

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

**Meeting of
May 6, 2010
7:50 p.m.**

Present - Board of Appeals Members: Glenn Goist; Rich Baldin; Ken Evans; William Harr
Administration: Assistant Law Director, Dan Kolick;
Building Department Representative, Joe Allen
Recording Secretary, Kathryn Zamrzla

The Board members discussed the following:

1) **STRONGSVILLE CO-OP PRESCHOOL/
Craig Catanzarite, Agent**

- a) Requesting a 42' 10" Side Yard (West) Setback variance from Zoning Code Section 1256.04 (b), which requires a 50' Side Yard Setback abutting a Residential Lot and where a 7' 2" Side Yard Setback is proposed in order to permit the Expansion of a Non-conforming Building;
- b) Requesting a 50' Side Yard Setback (West) variance from Zoning Code Section 1256.04 (b), which requires a 50' Side Yard Setback abutting a Residential Lot and where a 0' Side Yard Setback is proposed in order to permit a Play Area; property located at 15245 Tracy Lane PPN 399-10-011, 399-10-013 and 399-10-015 zoned Public Facility.

Mr. Evans stated that the playground should not be up against the abutting fence and that approving that would set a precedent. He stated that removing two parking spaces would allow for moving the playground. Mr. Baldin stated that the drawing is incorrect in the amount of parking spaces shown and that the preschool could remove some parking spaces. Mr. Harr stated that perhaps the parking lot plan shows parking spaces that are proposed and not existing. Mr. Baldin suggested that the proposed fence should be higher than 4 feet. Mr. Harr stated that any way to minimize the variance would be more favorable.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

May 6, 2010

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

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

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

Dr Goist – Good evening, ladies and gentlemen. I’d like to call this May 6, 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 EXCEPT FOR MR. BOHAC

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

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES: MOTION CARRIED

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. 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) STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent

- a) Requesting a 42’ 10” Side Yard (West) Setback variance from Zoning Code Section 1256.04 (b), which requires a 50’ Side Yard Setback abutting a Residential Lot and where a 7’ 2” Side Yard Setback is proposed in order to permit the Expansion of a Non-conforming Building;

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

- b) Requesting a 50' Side Yard Setback (West) variance from Zoning Code Section 1256.04 (b), which requires a 50' Side Yard Setback abutting a Residential Lot and where a 0' Side Yard Setback is proposed in order to permit a Play Area; property located at 15245 Tracy Lane PPN 399-10-011, 399-10-013 and 399-10-015 zoned Public Facility.

Dr. Goist – We normally have New Applications, which we have none. We have one Public Hearing and it is the Strongsville Co-Op Preschool. If you like to come forward and give us your name and address and again go through the request for your variances.

Mr. Dean – Good evening, my name is Tim Dean, 22100 Horseshoe Lane, Strongsville, Ohio. I am representing the Strongsville Co-Op school. Our request is two variances. One is the 7 ½' from the side yard for the existing structure where 50' is called for and the building has been there and it has been there for thirty or forty years. The second one is the request to locate the playground area and the Code shows 50' and we feel the location of the playground where it is currently located is important for a couple of reasons. One is the safety of the children. It was discussed at the last meeting to possibly move the playground east and we feel that moves it towards the traffic and then we start to get into bollards. We feel that there is a large tree that might have to be removed. I might also note that it is a Public Facility Zoning District there and that the applicant who is moving there, Strongsville Co-op Preschool, their hours of operation are totally different from another, what you would want to call day care school there. They start at 9:30 a.m. and they have one session that ends at 1:00 p.m. and then their second session starts at 1:30 and I think it ends at 2:30 p.m. or 3:00 p.m. As I said, they are three to five year old children so we would move them towards the driveway, which I don't think is a good thing. So, that is the safety concern. It takes away – there is obviously – they are showing five parking spaces on there. There are really only two spots but it takes away some parking and needless to say, we are still going to need a variance anyhow. So, it is a limitation of the footage. As far as discussion in caucus that I would like to respond to, we are not opposed to – in fact the school does want a 6' fence. So, we'll be putting a 6' fence up. It is going to be – it's not going to be board on board. It's going to be a vinyl fence and that's the white fence but the difference is that the young ladies here want to be able to see through the fence to see the children. So, we'll have a little separation gap so that they will be able to see into the playground. I think the other thing and I had a picture and I think I showed you the fence there, the neighboring property if you look at that large one, there is a big gap between where their existing house is versus – I just wanted to point out that when I took this picture today that that is where the playground area is and the actual house – it's a very large property and it's a beautiful fence – but the distance from their house to that point, it's a large – it's not like it's 15' away. I just wanted to point that out.

Dr. Goist – Those pictures Tim, we'll have you give those to Kathy at the end of the meeting so she can put them in the record.

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Mr. Dean – Okay. Now I'd like to respond to any comments anybody has.

Dr. Goist – I know Mr. Baldin, one of your questions was the height of the fence, which has been answered.

