hard for me to go back and redesign the house to make it fit better. That's also part of the issue. She takes care of her niece on a regular basis.

Dr. Goist – Any other questions Board members?

Mr. Bohac – No questions.

Mr. Tsonton- We'll get it staked out then. Thank you very much.

RULING: SET FOR PUBLIC HEARING ON JUNE 23, 2010

(G) PUBLIC HEARINGS

3) **A TASTE OF EXCELLENCE CATERING, OWNER**

- a) Requesting a 1.9% Building Area Coverage variance from Zoning Code Section 1258.09, which allows a 25% maximum Building Area Coverage and where a 26.9% Building Area Coverage exists in order to permit an existing building to be developed for General Retail Use;

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Cont'd**

- b) Requesting a 3.4' Front Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 125' Front Yard Building Setback from the centerline of Pearl Road and where a 121.6' Front Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- c) Requesting a 26.8' Front Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 75' Front Yard Parking Setback from Pearl Road and where a 48.2' Front Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- d) Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Building Setback (North) abutting a non-residential district and where a 0' Side Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- e) Requesting a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Parking Setback (North) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- f) Requesting a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Parking Setback (South) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- g) Requesting a 5' Rear Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Rear Yard Parking Setback (West) abutting a non-residential district and where a 0' Rear Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use;
- h) Requesting a .2' Rear Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Building Setback (West) abutting a non-residential district and where a 9.8' Rear Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use; property located at 16888 Pearl Road PPN 393-34-002 and 393-34-014 zoned Restaurant-Recreational Service (R-RS).

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Cont'd**

Dr. Goist – Now on to our Public Hearings and our first Public Hearing is A Taste of Excellence. If you would like to come forward and give us your name and address and just walk us through the variances again.

Mr. Morand – My name is Kevin Morand. I'm the architect for the project. My address is 24551 Detroit Road in Westlake, Ohio. We are requesting eight variances on an existing property at 16888 Pearl Road. It's the former Zig's Bowling Alley. It's an existing building with existing parking lots across the front and across the south side and the paving for the parking lot goes to the property lines. Our eight variance requests are a building area coverage requesting a 1.9 percent variance from the Code. This condition has been aggravated by the street widening on Pearl Road. The second request is the front yard building setback from Pearl Road where 125' is required and the existing building is 121.6'. The next variance is the front yard parking setback. Again, the parking lot would almost have to be on the front right-of-way line. The ordinance requires a 75' front yard parking setback and our parking setback is 48.2'. The fourth variance is a side yard building setback on the north property line. The building is right on the property line. The requirement is a 5' side yard building setback and we have 0'. The fifth variance request is a 5' side yard parking setback and this is at the north property line in the front parking lot. The existing parking is right on the property line at 0' and the Ordinance requires a 5' side yard parking setback. The sixth request is the side yard parking on the south side of the property and the existing paving goes right up to the property line so where 5' is required, we have 0'. The seventh request is the rear yard parking setback where 5' is required and the existing paving goes right up to the rear property line so we have 0'. The eighth request is a rear yard building setback and again, it's another existing non-conforming condition. The Ordinance requires a 10' rear yard building setback and the existing building is 9.8'. Those are our requests.

Dr. Goist – Again, thank you Mr. Morand for walking us through these. It's a lot of variances and you did the same thing at the last meeting so we appreciate that. I think all of our Board members have been over all of the figures that you have given us and I'll ask them if they have any questions. Mr. Harr has asked not to speak at the meeting because of the possible conflict. Is there anybody else who would like to ask him some questions?

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans – I apologize, Mr. Morand. I was out of town on business at the last meeting. What is happening with the smaller building of the two there?

Mr. Morand – There is no conclusion for that yet. What they have been talking about is having an open market type of business in that building, a year round market.

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Cont'd**

Mr. Evans – Okay. I knew that they were talking about a market. I wasn't sure if it was going to be in the main building or whether they were going to use the accessory building and I couldn't remember seeing anything in the minutes. Thank you.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes, Mr. Baldin?

