

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
October 18, 2023**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé, Richard Baldin

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) MICHAEL LEMON & AUTUMN COOPER, (OWNERS)

Requesting a 20' front building setback from street centerline variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100' front building setback from street centerline and where an 80' front building setback from street centerline is proposed in order to construct a new single-family dwelling, property located at 20860 Wolzhaven Avenue, PPN 391-23-048, zoned R1-75

Mr. Hayden - Item number one is a request for a 20' front setback variance from street centerline to construct a new single-family dwelling on Wolzhaven Avenue.

Mr. Houlé - This will align it with the other homes on the street and we have approved at least one other request like this.

Mr. Evans – Mr. Chairman, I think it would be important to note that the code has changed a number of times since that development was done. The 100' setback was changed after many of those houses were built and that leads to a number of situations where the setbacks vary, which is a little bit different from the other one on our agenda. I want to be sure that we point out reasons that this request might be considered different.

Mr. Baldin – Good point.

2) JON MILLARD, OWNER

Requesting a 2' rear and 2' side yard setback variance from Zoning Code Section 1252.15 (a), which require a 5' rear and 5' side yard setback and where a 3' rear and 3' side yard setback are proposed to construct a 120 SF accessory structure, property located at 19275 Spinnaker Circle, PPN 397-25-054, zoned R1-75

Mr. Hayden - Item number two is a request for a 2' rear and 2' side yard setback variance for an accessory structure; however, it does appear that this shed is built and has already been constructed. I was struggling to find a hardship with this request, I believe there was enough room to operate within the current code.

Mr. Rusnov – Mr. Chairman, shouldn't you wait until the variance is granted before you build the shed?

Mr. Baldin – It is the normal procedure. When I went out there I did not see a shed but when I talked to you, you told me there was a shed up so, I went back and the shed was up. I borrowed a tape measure from one of the contractors and from the corner of the shed, past the fence and trees was 3'. Where is the property line there? I looked for pegs in the ground and I didn't see any.

Mr. Evans – I was surprised to hear that the shed was there because when I went out it was not there. We have four reasons for granting variances and unfortunately, I couldn't find any of those reasons that would fit this because there is enough room, there is not a topographical issue, and there is nothing that would preclude it from being in a swale and I can't justify it.

Mr. Hayden – We will see if there is a reason that the homeowner can justify it.

Mr. Baldin – We can talk to him on the floor.

3) THOMAS & DONNA ANGE (OWNERS), MIKE SHEETS, AGENT

Requesting a 120 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 320 SF Floor Area is proposed to construct an unenclosed aluminum awning over existing deck, property located at 18308 West Bend Drive, PPN 399-25-027, zoned R1-75

Mr. Hayden - Item number three is a request for an aluminum awning over an existing deck, which is a square foot floor area variance on West Bend Drive. This is in line with the requests we have received in our past meetings and I do not have an issue with this request.

Mr. Rusnov – I agree, maybe under the new code this would not be necessary for a variance.

Mr. Evans – The new code is not there now but this is an existing area that they would like to cover. We have talked about COVID and the changes it has brought about with people and their yards and because it is an existing area to be covered, it does meet the code requirement for a variance.

Mr. Houlé – We have Bent Tree’s homeowners association approval letter for this request.

Mr. Hayden – I don’t think it was mentioned under item number two but, they are also in a homeowners association and we have support from the homeowners association, as well.

4) BERNARD POLOMSKI & KELLEY CARMELI (OWNERS)

Requesting an 8’ front yard setback variance from Zoning Code Section 1252.04 (d)(3), which requires a 42.5’ front yard setback and where a 34.5’ front yard setback is proposed to construct a 336 SF garage addition, property located at 16973 Deer Path Drive, PPN 397-11-094, zoned R1-75

Mr. Hayden – Item number four is a request for an 8’ front yard setback for a garage addition on Deer Path Drive.

