OKay as Submitted

CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
Meeting of
December 19, 2018
7:30 p.m.

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlé, Tom Smeader
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Brian Roenigk
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

There are no new applications.

PUBLIC HEARINGS

1) **ROBERT HOUSER, OWNER/Derek Ross with D & D Contractors LLC, Representative**

a) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 240 SF Garage Extension;

b) Requesting a 4.5' variance from Zoning Code Section 1252.04 (e), which prohibits less than 25' between detached One-Family Dwellings and where the applicant is proposing 20.5' between the proposed Garage Extension and the adjacent One-Family Dwelling; property located at 20639 Morar Circle, PPN 394-22-143, zoned R1-100.

The Board indicated they believe there will be no negative impact on neighbors, and specified that architecturally it will fit in nicely with the surroundings.

2) **CARL AND SHANNON HENDRIX, OWNERS**

Requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 20' encroachment into the Rear Yard Setback is proposed in order to construct a 440 SF Deck; property located at 19327 Ridgeline Court, PPN 397-28-064, zoned R1-75.

The Board mentioned this is a corner lot, and after examination it doesn't seem like there will be a problem with this request.

3) **WESTWOOD PLACE/ Howard S. Chapman, Representative**

Requesting a 5' Setback variance from Zoning Code Section 1272.07 (b), which requires a 10' minimum Setback from the right-of-way and where a 5' Setback from the right-of-way is proposed in order to construct a 24 SF, 5'6" high Ground Sign; property located at 18800 Westwood Drive, PPN 396-10-012, zoned Senior Residence (SR).

The Board indicated there would be no presentation or public hearing during the meeting since the applicant withdrew its application.

4) <u>STEPHEN MACGILLIS, OWNER</u>

Extension of the December 13, 2017 determination of the Board of Zoning and Building Code Appeals:

a) Requesting a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed;

b) Requesting a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed;

c) Requesting a variance from Zoning Code Section 1252.03 to permit an Accessory Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75.

The Board discussed this extension from one year ago, and they noted the initial request was modified as the applicant went on with their plans. They stated nothing changed since they appeared before the Board last. The Building Department mentioned the topo was approved Thursday. The Board indicated there have been complaints from neighbors about materials sitting on the property for a year. Counsel advised the variance could be granted for a 6 month period, or whatever reasonable amount of time the Board chooses, instead of granting the applicant another a full year. Counsel also explained the Code states the applicant only needs to substantially start the project by that date, so he'll have some extra time to finish after the time period has expired.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
December 19, 2018

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

Present:
Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Smeader
Mr. Houlé

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this December 19, 2018 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us this evening minutes from the December 5th, 2018 meeting. We found a minor change, but if there are no further corrections we will submit these minutes for the record with that one change. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department. Also item number three on our agenda, Westwood Place, has been withdrawn by the applicant. So we will not be hearing that item tonight.

Mr. Kolick then stated the oath to those standing and anyone who wished to participate.

Mr. Evans – Our meetings are divided into two portions. Tonight we will start with public hearings since we have no new applications.

NEW APPLICATIONS

There are no new applications.

PUBLIC HEARINGS

1) ROBERT HOUSER, OWNER/Derek Ross with D & D Contractors LLC, Representative

a) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 240 SF Garage Extension;

b) Requesting a 4.5' variance from Zoning Code Section 1252.04 (e), which prohibits less than 25' between detached One-Family Dwellings and where the applicant is proposing 20.5' between the proposed Garage Extension and the adjacent One-Family Dwelling; property located at 20639 Morar Circle, PPN 394-22-143, zoned R1-100.

Mr. Evans – Thank you, first on the agenda tonight is Robert Houser. Please have a representative come up and give us their name and address for the record.

Mr. Ross – Derek Ross, 10170 Norwalk Road, Litchfield.

Mr. Evans – Thank you, Mr. Ross. The applicant is requesting two variances in order to construct a garage that is an addition to the house, is that correct?

Mr. Ross – Yes.

Mr. Evans – At this point we've all been out to the property to look at it. I don't think there's anything special about it. It's an addition to the garage. We asked at the last meeting whether the applicant intended to run a business out of that because that's what we always ask when people add on to their garages, and your indication was that he was not planning on doing that.

Mr. Ross – No.

Mr. Evans – Are there any further questions or comments from the Board?

Mr. Rusnov – No.

Mr. Baldin – No questions.

Mr. Smeader – We have the HOA approval letter for this one.

Mr. Evans – Thank you, Mr. Smeader, we do have the HOA letter. Is there anything else? This is a public hearing. Is there anyone here this evening who would like to speak for the granting of these variances? Is there anyone here who would like to speak against the granting of these variances? Hearing none and seeing none, I will close the public hearing and I will now entertain a motion.