Mr. Baldin – I was concerned with the fact that the fence was 4' and I've got a three year old grand child and believe me, I think he could climb a 4' fence right now and you're with these kids all the time. I'm sure some of them are capable of topping a 4' fence. I wouldn't want to see that happen. You answered that question and that's great. One other thing I would like to say, sometimes we look at some of these requests and variances that come in without seeing the property and maybe sometimes we're not getting all the details. Once I went out and looked at the property, I could see some of your reasoning. I had to pull the print back out again to see that you're only going 30' into that yard. So, you have a lot of yard back there you're not going to use. I was looking at the garage. It's in need of repair. The kids could be back there playing. You've answered my questions, thank you.

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

Mr. Evans - Mr. Chairman? Mr. Allen, am I not correct that when a playground abuts parking spaces that the City is going to require bollards anyhow?

Mr. Allen – That is not true. That is something that would be determined by the Building Commissioner.

Mr. Evans – With all the parking areas that we have at Restaurant Service facilities where we have required them, you're saying we would not require them here?

Mr. Allen – I said that would be up to the Building Commissioner. He would have to look at it and make the decision.

Mr. Kolick – Mr. Chairman, if I may expound on what Mr. Allen is saying, this has to go to Planning Commission. Planning Commission will look at it and they'll get a report both from the Building Department and the Engineering Department. They'll determine, Mr. Evans, based on the fencing, based on where it's at, whether they use curb stops or whatever is there, whether they will need additional bollards or not. They may determine it needs it, they may determine it doesn't need it. It depends on the configuration of the reports from the Engineering and Building Department. We don't require them automatically. Those are where we normally require them is like the outdoor eating areas where the cars come up against and you don't have fences that are down into the ground, they're just decorative fences. Then they normally require them and they may or they may not but that will be up to the Building Department and Engineering Departments in this particular case, if this Board approves the variance, to determine that.

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Dr. Goist – Mr. Evans, any other questions?

Mr. Evans – Mr. Dean, it shows the five spaces on the drawing, we know that there are two there now. Is there a plan to add to the existing spaces or was that just an incorrect plan?

Mr. Dean – I think that was an incorrect plan Mr. Evans. I apologize for that mistake.

Mr. Evans – I just wanted to know if that was correct or not. You had made reference to the fact that you thought a tree would have to come out if the playground were moved away from the residential property by 15'. I just don't quite understand how that would be the case.

Mr. Dean – When I was out there today it looked to me that if I moved that fence to the east, I started to run into the tree in the corner.

Mr. Evans – But the east would be towards Interstate 71.

Mr. Dean – Oh, I'm sorry. To the west. I'm sorry, west. You wanted us to move it –

Mr. Evans - To the north, towards the two parking spaces.

Mr. Dean – But I thought that the tree would be in the way. It was a close call. That's not a make or break thing.

Mr. Evans – But if the tree would have to come out it would have to come out where it's at now because I'm not talking about moving it towards I71, I'm talking about going towards the two parking spaces. That wouldn't have any effect on the tree.

Mr. Dean – That is how I perceived it. If we moved it towards those parking spaces, I got closer to the tree that was in the corner. It may not be in that right corner from facing here but it was closer. It would probably be 2' or 3' away versus 10' if it was this way (indicating).

Mr. Evans – Okay, thank you, Mr. Chairman.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I too had a number of questions at the last meeting, I think most of which have been addressed. We talked about the exit from the building. I took a look at the building and they obviously can't do anything with that eastern wall. They have to come out the back of the building. It think that is an absolute must. I do have some concerns about the number of children out there in proximity to the neighboring house but again, after visiting the site, I can see that the house is much closer to the road and that it shouldn't be quite the problem

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Mr. Harr continues - that I originally perceived it to be. We talked about the fence and whatever kind of reinforced vinyl that you're using. Is this depiction that we have here accurate or – it's not paramount, I was just wondering if it's a see through fence or just a slated type?

Mr. Dean – The proposed fence that we were going to show is just a vinyl fence similar to the other one but there would be a gap that you would see between the slats where as the fence that is currently there –

Mr. Harr – Every few inches or whatever the case may be. Just enough that you could see in and see out if there is a jail break or something.

Mr. Dean – Correct.

Mr. Baldin – Not that any child could squeeze through.

Mr. Allen - Mr. Chairman?

Dr. Goist – Yes?

Mr. Allen – The gaps cannot be more than 4” by Code.

Mr. Baldin - Mr. Chairman?

Dr. Goist – Yes?

Mr. Baldin – Are you going to leave it grass there in the playground or are you going to come up with all the modern rubberized things and so forth that they have for the playgrounds, which would be probably a lot safer for children?

Ms. Maloney – I'm Vicky Maloney, 19532 Stoughton Drive, Strongsville, Ohio. We are going to leave it mostly grass but around each piece of equipment there will have to be a fall area. Right now we just use wooden mulch and it has to be about 6' in diameter around each piece of equipment.

Mr. Baldin – That's the requirement, right?

Ms. Maloney – Right.