Mr. Evans – In the past we have granted variance for setbacks like this we have done it in places like Morris Road, Drake and Prospect, in places where there are a lot of different variations. The homeowner has presented us with a list of properties that may or may not be different. In this particular case the homes on Deer Path Drive are all pretty much in line but I did not drive the entire development but I lived on Turkey Meadow for 8 years and am familiar with the development. My problem is when you grant 8’ and set a precedent then you have someone else that wants 10’ and 12’ and they want a full garage length out from what the setback is and it becomes very difficult to manage. Hunting Meadows is not an active association so, at this point they would not play a role in approving or disapproving this request. I think that most of the other homeowner associations that are active generally take a position against breaking the setback line because it is very difficult situation and a slippery slope and once you allow one the others are likely to follow.

Mr. Hayden – A point to note, we do have some updated information that was handed to us by our Building Department Secretary regarding the distance from the sidewalk back to the garage and I would like to discuss that further with the homeowner on the floor. Based on these measurements, it does appear that the proposed setback is in alignment with some of these.

Mr. Baldin – When were these put in and were they put in when the homes were built?

Mr. Kolick – Mr. Chairman, when Hunting Meadows went in we adopted a code provision that allowed varied setbacks for the homes but they had to average the 35'. Those homes were all set and they were varied because at the time you didn't want to see a whole row of houses all lined up together and that was the code. You will see some and they are probably correct dimensions because they were setup that way by the Planning Commission purposely.

Mr. Evans – The other thing is without looking at the addresses Hunting Meadows does have a lot of streets that curve and wind; however, what we are looking at is a straight section.

Mr. Kolick – The Planning Commission would look at each setback, even though we did not see pictures of the homes, to see where it was to determine what distance they would be granted and that is why there are different setbacks there.

Mr. Hayden – Thank you, Mr. Kolick.

The Board members had no changes to the minutes of October 4, 2023

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 18, 2023
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Rusnov
Mr. Houlé
Mr. Evans
Mr. Hayden
Mr. Baldin

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Steve Molnar, Asst. Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this October 18, 2023 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT
	MR. HOULÉ	PRESENT
	MR. EVANS	PRESENT
	MR. HAYDEN	PRESENT

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on October 4, 2023. We discussed this in caucus and there were no corrections or changes needed and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) **MICHAEL LEMON & AUTUMN COOPER, (OWNERS)**

Requesting a 20' front building setback from street centerline variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100' front building setback from street centerline and where an 80' front building setback from street centerline is proposed in order to construct a new single-family dwelling, property located at 20860 Wolzhaven Avenue, PPN 391-23-048, zoned R1-75

Mr. Hayden - Item number one is a request for Wolzhaven Avenue. If we could have a representative step up to the microphone and give us your name and address for the record.

Mr. Tony Leonardi, LDA Builders, 6683 Old Eight Road, Peninsula, Ohio 44264

Mr. Hayden – Please spending a couple of minutes telling us about the project and the need for the variance.

Mr. Leonardi – We are proposing a new home be built on the lot, obviously it is a residential development. The buyers of the property, Michael and Autumn, did not realize there was a setback requirement of 100' from the center of the road when they bought the property, they just assumed that the house would be able to go in line with the other houses that are there. The three homes to the east are all at 80' back from the center of the road. Ideally, they would like to do that so they don't have to spend the extra cost in the driveway and utilities and also, so that they have a bigger backyard.

Mr. Rusnov – The code has been changed there repeatedly and it is so much different from when those original houses were built and if you are going to line up with the rest of the houses, I have no problem.

Mr. Hayden – I think Mr. Rusnov pretty much encapsulated all of it, this home will be in line with the others on the street and I didn't have an issue with this.

Mr. Evans - The code has changed and the setbacks of the other houses are pretty much in line. One of our goals as a Board is to try and mirror those homes that are around it so the setback in this case being at 80' would be right in line with that. Because the code changes there are things that happen and that is the reason this Board exist, that would be in line with reasons that we have to grant variances.

Mr. Baldin – I did not see any problems with this request.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, motion to approve request for a 20' front building setback from street centerline variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100' front building setback from street centerline and where an 80' front building setback from street centerline is proposed in order to construct a new single-family dwelling, property located at 20860 Wolzhaven Avenue, PPN 391-23-048, zoned R1-75

Mr. Evans – Second.