1) ROBERT HOUSER, OWNER/Derek Ross with D & D Contractors LLC, Representative, Cont'd

Mr. Rusnov – I make a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 240 SF Garage Extension; and also approve a request for a 4.5' variance from Zoning Code Section 1252.04 (e), which prohibits less than 25' between detached One-Family Dwellings and where the applicant is proposing 20.5' between the proposed Garage Extension and the adjacent One-Family Dwelling; property located at 20639 Morar Circle, PPN 394-22-143, zoned R1-100.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed, and then you may start the project. You're all set.

Mr. Ross – Thank you.

Mr. Evans – Thank you.

2) CARL AND SHANNON HENDRIX, OWNERS

Requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 20' encroachment into the Rear Yard Setback is proposed in order to construct a 440 SF Deck; property located at 19327 Ridgeline Court, PPN 397-28-064, zoned R1-75.

Mr. Evans – Next on our agenda is Hendrix on Ridgeline Court. Please have a representative come up and give us their name and address for the record.

Mr. Hendrix – Carl Hendrix, 19327 Ridgeline Court. I'm the owner.

Mr. Evans – Thank you, Mr. Hendrix, and you are proposing to replace a patio with a deck?

Mr. Hendrix – Yes.

Mr. Evans – Are there any questions for Mr. Hendrix from anyone or any observations?

2) CARL AND SHANNON HENDRIX, OWNERS, Cont'd

Mr. Rusnov – No.

Mr. Baldin – No questions.
Mr. Smeader – No questions.

Mr. Houlé – It should be a nice addition to the backyard.

Mr. Hendrix – Thank you, yes, it'll be an improvement over the busted concrete we took out of there for sure.

Mr. Evans – This is a situation like the one we just had before us here where the topographical area is on a corner lot, and it's replacing exactly what was there. It requires a variance because of the setback so it's not really changing the situation dramatically or anything. Is there anything else?

Mr. Houlé – We do have the HOA approval letter from Deerfield.

Mr. Evans – Thank you. We do have the HOA letter from Deerfield Woods. Is there anything else? This is a public hearing. Is there anyone here this evening who would like to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will close the public hearing and I will now entertain a motion.

Mr. Smeader – I make a motion to approve a request for a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 20' encroachment into the Rear Yard Setback is proposed in order to construct a 440 SF Deck; property located at 19327 Ridgeline Court, PPN 397-28-064, zoned R1-75.

Mr. Houlé – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed, and then you may start the project. You're all set.

Mr. Hendrix – Thank you, and Merry Christmas to all of you.

Mr. Evans – Thank you.

2) CARL AND SHANNON HENDRIX, OWNERS, Cont'd

Mr. Smeader – Thanks.

Mr. Rusnov – Thank you.

Mr. Baldin – Merry Christmas to you.

3) WESTWOOD PLACE/ Howard S. Chapman, Representative

Requesting a 5' Setback variance from Zoning Code Section 1272.07 (b), which requires a 10' minimum Setback from the right-of-way and where a 5' Setback from the right-of-way is proposed in order to construct a 24 SF, 5'6" high Ground Sign; property located at 18800 Westwood Drive, PPN 396-10-012, zoned Senior Residence (SR).

Mr. Evans – Item number three on our agenda as I indicated has been removed at the request of the applicant.

4) STEPHEN MACGILLIS, OWNER

Extension of the December 13, 2017 determination of the Board of Zoning and Building Code Appeals:

a) Requesting a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed;

b) Requesting a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed;

c) Requesting a variance from Zoning Code Section 1252.03 to permit an Accessory Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75.

Mr. Evans – That moves us to item number four on the agenda, MacGillis on Shurmer and Hunting Meadows Drive. Please have a representative come up and give us their name and address for the record.

Mr. MacGillis – Good evening, Stephen MacGillis, 16917 Shurmer Road, here in Strongsville.

Mr. Evans – Thank you. We talked in caucus a little bit, and I want to review the situation. We had granted several variances last year with the idea that you would have substantial construction underway within a year.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. MacGillis – Correct.

Mr. Evans – We believe that the lot split has been accomplished that needed to be done. You've also given some of the information to the City and we recently got the topographical survey, which was required for the City to be able to move forward in the approval process. You have not started construction or anything yet, correct?

Mr. MacGillis – Correct.

Mr. Evans – OK. So that fits with the general process in terms of what the City has to do because you could not do construction until the approvals had been rendered by the City. Is there anything that the Building Department needs to let us know in terms of consideration of the process that has been followed here?

