

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

**Meeting of  
November 18, 2009  
7:30 p.m.**

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

Administration: Assistant Law Director, Daniel Kolick

Building Department Representative: Joe Allen

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**1) WEBSTER ROAD LLC/Timothy Dean, Representative**

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 35' Front Yard Setback and where a 30' Front Yard Setback is proposed in order to construct Single Family Dwellings; property located at sublots 44, 45 and 49 Castlereagh Lane PPN's 398-17-039, 398-17-040, and 398-17-044 zoned R1-100.

**2) WEBSTER ROAD LLC/Timothy Dean, Representative**

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 40' Front Yard Setback and where a 35' Front Yard Setback is proposed in order to construct Single Family Dwellings; property located at sublots 46, 47 and 48 Castlereagh Lane PPN's 398-17-041, 398-17-042, 398-17-043 zoned R1-100.

**Mr. Evans suggested that if other lots are going to need these too then we could be approving all of them at the same time. Mr. Allen stated that since the variance is only good for one year then the variances could expire before the lots are sold so it may be more convenient to apply for them as they are needed. Mr. Allen stated that with the easements in the middle of the property it's hard to fit the house on the lot. Mr. Harr stated that the front lines are set with the existing homes and if the new homes were staggered considerably farther back it could change the look of the subdivision. Mr. Dean stated that 44 out of 64 lots are sold and that 20 acres of undeveloped land remains for proposed clusters.**

**3) DAVE ZALESKI, OWNER/Affordable Fence, Contractor**

Requesting a 23' 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 has extended a fence 23' beyond the setback of the residence in order to Replace an Existing 6' Fence; property located at 10115 Prospect Road PPN 391-23-018 zoned R1-75.

Minutes  
Strongsville Board of Zoning and  
Building Code Appeals  
November 18, 2009  
Page 2 of 8

**The Board stated that they received a revised drawing from the property owner with the fence 7' from the sidewalk and with a corner angle. The fence can't seem to be placed any further away from the sidewalk with the trees in the way. Removing the trees shouldn't be an option. The Board agreed that aesthetically the fence should be straight and not go around the trees.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**

**MINUTES OF MEETING**

**November 18, 2009**

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

Present: Dr. Goist  
Mr. Baldin  
Mr. Evans  
Mr. Harr  
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 November 18, 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

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. For the people who are here who would like to speak before the Board of Zoning and Building Code Appeals this evening, if you would now please stand and be sworn in by our Assistant Law Director.

Mr. Kolick then stated the oath to those standing.

Dr. Goist – There are no New Applications this evening so we have two Public Hearings.

**PUBLIC HEARING**

**1) WEBSTER ROAD LLC/Timothy Dean, Representative**

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 35' Front Yard Setback and where a 30' Front Yard Setback is proposed in order to construct Single Family Dwellings; property located at sublots 44, 45 and 49 Castlereagh Lane PPN's 398-17-039, 398-17-040, and 398-17-044 zoned R1-100.

2) **WEBSTER ROAD LLC/Timothy Dean, Representative**

Requesting a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 40' Front Yard Setback and where a 35' Front Yard Setback is proposed in order to construct Single Family Dwellings; property located at sublots 46, 47 and 48 Castlereagh Lane PPN's 398-17-041, 398-17-042, 398-17-043 zoned R1-100.

Dr. Goist - Our first Public Hearing is Webster Road, LLC. Mr. Dean, if you would like to come forward and give us your name and address and give us the reason for your request.

Mr. Dean – Good evening, Tim Dean, 22100 Horseshoe Lane in Strongsville, Ohio. Item number one, the request is for a 5' Front Yard Setback variance where currently there is 35' and we're proposing 30'. The reasoning for the variance is to move the home up front due to the rear of some of these yards have drainage swales as well as in the 30' section where the setback is, we are trying to save the trees so those swales were not moved into the rear. The same for item number two.

Dr. Goist – Board members, do you have any questions on either number one or number two?

Mr. Harr - Mr. Chairman?

Dr. Goist – Yes?

Mr. Harr – I would just comment for the record in line with our caucus discussion that this request is in line with what we have done with a number of other lots within the subdivision there and although reviewing them periodically on a piecemeal basis might seem a little more cumbersome than doing them all at once, due to the slower absorption that we're experiencing right now in the economy it's probably prudent so that Mr. Dean doesn't run out of his time with any approvals. The approval is only valid for one (1) year.

Dr. Goist – Thank you. Any other comments from any other Board members? If not, this is a Public Hearing. If there is anyone here to speak for this, please speak now. Is there anyone to speak against this? Hearing none and seeing none, I will entertain a motion.

Mr. Evans - Mr. Chairman, I would like to move that we approve a request for a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 35' Front Yard Setback and where a 30' Front Yard Setback is proposed in order to construct Single Family Dwellings; properties located at sublots 44, 45 and 49 Castlereagh Lane PPN's 398-17-039, 398-17-040, and 398-17-044 zoned R1-100.

Mr. Bohac – Second the motion.

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

1) **WEBSTER ROAD LLC/Timothy Dean, Representative, Cont'd**

ROLL CALL: ALL AYES: MOTION GRANTED

Dr. Goist – Your first variance is approved and I will entertain a motion for the second variance please.

