

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
August 23, 2023**

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

Administration: Assistant Law Director Daniel Kolick

Building Commissioner: Ted Hurst

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) **JUDY KAPLAN (OWNER), GREAT DAY IMPROVEMENTS, AGENT
(TABLED AT AUGUST 9, 2023 MEETING)**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of an existing nonconforming building, for the construction of a seasonal patio enclosure onto an existing deck
and
- b) Requesting a 17' rear yard depth variance from Zoning Code Section 1253.11 (c)(5), which requires the rear yard depth be not less than 50' and the applicant is proposing a 33' rear yard depth, for the construction of a seasonal patio enclosure onto existing deck, property located at 19364 Ridgeline Court, PPN. 397-28-053, zoned R1-75

Mr. Hayden - Item number one was tabled at our August 9, 2023 meeting. This is for a sunroom addition and we were awaiting homeowner's approval which we have now received.

2) **SAMUEL & DIANE GUAGENTI (OWNER), RICK JOZITY, AGENT**

- a) Requesting a 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered patio
and
- b) Requesting a 31'- 5" rear yard depth variance from Zoning Code Section 1253.11(c)(5), which requires the rear yard depth be not less than 50' and the applicant is proposing an 18'- 5" rear yard depth for the construction of a 442 SF addition onto an existing house, property located at 10795 Creek Moss Lane, PPN. 391-08-049, zoned R1-75

Mr. Hayden - Item number two is a square foot floor area variance and rear yard depth variance for an unenclosed covered patio. This is something that we have seen quite a bit, improvements to the home after COVID.

Mr. Houlé – They are on a pie shape lot and have a large open back yard.

Mr. Rusnov – A little birdie told me that they are revising the code, when they have a chance.

Mr. Houlé – The homeowner’s association has approved it also.

Mr. Hayden – They are backing up to common area.

3) DUNKIN DONUTS (OWNER), ELIZABETH EAKEN – METIS, AGENT

- a) Requesting a wall sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign and where two wall signs totaling 37.5 SF are proposed
and
- b) Requesting a 7'- 9" lot line variance from Zoning Code Section 1272.12(g), which permits the minimum distance from a lot line to be 15' and where a lot line distance of 7'- 3" is proposed to install two ground directional signs
and
- c) Requesting a 1.72 SF single face sign area variance from Zoning Code Section 1272.12(g), which permits a 3 SF single face sign area and where a 4.72 SF single face sign area is proposed to install two ground directional signs
and
- d) Requesting a 16" height variance from Zoning Code Section 1272.12(g), which permits a height of 42" and where a height of 58" is proposed to install two ground directional signs, property located at 8810 Pearl Road, PPN. 395-06-009, zoned R-RS Restaurant Recreational Services

Mr. Hayden - Item number three is Dunkin' Donuts which is a new restaurant going in on Pearl Road and there are several variances requested for signage.

Mr. Houlé – We had approved this for another business last year, I believe it was for Jiffy Lube and they had some issues with ecological concerns. As far as the lot line, I am fine with that and as far as the signage they are asking for less square footage even though they want two but, in the past, we have agreed to that. I am just not sure how everyone else feels about the other signage.

Mr. Evans – The height from 42" to 58", I understand it may be Dunkin's new standard but I do not seriously think they need the height variance.

Mr. Hayden – That was the question I was going to ask when we are on the floor, is if they can bring the height down.

Mr. Rusnov – If they can adhere to the code on Item Number D.

Mr. Baldin – I agree.

Mr. Evans – A very good presentation and I am glad that Dunkin' is coming in but, the height of the drive thru signs is a corporate standard that needs to change and they would need to figure out something else.

Mr. Rusnov – Because we would be setting a precedent.

Mr. Hayden – Agreed, we do have a representative from Metis and we can discuss that with them on the floor.

Mr. Evans - I did ask Mr. Kolick and Mr. Hurst if a parking setback was necessary because to me it look like that was awful close.

Mr. Hurst – No, I have reviewed this with George Smerigan, in the generality of the code it calls for the 25' but in the specifics of the code the parking on the side street is allowed to be 20', so it does meet the code.

Mr. Kolick – We have just received the plans for the restaurant itself, if something else would appear they can come back here if they have to. They took a quick look at what they had and they didn't see anything on the variances for anything other than the signage.