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans for the second. May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Hayden – Mr. Leonardi, this variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

2) JON MILLARD, OWNER

Requesting a 2' rear and 2' side yard setback variance from Zoning Code Section 1252.15(a), which require a 5' rear and 5' side yard setback and where a 3' rear and 3' side yard setback are proposed to construct a 120 SF accessory structure, property located at 19275 Spinnaker Circle, PPN 397-25-054, zoned R1-75

Mr. Hayden - Item number two is for Spinnaker Circle. If we could have a representative step up to the microphone and give us your name and address for the record.

Mr. Jon Millard, 19275 Spinnaker Circle, Strongsville, Ohio 44136

Mr. Hayden – Please share with us the need for the variance, I believe you were here during caucus and heard some of our comments regarding the construction of the shed. Please take us through that and if there are any hardships or topographical issues that we are missing.

Mr. Millard – Thank you, and I appreciate the Boards service here and what you all do, which is obviously a big part of what makes the City great. As far as the shed not being there, that was a scheduling thing, the delay of getting here and that is what the contractor could do. It is a success-oriented approach and there is some risk involved obviously with that but I felt with the circumstances and justification that I have written down and I will go over in a second. I need the shed because I have a growing family, I have 5 beautiful children and with a growing family comes a growing amount of stuff, especially when you consider all of the sports my children are in. As far as the circumstances for pursuing the variance, the first and highest priority for me is the safety of my children, the shed is set off where it would be pushed back within the 5' is the furthest distance from the common play area in the background for my children and also the neighborhood children who come over and play in that area. The second reason, is that there is a green line of mature trees and their associated roots are in the vicinity of the shed itself and they are my neighbors' trees. In order to meet the State of Ohio uplift requirements I needed that flexibility

to and put in an anchor in there. Another part of the justification is that it avoided some of the roots that are underneath the ground if I had not had the flexibility I could have damaged the roots of my neighbors' tree. A big part of it was meeting uplift requirements by the State which are flowed down to Strongsville. Finally, the location is preferred by my neighbors, even though it is on my property I have always valued and respected the opinion of my neighbors. I consulted with them and they recommended that I put it in that setback and I have a letter of support with their signatures from both of my adjacent neighbors.

Mr. Kolick – Mr. Chairman, for the applicant, if you are worried about the tree roots why are you going closer to your neighbor's property by putting it 3' versus 5'?

Mr. Millard – It is not necessarily the trunk of the trees but the roots underneath the surface and when you do uplift protection you have to anchor into the ground.

Mr. Rusnov – How deep are the anchors?

Mr. Millard – They are 3' deep.

Mr. Kolick – Also, for the applicant, there appears from the picture that there was an area where you had an accessory structure before?

Mr. Millard – Yes, on the right, there used to be a place out there; however, my children are getting older and more involved in sports.

Mr. Kolick – That was within 5' on both sides and met the setback requirements of 5' from the back and 5' from the side property lines?

Mr. Baldin – It definitely looks that way.

Mr. Millard – No, it was a little closer, I didn't have a permit specifically for that and it was closer to the property line and there was no uplift protection for that.

Mr. Baldin – Are you anchoring the shed into the ground or putting in footers? It looks to me that it will be just sitting on the ground.

Mr. Millard - I am talking anchors, which are anchors that you drill into the ground and they have wires that provide an uplift force of protection and there are four of them that go around the perimeter.

Mr. Baldin – I am not familiar with that, Steve can you please enlighten me.

Mr. Molnar - That is something we have been working with them on as far as sheds being anchored in, according to code. We do not want to see the building become a flying object.

Mr. Hayden – At this point it hasn't yet been anchored into the ground?

Mr. Millard – It has been anchored in the ground that was the flexibility I was requiring to push it back and that was the best spot.

Mr. Baldin – There is something not right here, our legal counsel made a comment that you were pushed back further than necessary because the roots but the further back you go to the trees the more roots you will find. If you bring it out and meet the code you would not have as many roots.

Mr. Millard – The tree line goes along the entire side of the property so, it is really just being able to find the sweet spot to get it in there.

Mr. Rusnov – Did you have a commercial survey done to show you where the lot lines are located?