Mr. Roenigk – Nothing at this time.

Mr. Evans – OK.

Mr. Kolick – I have a question for the applicant. Why the year here to get to this point?

Mr. MacGillis – To be honest I ran into a couple hiccups. My surveyor that did the original lot split and consolidation retired at the end of last year. He was my uncle who did it, and I was actually his last project. When I turned the information to the City, I thought this was all I needed. I gave the Building Department a set of blueprints for the house on August 1st. At that point they requested quite a bit of other information that I wasn't expecting. I would usually expect them on a commercial projects, but not so much on residential ones. I had to get all that in line as well as well, of course, an updated topo. When I had my surveyor come out to do the updated topo, he said that he never found the lot split and consolidation completed. The surveyor knows the City pretty well because he's worked with you guys quite a bit with it. We came to realize that the lot split was never completed back in January like I thought it had been because I hadn't provided them the Mylar copy which I was not aware that I needed to have. At that point I was going through the process and since then the Engineering Department has made multiple request for changes on the topo. To be honest a lot of them I agree with, but it has just taken two or three weeks at a time to get it updated. I'm happy to hear that last Thursday it was granted. I hadn't heard yet.

Mr. Kolick – Mr. MacGillis, what do you think is your time period now to have it done? Obviously you've brought the parts of the home, which we expected, but we don't want to just them sitting there forever on the lot.

Mr. MacGillis – Believe me, I agree.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Kolick – What is the time period needed to get this house under construction?

Mr. MacGillis – As soon as the Building Department gives me the go-ahead, I've got an excavator lined up, and I have a brick guy lined up. As you say all the parts are sitting there, and they are all 8 by 10 Oak beams. They're mortars and cut out so it would make it a lot easier to do it in the winter because they are smaller when they are shrunk. As soon as I'm given the go-ahead, I'd like to be out there the next day to dig. I'm ready for it.

Mr. Kolick – For the Building Department, we have the topo approved as far as getting him a building permit, and having all that in line.

Mr. Roenigk – There's been a partial review on it. There are some structural questions that are going to be addressed to the owner. Mr. Miller who does the review is on vacation for the holidays. He'll be back right after Christmas. I'm sure he'll be in contact with the owner then.

Mr. Kolick – Our Ordinances require that you need to be under substantial construction, do you think 6 months would give you more than sufficient time to be under substantial construction? You don't have to have everything done, but we need to know it's going forward and it's not just going to sit there.

Mr. MacGillis – Right, well as long as the Building Department gives me the approval, like I said, I'm rearing to get this thing going. I'm ready.

Mr. Kolick – Alright, Mr. Chairman.

Mr. Evans – Thank you Mr. Kolick. So let me take a quick step back here. The reason why you are doing this unusual project is because you've dismantled and brought an 1860's vintage home from somewhere else, and you are reconstructing it on your property. There is also a barn on the property now. The lot split allowed you to have access to Hunting Meadows Drive in order for you to put a driveway through to the house. Then there is an adjoining lot that was 75'; that was taken down to 60', and that property is eventually going to be built on as well with another house on that property. Is that all correct?

Mr. MacGillis – Correct. That is the intent, yes.

Mr. Evans – OK. So again, as we had said back a year ago, there were opportunities for you to do things with that lot as it existed, but you wouldn't have been able to do what you wanted to. We've had other situations in the City where we've done a keyhole of property in order to get into a larger piece. We've got several of them on Drake Road, and a number in other locations on Prospect, and so forth. We've even got some that happen to be in High Point where I live. We've done that in order to put a driveway through in a relatively narrow stretch in between homes to access a

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Evans continues - piece of property that was land-locked behind it. It's not the first time in the City that we've done something like that. Are there questions or comments from the members of the Board? Do you have any observations to make?

Mr. Baldin – No, not really.

Mr. Evans – OK. This is a public hearing. Is there anyone here this evening who would like to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Would the gentleman with the glasses come forward please? We'll need your name and address for the record, please. Then we'll move through the crowd as needed.

Mr. Coray – My name is Thomas Coray, 16956 South Meadow Circle. I was here a year ago to oppose the initial variance.

Mr. Evans – Yes.

Mr. Coray – I'm here to oppose the extension of the variance. I think it's funny that one of my concerns last year was the very same thing that is happening. Where you're going to grant it, pin the time limit, but he wasn't getting anything done, and here we are a year later. We have a century old house basically sitting under a tarp. So have any of you had the opportunity to visit the site?

Mr. Rusnov – You mean that big pile of wood?

Mr. Coray – Yes the big pile of wood, the party tent, and everything else.