4) XHULJA IFRIM (OWNER)

Requesting a 5' 10" setback variance from the sidewalk on a corner lot from Zoning Code Section 1252.17, which requires a 16' setback variance from the sidewalk on a corner lot and where a 10' 2" setback variance from the sidewalk on a corner lot is proposed for an existing fence, property located at 17135 Misty Lake Dr, PPN. 397-23-137, zoned R1-75

Mr. Hayden – Our last item on the agenda is on Misty Lake Drive. This is a setback variance from a sidewalk request for an existing fence, which is on a corner lot. We have received an email from a homeowner with safety concerns regarding obstruction. He had concerns about the early morning school buses and as Mr. Kolick and I discussed there is a driveway in which there may be some view obstruction, which needs to be addressed.

Mr. Evans – As I understand, this is an unfortunate situation because when the applicant applied for the permit they were given information on what the setback requirements were. However, the application was administratively approved and now the fence exists. That is a high traffic area, Drake is certainly one of the busiest streets in the City and there are two streets that intersect at that point. There is a lot of traffic, kids, school buses, and people backing out of driveways, I have a very high concern about whether or not the variance should be granted. We will need to find out from the applicant what they understood and why the applicant missed the setback requirement in the information they were given.

Mr. Hayden – We do have HOA approval for this but I feel like we have been very consistent in the past with obstruction and safety, it has always been a primary concern of ours.

Mr. Rusnov – Has there been anyone from the police department to address the safety issues, like Officer Drlik?

Mr. Hayden – No.

Mr. Evans – I would think that is an option that this Board has as well, it may be a requirement of this Board to have this looked at. We have certainly done that in the past when we had some questions.

Mr. Baldin – Were they given the wrong instructions by the department?

Mr. Kolick – No, the department gave them a listing which says they have to be 16’ off of the sidewalk but they did submit plans showing where the fence is to be located and we did stamp those plans approved. The permit was issued but was issued in error but that does not change the fact that you as a Board can only consider granting a variance if it meets the conditions and one of those conditions is clearly that it will not harm the community, neighbors or whatever, that is one of the four conditions. If you feel that it does, any type of view obstruction can be very serious and this area as noted by Mr. Evans you are talking about a busy street, Drake. This isn’t way down into the subdivision where there is a whole lot less traffic and school buses do use it and we certainly want to make sure that it is safe for our children.

Mr. Houlé – It is such a high fence and it is solid, at least 6’.

Mr. Hayden – Yes, it is a 6’ white vinyl fence

Mr. Baldin – I pulled into the driveway next to the fence to see if it would be a problem and it really was not that bad when you are backing out.

Mr. Hayden - The driveway behind?

Mr. Baldin – Yes.

Mr. Evans – It depends on what time of day it is.

Mr. Baldin – That’s the other thing, there was a gentleman coming down the sidewalk on a bicycle and I had to take a second look.

Mr. Hayden – Okay, we will discuss more with the homeowner.

The Board members had no changes to the minutes of August 9, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
August 23, 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. Hurst, Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this August 23, 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. Before us we also have minutes to approve from our meeting on August 9, 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) JUDY KAPLAN (OWNER), GREAT DAY IMPROVEMENTS, AGENT
(TABLED AT AUGUST 9, 2023 MEETING)**

- c) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of an existing nonconforming building, for the construction of a seasonal patio enclosure onto an existing deck
and
- d) Requesting a 17' rear yard depth variance from Zoning Code Section 1253.11 (c)(5), which requires the rear yard depth be not less than 50' and the applicant is proposing a 33' rear yard depth, for the construction of a seasonal patio enclosure onto existing deck, property located at 19364 Ridgeline Court, PPN. 397-28-053, zoned R1-75

Mr. Hayden - Item number one on the agenda is a continuation from our last meeting and this is a public hearing. If we can have the representative come forward to the microphone and state your name and address for the record.

Ms. Jessica Skimin, Great Day Improvements, 1943 Midway Drive, Twinsburg, Ohio 44087

Mr. Kolick – Please briefly take us through your project and the need for the requested variances.