Mr. Millard – No, I just had discussions with my neighbor and he actually pulled the pins a while ago.

Mr. Rusnov – He could have been off by a foot or two. Did you think about going on line and getting an aerial picture to see where the lot lines are because those are pretty accurate? The aerial photo will delineate with a white line where the property line is located.

Mr. Millard – When I consulted with the City I was informed that there was a topo map that I could receive from the City.

Mr. Molnar – We provided him a topo of his lot so that he could look at it and do his measurements. The issue I do have is that this was installed without obtaining a permit or zoning certificate.

Mr. Millard: Yes, it was again success-oriented and I felt like talking to the City Members about some of the justifications I had, there were some delays getting in here, and also it was not compatible with what the contractor could do, led to a situation where I had to pursue a success-oriented approach.

Mr. Baldin – The contractor that you hired, did he say anything about getting the permit for you?

Mr. Millard – I asked them if they would get the permit and they said no, the homeowners take care of that.

Mr. Baldin – Did they know a permit was needed before you contracted with them?

Mr. Millard – I don't recall if they knew or even discussed whether or not a permit was needed.

Mr. Rusnov – I asked them why they started the shed before the variance was issued, in fact I asked them twice, and they gave me the answer of talk to the property owner. A red flag for you should have been when they said they were not going to get the permit for you.

Mr. Millard – This is my first time getting a shed with them and they had great reviews online.

Mr. Rusnov - They put the cart before the horse, we always hear variances before the project is constructed and now we are going after the project is 100% complete and in place so, that makes our position a little difficult.

Mr. Houlé – Mr. Millard, your property is a corner lot, if I recall correctly, so you have a little more room than an average home in that area.

Mr. Millard – There are special requirements that the City has that states I can't interfere with the front yard of my neighbor behind me so it actually does limit it rather than expand the area for where I can place the shed. Which really restricts where I can put the shed on a corner lot.

Mr. Rusnov – Steve, is that correct.

Mr. Molnar – That is not from us.

Mr. Rusnov – The ultimate authority is the Building Commissioner.

Mr. Millard – I am pretty sure that it is on the setback pamphlet and it says on a corner lot that the structure has to be 6' back from the front of the house behind me and I'm pretty sure that is on the pamphlet on the City's website.

Mr. Hayden - For me personally I struggle with understanding the success-oriented approach when it was known that a variance was needed to be approved before it was built. This puts us in a tough spot because we are always very careful on setting a precedent and making sure we operate within the guidelines of a hardship and topographical issues. I do understand the safety of kids because that is one of our paramount responsibilities as well. Do I feel like this is a safety issue here, I'm not so sure, there is a lot of room in your back yard and 24" is not a lot of room to move a shed forward so that it is within code. This puts us in a tough spot because the project is done and I believe the Building Department does let you know that the project cannot be started until you have a permit.

Mr. Evans – Mr. Chairman, we do have homeowners association approval from Pearl East and if Mr. Millard has letters from his neighbors I would suggest that he present them to our Secretary so that they can be entered into the record. Mr. Millard, did you ask the contractor if they were licensed to do work in the City?

Mr. Millard – When I spoke with them they did mention that they had done business within the City of Strongsville but, they were not aware of the uplift requirements.

Mr. Evans- I don't believe that they are licensed in the City to do business. I think at this point you have made a number of critical mistakes and your success orientation is probably not going to hold up well for you. Mr. Chairman, should we grant the variance, I would recommend that we condition it on them being charged the penalty fee that is charge for doing work without a permit. I think that would be entirely appropriate at this point were we to grant the variance.

Mr. Kolick – Steve, do we know if this contractor is registered in the City?

Mr. Molnar – We would have to check and verify whether the contractor is registered.

Mr. Rusnov – They were reluctant to give me any information the two times I was out there.

Mr. Evans – Given the fact that there was no permit applied for, any contractor knows that has to be done if they are licensed in the City.

Mr. Hayden – Any additional comments from the Board?