Mr. Rusnov – With the tarp, and the cover and everything, yes.

Mr. Coray – That's OK with you? You don't see that as a problem?

Mr. Rusnov – I don't want to comment if it's OK. My opinion is that it is OK if it conforms to the City's regulations.

Mr. Coray – You think it does? You don't think it's in violation of any of the Ordinances?

Mr. Kolick – You are not here to question the members of the Commission. You're here to make a statement.

Mr. Rusnov – Make your statement.

Mr. Kolick – That's fine Sir, make your statements, and the Board will consider that when determining what action to take. They are not here to be cross-examined by anybody.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Coray – OK. Well, I think he's in violation of your Codified Ordinances 1252, Temporary Building and Enclosures. I think the party tent should have been removed because construction was not diligently pursued. I think he's in violation of Codified Ordinances 1442:08, Duties of Owners, Operators, and Occupants. There is refuse on the property; it talks about natural growth, ground surface hazard. There's accumulation of storm water. There's also a chimney and flue which I'm sure hasn't been maintained or is structurally sound. So I'm very opposed to this. It's been a year, and nothing has happened other than him erecting a party tent, chopped down some trees that have been scattered about the property. There's wheel barrels, a pile of wood shavings, and an old trailer on the property as well. I'm not the only one who's opposed to this. I went around and got signatures from neighbors on South Meadow's Circle and Hunting Meadow Circle who are in the same boat as me. They are not a fan of this project. They are not a fan of giving him his extension.

Mr. Kolick – You can present that to the Board.

Mr. Evans – Mr. Coray you can present that to us, that's fine. Thank you. Mr. Coray the problem that we often encounter as a Board is that although a project may seem that is should be able to be accomplished within a time that we set out, sometimes that doesn't take place for any number of different reasons. In this particular situation, the legality of having a lot split done and having things prepared for the project to move forward in order for the City to approve it, it did take time. That's an unfortunate thing when those things occur because we can't necessarily control that, all we can do is determine whether the applicant made a good faith effort to make those things that they told us they would do happen. Now in terms of cleaning up the property, and in terms of whether or not the tent should be there or not, there are administrative ways that we can have the Building Department address those. Based on your comments, I believe that they probably should be done. At this point though, it doesn't necessarily change the reason that we originally granted the variance. It does mean that we have to look at it as whether or not it's still appropriate, and whether or not there are still reasons within the Code that we have to determine whether variances can be granted. So we will certainly take your comments into consideration. I know that you spoke a year ago as did several of the other people. It is still up to this Board to make a decision as to whether or not the extension should be granted. Perhaps with different conditions or whatever we feel are appropriate. Your comments are taken under consideration. We have the document that you've given us with the names on it, and we'll take a look at those as well.

Mr. Coray – You're probably going to tell me I can't do this, but if this was happening in your neighborhood would you guys be OK with this? You seem to be a big fan of the project.

Mr. Rusnov – No, I'm not a fan one way or the other. I'm here to listen to what both sides have to say. We're not advocates for anybody. My opinion of my neighborhood if this was going to go up is that I don't have an opinion at this point. I'm not an advocate, I'm here to listen. My mind isn't made up by the way.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Evans – Yes. Mr. Coray, as Mr. Kolick indicated your job is not to inquisition the Board members.

Mr. Coray – I'm just curious about how you guys feel because you do this stuff every day. For me, it's really easy, like I said. I look across the thing and I see property, I don't know, you guys know, you deal with this all the time.

Mr. Evans – We deal with this throughout the City.

Mr. Coray – You guys have a good feel about this I'm sure about what's probably good for the general public, and what would be good for what's going on.

Mr. Kolick – The City is concerned about this. That's why we did ask question to the applicant in the beginning. We're not going to let this load of wood with a tent over it stay there forever. That is a concern of ours. That's why we've asked the applicant when this thing is going to go up. I think the Board may put shorter time constraints on it, although I can't speak for the Board, but we did talk in caucus for the very reason that we don't want it there forever either. It's not appropriate to stay there forever. Just like any other construction job, materials come on site and they stay there. There are some legitimate reasons in this case for why it's still there, but it doesn't mean that no matter what this Board does that it's going to stay there forever. One of our very concerning items was the topo on this property. We wanted to make sure that topo was done correctly so there weren't any other waters going on to any other adjoining lots. They finally corrected that and got it, so it's not that we're not listening to your concerns because we are very concerned about it. In fact, I think one of the Board members brought it up about a month ago asking about the status of the property. That was regardless of the applicant requesting an extension on it. So believe me, it's a concern of the City, the City is going to monitor it, and this property is not going to stay that way forever. Again, I can't speak for the Board as to how long they may consider even extending it, or if they will consider it at all. My point is that we are concerned about it, and I want you to know that. Thank you.