Mr. Baldin – Mr. Morand, your client, I want to commend him for purchasing this dead beat piece of property in the city and he is investing a lot of dollars and he is putting a lot of money into it and I think it's going to be a great addition for the city. I know it needs a lot of variances but it needed to be because it's an old building that had been there for years and years and years. Please pass on to your client that we appreciate what he is doing.

Mr. Morand – Thank you. I will do that.

Mr. Baldin – You're welcome.

Mr. Morand – Again, these are all existing non-conforming conditions. We are not modifying the site. We are not changing the existing paving and parking area. We are not changing the footprint of the building. In fact, we have worked very hard to make sure our parking complies with the zoning requirements so we didn't need any variances in that category.

Dr. Goist – Good. If there are no other questions, this is a Public Hearing. Is there anyone here who would like to speak for these variances? Is there anyone who would like to speak against these variances? Seeing none and hearing none, I will entertain a motion to approve.

Mr. Evans - Mr. Chairman, I would like to move that we approve a request for a 1.9% Building Area Coverage variance from Zoning Code Section 1258.09, which allows a 25% maximum Building Area Coverage and where a 26.9% Building Area Coverage exists in order to permit an existing building to be developed for General Retail Use, and approve a request for a 3.4' Front Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 125' Front Yard Building Setback from the centerline of Pearl Road and where a 121.6' Front Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a 26.8' Front Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 75' Front Yard Parking Setback from Pearl Road and where a 48.2' Front Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Building Setback (North) abutting a non-residential district and where a 0' Side Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5'

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Cont'd**

Mr. Evans continues - Side Yard Parking Setback (North) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a 5' Side Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Side Yard Parking Setback (South) abutting a non-residential district and where a 0' Side Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a 5' Rear Yard Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Rear Yard Parking Setback (West) abutting a non-residential district and where a 0' Rear Yard Parking Setback is proposed in order to permit an existing building to be developed for General Retail Use, and approve a request for a .2' Rear Yard Building Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Building Setback (West) abutting a non-residential district and where a 9.8' Rear Yard Building Setback is proposed in order to permit an existing building to be developed for General Retail Use; property located at 16888 Pearl Road PPN 393-34-002 and 393-34-014 zoned Restaurant-Recreational Service (R-RS).

Mr. Bohac – Second the motion.

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

ROLL CALL: MR. HARR – ABSTAIN
 MR. EVANS – AYE
 MR. BALDIN – AYE
 MR. BOHAC – AYE
 DR. GOIST – AYE

MOTION CARRIED

Dr. Goist – Thank you. You may see the Building Department –

Mr. Kolick - Mr. Chairman?

Dr. Goist – Yes?

Mr. Kolick – This applicant still needs to get back to the Architectural Review Board and the Planning Commission. We are still waiting for the consolidation plat that you need to turn into us.

Mr. Morand – We are submitting that application tomorrow for the next Planning Commission meeting.

Mr. Kolick – Very good, thank you.

3) **A TASTE OF EXCELLENCE CATERING, OWNER, Cont'd**

Mr. Harr – Mr. Evans, for the record I did not abstain just so that I could avoid reading all that.

Mr. Evans – I know.

RULING: VARIANCE APPROVED

4) **CHARLES CONNORS, OWNER**

Requesting an 8' Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the main building and where the applicant is proposing a 6' high fence 8' beyond the setback of the main building; property located at 10744 Waterfall Road PPN 391-05-025 zoned R1-75.

Dr. Goist – Our next Public Hearing is for Charles Connors. Mr. Connors, if you would come forward please and give us your name and address.

Ms. Connors – My name is Kathy Connors and I live at 10744 Waterfall Road.

Dr. Goist – Kathy, if you will again walk us through your variance.

Ms. Connors – Okay, we are requesting a fence to be 8' out from the corner of our house.

Mr. Connors – And 8' back from the rear property line. Mr. Harr was over at the house and he said he thought it would look better if we had it straight out from the corner and I'm satisfied with that.