Ms. Skimin – We are putting in an enclosure on the back of the home onto an existing deck. We are going to reinforce the deck so that it does meet code and carry our enclosure properly and it will be a gable glass enclosure.

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 – We were waiting for the homeowner's association approval for this and we did receive it, because it was just the regular architectural review form I did contact Sean Grandage, who is the President of Deerfield Woods to make sure he understood a variance was required and they did understand and approve it with the variance. I just wanted to have that on record.

Mr. Rusnov – Mr. Chairman, motion to approve a request for a variance from Zoning Code Section 1274.06, which prohibits the extension of an existing nonconforming building, for the construction of a seasonal patio enclosure onto an existing deck and a request for a 17’ rear yard depth variance from Zoning Code Section 1253.11 (c)(5), which requires the rear yard depth be not less than 50’ and the applicant is proposing a 33’ rear yard depth, for the construction of a seasonal patio enclosure onto existing deck, property located at 19364 Ridgeline Court, PPN. 397-28-053, zoned R1-75

Mr. Evans – Second.

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

ROLL CALL:

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

MOTION APPROVED

Mr. Hayden – 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.

Mr. Kolick – Keep in touch with the Building Department and make sure they have everything they need during that 20-day period.

2) SAMUEL & DIANE GUAGENTI (OWNER), RICK JOZITY, AGENT

- a) Requesting a 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered patio
and

- b) Requesting a 31'- 5" rear yard depth variance from Zoning Code Section 1253.11(c)(5), which requires the rear yard depth be not less than 50' and the applicant is proposing an 18'- 5" rear yard depth for the construction of a 442 SF addition onto an existing house, property located at 10795 Creek Moss Lane, PPN. 391-08-049, zoned R1-75

Mr. Hayden - Item number two on the agenda is on Creek Moss Lane. If we can have the representative come forward to the microphone and state your name and address for the record.

Rick Jozity, Meriaki Architects, 6887 Smith Road, Middleburg Heights, Ohio 44130

Mr. Hayden – Please briefly take us through your project and the need for the variances.

Mr. Jozity – I am here representing the owner for an addition to his home on Creek Moss Lane. The addition consists of an enlarged master bedroom with a walk-in closet, and an associated addition to the spare bedroom next to the master bedroom, along with an unenclosed patio addition to the west, with a concrete patio and a cover over it.

Mr. Hayden – As noted this is in a HOA and we do have approval from their Board. We have seen quite a bit of this type of improvement here recently.

Mr. Houlé – As noted in the caucus this is on a cul-de-sac so it does open up in a pie shape appearance and it should be no problem and it looks great.

Mr. Hayden – This does back up to a common ground behind it as well.

Mr. Evans – Is there any plan to enclose this at any point down the road?

Mr. Jozity – The over-hang?

Mr. Evans –Right.

Mr. Jozity – No.

Mr. Baldin – I have no questions, I went back to take a look and I didn't see any problems. It wasn't staked out but I understood from the print and it shouldn't be a problem.

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 a request for a 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered patio and a request for a 31'- 5" rear yard depth variance from Zoning Code Section 1253.11(c)(5), which requires the rear yard depth be not less than 50' and the applicant is proposing an 18'- 5" rear yard depth for the construction of a 442 SF addition onto an existing house, property located at 10795 Creek Moss Lane, PPN. 391-08-049, zoned R1-75

Mr. Rusnov – Second.

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

ROLL CALL:

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

MOTION APPROVED

Mr. Hayden – 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.

3) DUNKIN DONUTS (OWNER), ELIZABETH EAKEN – METIS, AGENT

- a) Requesting a wall sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign and where two wall signs totaling 37.5 SF are proposed
and
- b) Requesting a 7'- 9" lot line variance from Zoning Code Section 1272.12(g), which permits the minimum distance from a lot line to be 15' and where a lot line distance of 7'- 3" is proposed to install two ground directional signs
and
- c) Requesting a 1.72 SF single face sign area variance from Zoning Code Section 1272.12(g), which permits a 3 SF single face sign area and where a 4.72 SF single face sign area is proposed to install two ground directional sign
and
- d) Requesting a 16" height variance from Zoning Code Section 1272.12(g), which permits a height of 42" and where a height of 58" is proposed to install two ground directional signs, property located at 8810 Pearl Road, PPN. 395-06-009, zoned R-RS Restaurant Recreational Services

Mr. Hayden - Item number three on the agenda is Dunkin' Donuts. If we can have the representative come forward to the microphone and state your name and address for the record.