Mr. Baldin – I just have a hard time with the explanation of the trees and the roots if he moved the shed further in he would have less of a problem with the trees and the roots.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Evans – Mr. Chairman, motion to approve request for a 2' rear and 2' side yard setback variance from Zoning Code Section 1252.15(a), which require a 5' rear and 5' side yard setback and where a 3' rear and 3' side yard setback are proposed to construct a 120 SF accessory structure, property located at 19275 Spinnaker Circle, PPN 397-25-054, zoned R1-75, if the application is approved the applicant shall be charged the fee for construction without a permit.

Mr. Rusnov – Second.

Mr. Hayden – Thank you, Mr. Evans for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

MR. HOULÉ	NO
R. EVANS	NO
MR. HAYDEN	NO
MR. BALDIN	NO
MR. RUSNOV	NO

MOTION DENIED

Mr. Hayden – Mr. Millard, this variance has been denied by this Board. Please check with Mr. Molnar.

3) THOMAS & DONNA ANGE (OWNERS), MIKE SHEETS, AGENT

Requesting a 120 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 320 SF Floor Area is proposed to construct an unenclosed aluminum awning over existing deck, property located at 18308 West Bend Drive, PPN 399-25-027, zoned R1-75

Mr. Hayden - Item number three is a request for West Bend Drive. If we could have a representative step up to the microphone and give us your name and address for the record.

Jeff Oslin, 26916 Greenbook Drive, Olmsted Falls, Ohio 44138

Mr. Hayden – Please spend a couple of minutes taking us through the project and the need for the variance.

Mr. Oslin – I am a representative of Bright Covers and I am looking for a variance on this property for an aluminum patio cover over an existing patio, which is roughly 320 SF.

Mr. Hayden – I am not sure if you were here during caucus, this is an improvement that we have seen time and time again, especially over an existing patio. I personally do not have an issue with this request because we have granted other ones similar to this before.

Mr. Rusnov – We have granted other ones similar to this and when the code is revised this would not have gone this far.

Mr. Houlé – The homeowners association, Bent Tree has given their approval.

Mr. Baldin – I think it will be fine.

Mr. Evans – Mr. Chairman, the only thing to note is that it is an existing patio and it would be difficult to do only a part of the patio for a cover. I think that is part of the exception and we noted in caucus that COVID has certainly changed the use of properties and having families enjoying their space so, this is in line with other ones we have granted under this type of situation.

Mr. Houlé – The property has no shade and that is part of the hardship because they need some shade back there to utilize the backyard.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Evans – Mr. Chairman, motion to approve request for a 120 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 320 SF Floor Area is proposed to construct an unenclosed aluminum awning over existing deck, property located at 18308 West Bend Drive, PPN 399-25-027, zoned R1-75

Mr. Rusnov – Second.

Mr. Hayden – Thank you, Mr. Evans for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES

MOTION APPROVED

Mr. Hayden – Mr. Oslin, this variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

4) BERNARD POLOMSKI & KELLEY CAMELI (OWNERS)

Requesting an 8' front yard setback variance from Zoning Code Section 1252.04 (d)(3), which requires a 42.5' front yard setback and where a 34.5' front yard setback is proposed to construct a 336 SF garage addition, property located at 16973 Deer Path Drive, PPN 397-11-094, zoned R1-75

Mr. Hayden – Item number four on the agenda is a request for Deer Path Drive. If we could have a representative step up to the microphone and give us your name and address for the record.

Kelley Carameli, 16973 Deer Path Drive, Strongsville, Ohio 44136

Bernard Polomski, 16973 Deer Path Drive, Strongsville, Ohio 44136

Bonnie Smith, 16105 Lorain Avenue, Cleveland, Ohio, 44111

Mr. Hayden – Please spend a couple of minutes talking about the project and the need for the variance.

Ms. Carameli - We are looking to extend the garage out 8', our family has a lot of adult drivers and with so many cars it doesn't look aesthetically pleasing in the driveway. We would like to put those into a garage space and also build out the garage space to allow for some project areas for our own home work and storage areas within the garage. It is a great development that has a lot of nice aesthetic appeal to it and we wanted to make sure that we are aligning with that and putting things inside the residence, instead outside on the driveway.