Mr. Baldin – I know there are a lot of new products out there on the market, rubberized and so forth.

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Ms. Maloney - We looked at those and they are very expensive and they have their pros and cons. The black rubber gets very hot, the mulch seems to work the best.

Mr. Baldin – Okay, I know it wasn't something brought up here but I looked at it from that point of view. Thank you.

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I guess my last comment would be although it doesn't fall under our purview directly I would hope, especially in light of what has happened at the parade and other things recently, that they would consider some type of barrier there. It concerns me having parking spots right there. Whether it's bollards or it's some type of curb stops or something to retard a vehicle going through there.

Ms. Maloney – Right now there are curb stops there, I think. If they're not there they got pushed to the other side of the parking lot because there are some on the property and we would, at minimum, put those there but we can certainly look at putting in some type of other stop. At our current location we are surrounded by parking lot and there is nothing but a little blacktop curb and about 2 ½' of stone separating the parking lot and driveway from the fence.

Dr. Goist – In talking about those parking spaces and saying that we think this is an incorrect drawing, are there only two parking spaces and are you planning on using two parking spaces?

Ms. Maloney – It's about 2 ½ because we think one was originally a handicap spot for the church. So, they are a little bit wider than your typical parking spot and yes, we're planning to use those for the teaching staff. Their car will be there and parked before the kids get to school and it was stay parked until the kids are gone.

Dr. Goist – Okay, that answers my questions. Are there any other questions, Board members?

Mr. Harr – I have no other questions.

Dr. Goist – If not I will entertain a motion for these variances.

Mr. Evans – Is this not a Public Hearing?

Dr. Goist – This is a Public Hearing. Is there anyone else who would like to speak for this variance? Is there anyone who would like to speak against it? Hearing no one and seeing no one, I will entertain a motion.

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Mr. Harr - Mr. Chairman, I'll make a motion that a request for a 42' 10" Side Yard (West) Setback variance from Zoning Code Section 1256.04 (b), which requires a 50' Side Yard Setback abutting a Residential Lot and where a 7' 2" Side Yard Setback is proposed in order to permit the Expansion of a Non-conforming Building and a request for a 50' Side Yard Setback (West) variance from Zoning Code Section 1256.04 (b), which requires a 50' Side Yard Setback abutting a Residential Lot and where a 0' Side Yard Setback is proposed in order to permit a Play Area; property located at 15245 Tracy Lane PPN 399-10-011, 399-10-013 and 399-10-015 zoned Public Facility be approved.

Mr. Kolick - Mr. Chairman, we should probably show that it's a 6' fence also as noted here tonight.

Mr. Harr – If we can amend my motion accordingly.

Dr. Goist – Did you get that Kathy?

Ms. Zamrzla – Yes.

Mr. Baldin – Second.

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

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

MOTION CARRIED

Dr. Goist – The variance has been approved. There is a twenty day waiting period and then you can pull your permits.

Mr. Kolick - Mr. Chairman, because this is zoned Public Facility, the applicant needs to get back to Planning Commission, which they are aware of. In the interim period while the twenty days is on, although you can't get back to Planning Commission, you can get over to Architectural Review Board and talk to the Building and Engineering Department because there will be a required number of handicap spaces. So, we want to make sure you have everything ready to go by the time you get to Planning Commission and have them look at the issue of the bollards at that point. It's no major deal to stick a couple of bollards there if necessary. You're going to want to make sure those kids are protected too if someone in a parking space steps on the gas rather than the brake or something, which can happen. Talk to the Building and Engineering Department in the meantime, make sure that you get on the Architectural Review Board agenda so you get back to Planning Commission because ultimately you need to get to City Council because it's zoned Public Facility. Thank you.

1) **STRONGSVILLE CO-OP PRESCHOOL/Craig Catanzarite, Agent, Cont'd**

Dr. Goist – Okay, do you understand you're going back to Planning Commission and you have a twenty day waiting period. If there is no other business to come before this Board - we all got our packets for next week.

Mr. Evans - Mr. Chairman?

Dr. Goist – Yes?

Mr. Evans - Mr. Chairman, I just wanted to state for the record, because I know that it will be very carefully reviewed by a lot of people, that my vote no was not against granting the variance. It was against granting the variance without trying to reduce the variance and since both measures were put together I had to vote no against the entire part of the variance but I wanted it to at least be on the record that I was not against the placement of the Strongsville Co-op Preschool there. I know that nobody will care but I just wanted to make that statement for the record. Thank you.

Mr. Kolick - Mr. Chairman, that's fine and I think the record will clearly reflect that. In the future though, there is no problem, so the Board members understand, ever breaking these up. If you want to vote on (a) separate from (b) separate from (c) or whatever, you just need to make that known because that can be where you may be in favor of one and not another.

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

Meeting adjourned by Mr. Baldin at 8:22 p.m.

Signature on File
Glenn Goist, Chairman

Signature on File
Kathryn A. Zamrzla, Sec'y

May 26, 2010
Approval Date