Dr. Goist – We appreciate that. The new Code that has been set up by City Council was to come off of the house and that kind of slipped by us until tonight when Mr. Harr brought it to our attention and I know we all came and looked at it but I think aesthetically it would look good and it complies a little bit more with the Code. So, any other questions?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes, Mr. Harr?

Mr. Harr – I was out to the property today. Looking across the street, I don't think the fence will have any great impact. It's a large lot across the street and it really doesn't face this property. I think, Mr. Connors, you proposed, sort of, a board-on-board fence but you're going to gap it a little bit so it will have a little bit of visibility through it. You're far enough off of the sidewalk that I really don't think there is an impact. The yard is well cared for. The house looks great. I don't see any problems as long as we amend it such that it's coming off that corner of the house.

4) **CHARLES CONNORS, OWNER, Cont'd**

Dr. Goist – Okay. I totally concur with all of Mr. Harr's comments.

Mr. Baldin - Mr. Chairman, I agree.

Dr. Goist – Anybody else? If not, this is a Public Hearing. Is there anyone who would like to speak for or against this variance? I see no one responding.

Mr. Harr - Mr. Chairman, should we have an amended plan signed by the applicant?

Mr. Kolick – If he takes this plan and he can just initial the plan and date it, that will indicate the change and where the fence is going.

Dr. Goist – Our engineer is going to put the line in for us.

Mr. Baldin – All you need to do is initial it.

Dr. Goist – Thank you, Mr. Connors. Let's see. Did we vote on it?

Mr. Kolick – No, we need a motion.

Mr. Evans - Mr. Chairman, I would like to move that we approve a request for an 8' Setback variance from Zoning Code Section 1252.17 (c), which requires that the fence be located within the setback of the main building and where the applicant is proposing a 6' high fence at the setback line of the main building; property located at 10744 Waterfall Road PPN 391-05-025 zoned R1-75.

Mr. Bohac – Second.

Mr. Evans - Mr. Kolick, I believe that that would be correct.

Mr. Kolick – No, he is 8' beyond the setback of the main building. It's just that the fence is going to start at the corner of the building. So, we still need to show a 6' high fence 8' beyond the setback of the main building pursuant to the plan that was initialed and dated tonight for that property.

Mr. Evans – Thank you. If you need me to restate that, I'll be happy to.

Mr. Kolick – It's fine. We got it with that new changed motion.

Mr. Evans – Thank you.

Mr. Kolick – You need a second.

5) **TANIOS AND DEBORAH INA, OWNER, Cont'd**

Dr. Goist – It still is a 6’ variance but it’s certainly not a problem.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – I think it’s a perfectly sound addition that they want to put on their house. As a matter of fact, I even told them why don’t you bump it out a little bit further but I don’t have any problems with it.

Dr. Goist – Anybody else? Mr. Harr? Mr. Evans? Mr. Bohac?

Mr. Bohac – No, it’s fine.

Dr. Goist – If not, this is a Public Hearing. I only see one other gentleman in the room. Is there anyone who wishes to speak for or against the variance? Seeing none and hearing none, I will entertain a motion.

Mr. Harr - Mr. Chairman, I will make a motion that a request for a 6’ variance from Zoning Code Section 1252.05 Table, which requires a 50’ Rear Yard Setback and where a 44’ Rear Yard Setback is proposed in order to construct an Addition; property located at 18182 Fern Canyon Drive PPN 397-23-078 zoned R1-75 be approved.

Mr. Bohac – Second.

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

Mr. Baldin – Excuse me, Mr. Chairman, I would like to make a note that at our first meeting we did not have the information from the homeowner’s association but we do have a letter from them now that they do approve.

Dr. Goist – Thank you, Mr. Baldin. You are absolutely correct. We do have the letter in our file. Kathy, would you call the roll?

ROLL CALL:

ALL AYES:

MOTION CARRIED

Dr. Goist – Okay, your variance has been approved and you may see Mr. Allen at the Building Department and go ahead.

Mrs. Ina – Okay, thank you.

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Dr. Goist – If there is not any other business to come before this Board, meeting is adjourned.

Meeting adjourned by Dr. Goist at 8:25 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>July 14, 2010</u>
Glenn Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date