Mr. Polomski – It is a nice house and I have lived there for 20 years but there has always been one thing, I never had a really good workstation because the garage is not that big it's 23' x 23' and you can park two cars in it but you really can't walk around them. I am trying to keep everything aesthetically pleasing with all the other houses in the neighborhood and I think the plans will show that and bring the house out a little bit. I am not asking for a whole garage length, I am just asking to come forward and out a little more so the house doesn't look like it is added onto.

Mr. Rusnov – Is that a total of 8' with nothing on the side?

Mr. Polomski – There will be 8' forward and 8' on the side.

Mr. Kolick – There is no side yard infringement and it is still 10' off of the property line and the existing home is 18' off the property line.

Ms. Smith – I would like to add that it is a lovely subdivision and a large subdivision, to Mr. Kolick's point the houses were originally constructed with varying distances from the street which does give a nice appearance to the subdivision. When I researched the setback line I did see that it was 42'-6" in that area. I've driven through that area and there are some homes that are a little closer to the street as you all have mentioned, in one of the exhibits I brought this evening there is no scientific rhyme or reason to it so I thought why don't I just see if this was one of those subdivisions where there was a hard and fast front setback line. In using the County GIS website as a resource, I did not survey it, it is not scientific but it is pretty accurate and it will add on the property lines and if you ask it for dimensions it will give different distances and there is one that is as close as 31'-6". The streets that I looked at were Deer Path and Bear Creek and there were some homes that were closer and some are the same setback. I brought the exhibits for your consideration and I am respectfully requesting that you grant this variance.

Mr. Kolick – To explain on what I said earlier, when the Planning Commission laid this out they looked at each lot to determine how far they should come out and where they should vary the sublots. This is because they did not want to come out too far and block the site line of the home to the right or to the left. They did allow varied setbacks so that you would not have just a straight line of houses and they spent a lot of time looking at just where those front setbacks should be set.

Mr. Rusnov - Deer Path is a pretty straight street, some of the other one's curve quite a bit.

Mr. Kolick - You do have the authority to vary it, if you want, but that was the reason it was set up that way.

Mr. Evans – The side yard with the addition would be at 10', there is also I believe 10' on the other neighboring house. So, am I not correct that there needs to be 15' between them; therefore, they could actually go an additional 5' in the width without having a variance.

Mr. Kolick – Correct, without having a side yard setback variance.

Mr. Evans – Ms. Smith, the question I would like to ask is, are you going to rebuild the roof of the garage?

Ms. Smith – Correct, our plan is to rebuild the roof and keep the same roof pitch as the rest of the house so stylistically when it is done it will be a little updated and fit in with the rest of the neighborhood.

Mr. Evans – The reason I asked that questions and the reason I asked Mr. Kolick the question is because your objective is to be able to get space to work in the garage area and our objective is putting that 8' closer to the street sets it off from the others. Where you only want 8' the next one will want a full garage length or 10', 12', or 14', and they are going to say, you allowed them to do that and our problem with granting a precedent like this is it creates difficulty for us as a Board that tries to look out for the City in its entirety. My question is, can you go 5' wider? This would give you the space that you are getting from the 8', you could also go a little bit deeper and lose the window in the laundry room. I only say that because we lived in a house on Turkey Meadow and we did something very similar, we took out the window in the laundry room to put an addition next to it, because that was the only way we could create space. I am trying to think of how we could accommodate your needs because you have been here for 20 years and were not telling you to go somewhere else; however, we want to try and be creative in solving the problem for you without coming 8' closer to the street.

Mr. Rusnov – Mr. Evans is trying to give you a reasonable alternative where you might not need a variance to accomplish what you are looking for, without us creating a precedent. If you wish to reconsider your request, we can table this and you come back to the next meeting with the drawings of how you would want to change this.

Mr. Evans – They may not need a variance.

Mr. Rusnov – If you would like to go with what you have and we vote no on it, you won't get the variance and will not be able to come back here next week to try it again.

Ms. Carameli – May I ask the Council's opinion, if a variance were not the full eight feet but less than that?

Mr. Rusnov – We do not want to change the frontage on the house at all, at least I don't. I was involved with the land development, loans and appraisals when this subdivision was built so, I know some of the thought processes. What we are trying to do is open the door for you.