Elizabeth Eaken, Metis Design Services, 175 East Erie Street, Suite 303. Kent, Ohio 44240

Mr. Hayden – Please briefly take us through your project, I know you were here for caucus and heard some of our comments around the height so, if you could address that as well.

Ms. Eaken – The first item of the variances is for the Pearl Road elevation where we are permitted one sign and we are requesting two signs. The building you are looking at is a national standard prototype that Dunkin' uses throughout the country for identification. The added Strongsville Runs on Dunkin' piece is there to really add some interest to the building. You can see that the brown siding behind it is a little bit different and that just

adds more interest to the building. The Strongsville Runs on Dunkin sign is not an internally illuminated sign it is just solid PVC and there are a couple of lights above it that light the sign. I did mention and you talked about this in caucus that the combined square footage of the two signs is still less than what is permitted so, we would just ask that you would permit us to have the two signs. I don't think that it is over signed if you look at it holistically and it adds interest to the building. Regarding the directional signs, in terms of the setback from the property lines, we are requesting variances for that which is driven by the fact that we are putting our driveways as far away from the intersection as possible and because we are doing this it means that those signs are closer to the property line. In terms of the size, it is a new standard that Dunkin' Corporate has just released these kinds of larger and taller signs. I can appreciate your statement about the height and I do not think we would object, I mean I wouldn't continue to argue with you about requesting the variance.

Mr. Rusnov – What you previously said that one variance is driven by the location and that was an existing building that Dunkin' acquired. So, you are limited to where you can put signs etc., and you talk about the driveway being the furthest from the street or intersection and if you could cut the height down to code.

Ms. Eaken – Yes, we will do that, absolutely.

Mr. Hayden – So, if you are going to cut the height down to code you can eliminate Request D.

Mr. Kolick – So, you will withdraw Request D?

Ms. Eaken – Yes.

Mr. Hayden – We did discuss this in caucus that the two signs are something that we have approved before as long as it remains within the square footage and this is well within that. It was also noted that we didn't have a big issue with the lot line variance.

Mr. Rusnov - They are limited to where they can put it.

Mr. Houle – I think you are allowed 191 SF and you are only asking for 37.5 SF which is certainly quite reasonable.

Ms. Eaken - Yeah, I think so.

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 a request for a wall sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign and where two wall signs totaling 37.5 SF are proposed and a request for a 7'- 9" lot line variance from Zoning Code Section 1272.12(g), which permits the minimum distance from a lot line to be 15' and where a lot line distance of 7'- 3" is proposed to install two ground directional signs and a request for a 1.72 SF single face sign area variance from Zoning Code Section 1272.12(g), which permits a 3 SF single face sign area and where a 4.72 SF single face sign area is proposed to install two ground directional signs, property located at 8810 Pearl Road, PPN. 395-06-009, zoned R-RS Restaurant Recreational Services

Mr. Baldin – Second.

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

ROLL CALL:

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

MOTION APPROVED

Mr. Hayden – These variances have 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. Mr. Kolick, is there anything else they need to do during that time?

Mr. Kolick – Keep in touch with the Building Department in case there is anything else you need to submit.

Ms. Eaken – Okay, I am scheduled to meet with the Architectural Review Board as well.

4) XHULJA IFRIM (OWNER)

Requesting a 5' 10" setback variance from sidewalk on a corner lot from Zoning Code Section 1252.17, which requires a 16' setback variance from sidewalk on a corner lot and where a 10' 2" setback variance from sidewalk on a corner lot is proposed for an existing fence, property located at 17135 Misty Lake Dr, PPN. 397-23-137, zoned R1-75

Mr. Hayden – The last item on our agenda is on Misty Lake Drive. If we can have the representative come forward to the microphone and state your name and address for the record.

Xhulja Ifrim, 17135 Misty Lake Drive, Strongsville, Ohio 44136

Mr. Hayden – Please take us through your project and the need for the variance. I believe you were here during caucus and heard some of concerns about the project, if you could address those as well.