Mr. Evans - Mr. Chairman, I'll move that we approve a request for a 5' Front Yard Setback variance from Zoning Code Section 1252.32 (k) (3) C, which requires a 40' Front Yard Setback and where a 35' Front Yard Setback is proposed in order to construct Single Family Dwellings; property located at sublots 46, 47 and 48 Castlereagh Lane PPN's 398-17-041, 398-17-042, 398-17-043 zoned R1-100.

Mr. Bohac – Second.

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

ROLL CALL: ALL AYES: MOTION GRANTED

Dr. Goist – Mr. Dean, your variances are approved. There is a twenty day waiting period and you may then go for your permits.

Mr. Dean – Just a point of clarification, the one year that this variance is good for, does that start from the twenty days or from today?

Mr. Kolick – It starts from today.

Mr. Dean – Okay, thank you.

Dr. Goist – If I am correct, we can give a one year extension.

Mr. Kolick – He can always come back before this Board. He just needs to do it before the time runs out.

**RULING: VARIANCES GRANTED**

(G) **ANY OTHER BUSINESS TO COME BEFORE THE BOARD**

3) **DAVE ZALESKI, OWNER/Affordable Fence, Contractor**

Requesting a 23' 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 has extended a fence 23' beyond the setback of the residence in order to Replace an Existing 6' Fence; property located at 10115 Prospect Road PPN 391-23-018 zoned R1-75.

3) **DAVE ZALESKI, OWNER/Affordable Fence, Contractor, Cont'd**

Dr. Goist – Our second order of business is Dave Zaleski. Mr. Zaleski, if you would come forward and give us your name and address please.

Mr. Zaleski – Dave Zaleski, 10115 Prospect Road, Strongsville, Ohio 44149.

Dr. Goist – If you'll again go over your request for your variance.

Mr. Zaleski – Requesting an 18' Setback variance. Do I have to read the whole thing?

Dr. Goist – No, that's fine. We know where you're going and 1' off the tree as you had done in your drawing and we'll make note of that in our variance.

Mr. Zaleski – I submitted new drawings.

Dr. Goist – Right.

Mr. Baldin – We had him sign that. Does he understand that?

Mr. Zaleski – Yes.

Dr. Goist – Mr. Harr, do you have a question?

Mr. Kolick – We were looking at the language on the agenda, Mr. Chairman. We're going to change a word, that's all.

Dr. Goist – Okay, any questions from any Board members?

Mr. Bohac – No.

Mr. Baldin – No, Mr. Chairman, but I would like to thank the gentleman for trying to do the best you could for working with us, putting the corner on an angle and setting it back as far as you could. Thank you.

Mr. Zaleski – Thank you for your cooperation as well.

Dr. Goist – We had the Public Hearing at the last meeting so I would entertain a motion for the variance.

Mr. Harr - Mr. Chairman, I will make a motion that a request for an 18' 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 has proposed a fence 18' beyond the setback of the residence in the manner set forth in the drawing signed by the applicant on November

3) **DAVE ZALESKI, OWNER/Affordable Fence, Contractor, Cont'd**

**Mr. Harr continues** - 18, 2009 in order to Replace an Existing 6' Fence; property located at 10115 Prospect Road PPN 391-23-018 zoned R1-75 be approved.

Mr. Bohac – Second the motion.

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

ROLL CALL:                      ALL AYES:                      MOTION GRANTED

Dr. Goist – There is a twenty day waiting period and then you will be able to go back to the Building Department. You do understand what you have signed and where the fence is going to go?

Mr. Zaleski – Yes.

Dr. Goist – Okay. Thank you. The permit has been applied for already, right?

Mr. Kolick – You have to wait the twenty days before you can actually pick up the permit and do the work.

Mr. Allen – Is the same fence company going to do it or are you going to have a different fence company?

Mr. Zaleski – Oh, I am going to make him do it. That is my next hurdle here is to get him to do it.

Mr. Allen – What I'll have to do is review the permit application and give you a call.

Mr. Zaleski – Thank you very much.

Mr. Harr – The fence company will need your dimensions that you submitted tonight. They will need to be aware of those.

Mr. Allen – We have them already.

Mr. Harr – I'm talking about the fence company.

Mr. Zaleski – He will be aware of it when we issue the permit and I stick it in his face.

Mr. Harr – Otherwise, he'll be moving it a third time.

Mr. Bohac – Make sure he doesn't charge you as well.

3) **DAVE ZALESKI, OWNER/Affordable Fence, Contractor, Cont'd**

Mr. Baldin – Didn't he agree to move the fence for you?

Mr. Harr – He did.

Mr. Zaleski – He agreed to not only move the fence, he agreed to do all the paperwork, submit drawings, everything and so far I've done everything.

Mr. Harr – There is one section of it that already looks a little bowed.

Mr. Zaleski – That is where the gate is. It's supposed to be removable panels and they are screwed on and I'm not happy with that.

Dr. Goist – So, they are removable?

Mr. Harr – Self removable.

Mr. Zaleski - Well, you have to unscrew them. First, it's nailed. Normally they nail fence sections but he put big screws in it. So, I have to unscrew it while my kids hold the fence. On that drawing, is there a problem because the gate isn't mentioned?

Dr. Goist – No.

Mr. Zaleski – Thank you very much.

Mr. Bohac – Good luck to you. Happy Thanksgiving.

**RULING: VARIANCE GRANTED AS AMENDED**

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

Meeting adjourned at 8:09 p.m.

Signature on File  
Glenn Goist, Chairman

Signature on File  
Kathryn A. Zamrzla, Sec'y

Dec. 2, 2009  
Approval Date