Ms. Carameli – I appreciate that, the one consideration I have is that in the back of the house there is a beautiful large tree, eventually that tree will need to come down. If we build much further out on the property it would be difficult with the neighbor having a fence, to actually remove that tree someday and that is one of our considerations, in not moving the addition to the side.

Mr. Rusnov – Consider everything we have said and go from there; the choice is yours. If you would like to go back to the drawing board and table this and you can come back with a revised drawing or roll with what you have.

Mr. Polomski – Part of my issue is the depth of the garage itself. The garage was built for compact cars and if you pull a normal size car in there you can barely walk around the front of it, depth is an issue in the garage. That is why I always wanted to expand it out, do I need 8', I can be negotiable and I understand you all want to make things aesthetically pleasing.

Mr. Rusnov – We don't want to set a precedent and like Mr. Evans said if we grant you approval the next guy is going to want 10' and 20', just like with the height of sheds.

Mr. Polomski – I understand that, so what would be accommodating?

Mr. Rusnov – We have given you some suggestions.

Mr. Polomski – Like we said if anything happens in the backyard, if we want to take down the tree or we wanted to put in a pool, you can't access the backyard.

Mr. Baldin – How far is the tree from your home?

Mr. Polomski – It is all the way in the very back and there is a fenced in yard next door and they would have to tear down the fence. Those were things taken into consideration and we also thought of maybe doing a side loaded garage because we have seen a couple of other houses that have that option but that would have changed the driveway.

Mr. Kolick - Mr. Chairman, for the applicant, understand usually if the Board grants any front setback variances they are in older areas not built up with a lot of vacant land. Those are really the only front yard setback variances that we generally grant but not in existing subdivisions because part of the problem we have besides setting a precedent is people come in and believe the subdivision is all built up and the front of the homes are where they are supposed to be. Then we get complaints from people that come to the City Council meeting asking, why are they building closer to the road? So, usually in existing subdivisions whether it is High Point, Ledgewood or wherever it is, we generally hold the line on the front yard setbacks and we are usually more agreeable for something in the rear yard because it will not be seen.

Mr. Baldin – Are you planning to run a business out of the garage?

Mr. Polomski – No, I actually work right on the corner here on Route 82 at Ganley GMC, I don't need to, I work on cars enough.

Mr. Hayden – Would you like to move forward with this request as you have it written?

Ms. Carameli – Yes.

Mr. Rusnov – Are you sure?

Ms. Carameli - I understand our alternative is if we change our building plans to not include a variance than, if that is the decision if it is not granted. Would we return back to the Committee here?

Mr. Kolick – No, if they deny the variance and you come back with a plan that complies with the code, you won't need to come back before this Board. You would submit the plans to the City and request a building permit.

Ms. Carameli – We would appreciate having the Council weigh in on the arguments we have presented tonight because if the alternative is no than we won't need to come back to the Council again.

Mr. Kolick – Okay, we can act on what they have.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, motion to approve request for an 8’ front yard setback variance from Zoning Code Section 1252.04 (d)(3), which requires a 42.5’ front yard setback and where a 34.5’ front yard setback is proposed to construct a 336 SF garage addition, property located at 16973 Deer Path Drive, PPN 397-11-094, zoned R1-75

Mr. Baldin – Second.

Mr. Hayden – Thank you, Mr. Houlé for the motion and Mr. Baldin for the second. May we have a roll call please?

ROLL CALL:

MR. HAYDEN	NO
MR. BALDIN	NO
MR. RUSNOV	NO
MR. HOULÉ	NO
MR. EVANS	NO

MOTION DENIED

Mr. Hayden – Unfortunately, this variance has been denied by this Board. Should you draw up different plans that are within code you would not need to return. If you have additional questions please reach out to Steve in the Building Department.

Mr. Hayden – Mr. Kolick, please draw up the Findings of Fact and Conclusion of Law for the items on the agenda that were denied tonight.

Mr. Hayden – Our next meeting is set for November 2, 2023, which is on a Thursday.

Mr. Hayden – If there is no further business this meeting is adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date