Ms. Ifrim – We submitted, well I submitted because my husband and couple of his friends did the work so, we submitted the permit and obviously he should have probably read the fine print that comes with it but he didn't. So, we just looked at the drawing and saw it got approved and he actually went back more, it was only 6' away from the sidewalk and we actually did 10.5' so we looked at the drawing and said okay it was approved and that is what they did. If we do push it back in another 5', if you see the drawing there are two trees there, it is either we will have to cut a tree or I don't know, like go in between the two trees and I'm not sure how that would work.

Mr. Hayden – You were here during caucus and a lot of our comments were surrounded around safety. That is one of the biggest things that we focus on and we are very consistent especially when considering variances off of a sidewalk and especially on a corner lot where there may be buses and kids. So, I definitely understand the concern about the trees but it doesn't overshadow the fact that there are some safety issues here.

Ms. Ifrim – For the school buses, there are actually no school buses that stop on Drake. The school bus actually stops right in front of our house on Misty Lake and the people across from us on Drake walk their kids over in front of our house and that is where the bus stops. I've never seen a bus stop on Drake, so I wasn't sure where the bus concern came from.

Mr. Evans – It doesn't stop on Drake, you are correct it stops on Misty Lake.

Mr. Rusnov – There are only two stops east of Howe, one is a neighbor three doors down from me and there is a constant problem with people not paying attention to the lights.

Mr. Kolick – Mr. Chairman, for the applicant, understand the reason for the required setback in the code, you know on a corner lot you have to be able to see people coming up and down the sidewalk and when you are backing out of your drive and pulling out into the street. Particularly, on Drake it becomes important because it is not a minor side street as you well know, if you have lived here for any period of time. There is a lot of traffic on Drake so it is a concern and yes, our department did not catch it on your plan, you are correct and we are not faulting you for what you did other than you still are not in compliance with the code and you still could be raising a safety problem.

Ms. Ifrim – Yeah, I completely understand. As far as our neighbor's driveway goes, I know it is another 5' back and their driveway is pretty long and I saw some people come out. I think there is still another 20' to their driveway from the start to our driveway so they would still have a lot of room. So, I don't know.

Mr. Kolick - It is the site distance from the driveway to your fence. If someone is coming down the sidewalk they have to be able to see if they are backing out around your fence. That is why the code requires the distance back from the sidewalk and we are concerned about if a little kid is coming on a tricycle or something that they're not going to be able to see him if the fence is out to close to the sidewalk. I'm sure you don't want to see anyone get hit either.

Ms. Ifrim – No, for sure. I also know that we did leave a good amount between our fence and the neighbor's driveway and we didn't go all the way back to their house. So, I don't know if that helps as far as having enough room to see them once they pass our fence. We did not go back to back to their fence, if that makes sense.

Mr. Rusnov – Would a condition of having the police department take a look at this be prudent?

Mr. Hayden – I think that is a good suggestion.

Mr. Rusnov - Can we condition this variance on that?

Mr. Kolick – No, if you want them to look at it, then let's have them look at it, and table it. We did get a letter from an individual who complained about not being able to see down Drake already, so be aware. If you want to do that just do it, we can start the public hearing and leave it open and come back again if that is the determination of this Board.

Mr. Houlé – There may be a compromise between where these trees are and the 10'5" that is there now, to get it closer with the approval of the police department, so we can see what they have to say.

Mr. Baldin - We might be able to angle that corner, as well. Another thing, I would like to ask the Building Commissioner; who was your builder and who put the fence up?

Ms. Ifrim - It was my husband and a couple of his friends.

Mr. Baldin – You did not have a contractor put it up?

Ms. Ifrim – No.

Mr. Evans – Ms. Ifrim, you are the owner who originally brought the house?

Ms. Ifrim - We moved there about two years ago.

Mr. Evans – You guys put the deck on and it is on a corner lot and it is very exposed so, I certainly understand the reason for wanting the fence. Drake is 35 mph as a speed limit and most of the traffic goes up and down there between 40 and 50 mph, that is part of the reason why having the fence back even a little bit further makes it better for anybody on the sidewalk, cars going in and out, in particular at Misty Lake they are seeing traffic coming from the fire station. It is not a big distance and while we understand that it may have been administratively approved, the problem is that it really sets a bad precedent for us from a safety standpoint. That is the reason we would have the police department take a look at it to determine whether or not the setback can stay as it is or whether it does need to go back that 5'.

Ms. Ifrim – I completely understand.

Mr. Rusnov – We just don't want a tragedy.

Ms. Ifrim – No, I completely understand, it is a busy street and accidents happen all of the time around there so, I totally get it.

Mr. Kolick - What you may want to consider is we can send our Police Officer who is trained in these types of things to see if there is an alternative that may work for you and not necessarily completely comply with code but at least move it back where it won't be a safety hazard. That is an alternative you might want to consider, I don't know where these trees are in relation to the whole fence but there may be a way to work around the trees. You may be able to reduce the variance from what it is so that we can navigate it safely. Another thing we have done is cut the corner off, because the driveway is on your side of the fence. If the driveway was on the other side of the fence it would not be as much of a problem but since it is on your side and they have to be able to see maybe you can angle the corner and that it is something else to consider.

Ms. Ifrim - I don't know if I am allowed to ask this question, is it the house directly behind us or is it the one house after?

Mr. Hayden – What we are referring to?

Mr. Rusnov – The driveway closest to you.

Mr. Baldin - The one right behind you is the driveway I pulled in so I could see how it looks and that is what the Safety Officer is going to do. Looking at your print the trees are setback a little bit. I made a comment a little earlier but as our legal representative told you probably cutting that on angle would be a big advantage instead of moving the whole fence back but let's wait to hear what the officer is going to say.

Mr. Rusnov – What we are trying to do is remove the safety hazard, that is the most important issue here. The other stuff we can work with and that is where the police officer is going to be worth his wait in gold.

Ms. Ifrim – Okay.

Mr. Hayden – What we are going to do is hold the public hearing and leave it open.

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 tabled for now.

Mr. Hayden- We did receive an email from a resident and we would like to read that email so that it is on record, during the public hearing:

Email read into the record for:

Ralph Technow, 16539 South Red Road Drive, Strongsville, Ohio 44136

This is to inform and advise that I Ralph Technow residing at 16539 South Red Rock Dr., 44136 do hereby protest the 5' 10" set back from the sidewalk due to the following reasons:

- 1) Each school morning the school bus waits on Misty Lake Drive diagonally across from the residence of 17135 Misty Lake Dr. It is waiting to stage the beginning of its route for the first group of student pick up which is on the next corner of North Red Rock Dr. The waiting bus blocks the south lane of Misty Lake causing vehicles behind it to come into the northbound lane to pass around it. This causes congestion and requires vigilance in observing west bound Drake Road traffic which is now blocked from viewing due to the solid fence obstruction.
- 2) Each day when stopping at the stop sign on north bound Misty Lake Drive, the fence obstructs my view causing me to gradually enter the crosswalk intersection to see if there's a vehicle coming. I don't believe coasting through a crosswalk is legal operation of a vehicle
- 3) During the early morning sunrise, the shiny white fence reflects the red sun causing temporary vision blindness. For these specific safety reasons, I believe the illegal obstruction must be removed.

Mr. Hayden – We will leave the public hearing open.

Ms. Ifrim – Okay.

Mr. Kolick - We ask you to get in touch with our Secretary and she will set up a time that they can meet with you, where the Police Department and the Building Department can all go out there and see if they can come up with some resolution with you due to the unfortunate circumstances that have arisen with this and make it safe. If need be you can come back to see us here at the next meeting.

Ms. Ifrim – Could they possibly come to a conclusion that it is safe?

Mr. Kolick – We will leave that up to the Police Officer to make that determination, he knows what he is doing, he is an expert in the area, we will let him come in with his report.

Mr. Hayden – If he does review this and he deems this to be safe, is there still a need for a variance?

Mr. Kolick – He will give us a report that we can act on it, the variance is still pending. We will give the Police Officer the letter from the individual who objected to it as well as the application and everything else that we have. We will table this.

Mrs. Anderson - The meeting that was scheduled for September 6, 2023 has been moved to September 13, 2023. Also, the meeting scheduled for September 20, 2023 has been moved to September 27, 2023.

Mr. Hayden – If there is no other business to come before this Board, we are adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date