Mr. Coray – I appreciate that. Other than that, that's about it. I had some other things to say, but you know I'm just very concerned about what progress has been made. I'm very concerned about the additional stuff that needs to be done with it; particularly excavations, and other things. From what I've seen so far on the project and the state of the way things have gone, I'm very concerned about that.

Mr. Evans – Understood.

Mr. Coray – That's about all I have to say. Hopefully you'll take that into consideration when you make your decision.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Evans – OK. Thank you. Let's move right across the row there. The next individual, if you would please come forward and give us your name and address for the record.

Mr. Harper – Don Harper, 16931 South Meadow Circle. I was here listening at the last hearing a year ago, and some things were said then that I just couldn't quite envision that Counsel repeated today that similar variances have been approved all over the City. I know what it's going to do to the neighborhood there, and I just can't imagine that happening anywhere else in Strongsville. What I'd like to do, because I don't believe he's going to do anything in the next month, is would it be possible to get a couple addresses of where this type of variance has be approved so people could see and make their own decisions.

Mr. Evans – The information can probably be furnished, but at this point it's not an issue that goes before the public in terms of a decision. That is this Board's responsibility and duty to make those decisions. We can probably provide the group that is here some locations that they can go look at, but again, every situation is different and all I can tell you is that every piece of property in Strongsville people want to build on. In this case, as we indicated a year ago, the applicant can build on these properties, and could do something that you still might not like but do it without a variance. In this case, the individual, for accomplishing what they wanted to, it was necessary for them to get a variance. The Building Department required that. They required the topo's so that there's not any runoff that adversely affects properties that are around it or any of those types of things. We take into consideration as much as we can in terms of legislating, if you will, what they can and cannot do on individual properties. As you've read in the paper, we cannot tell people necessarily to a finite degree what they can and can't do with their property. We can try and control it, but as you've heard with commercial properties and residential properties and everything else, there are lots of different things that people want to do with their properties. Our attempt often times is to try and control and mitigate the impact it's going to have on neighboring residents. We believe we had put conditions in place that would render that effectively. In this case, delays have not made that happen, but we still believe that the choice that we made last year was an appropriate one. That means now we have to make choice again this year which is all new criteria to consider.

Mr. Harper – OK. I get all that. I understand all the delays and stuff like that.

Mr. Rusnov – One thing, if this were 20 years ago, you would have much more land available to build on. What you've got left like in some of the older cities like Independence, Seven Hills, and Strongsville, you have large parcels that could be split to have a house for your grandkids or whatever you wanted to do with it. That's where they have to conform to the Building Codes, and the degree of difficulty goes up as the amount of land shrinks. I fully understand the concerns with the timeframes as we were originally also. Does that shed a little bit of light on anything?

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Evans continues - developments are ones that live there or are perhaps coming as guests. A lot of them are residents. Hopefully at this point, at least from our experience, this isn't going to create any more of a problem than what is already there. We think that again, if done the right way it will be a good addition to the community. At least that's what we approved last December.

Mr. McConaughey – It does connect back there right? To Shurmer?

Mr. Evans – Which connect? The one lot does, and the other does not.

Mr. McConaughey – No, the walkway. Is that what you were talking about?

Mr. Evans – It goes to Shurmer, but it doesn't go all the way through to whatever the one is off of Howe and there used to be a walkway that connected through to Hunting Meadows, and it's not connected anymore. OK? Alright, is there anybody else who wishes to speak against the granting of the variance? OK. Mr. MacGillis, if you'd like to come back up, perhaps you can ask you to address some of the concerns that you've heard.

Mr. MacGillis – Absolutely. To be honest, I understand that the lot at this point does not look the prettiest. Again, everything that we've done, we started to cut out the trees where the driveway was supposed to go with the anticipation that we were going to get approval, and get this thing moving. We thought we've have the excavator move the trees for me because obviously they are 500 or 600 lbs. I didn't just want to chop them up into firewood so that I'd have them stacked in a pile in the backyard. I can move them, it's not a huge issue. My concern is that a year ago I went and knocked door to door to talk to the neighbors and the couple I talked to had no issues with it. In the year that I've been there and I've been working in the back, and they've seen me, they know where I live, and no one has come to knock on my door to ask for an update on the project. They never asked if I could move that wheel barrel because it's kind of unsightly. I don't mind if the neighbors would like me to do something for them, and I have no problem with it. I just don't like being blindsided. Just come to me instead of writing to the City first. Come to your neighbor. You're going to be living next to me.

Mr. Kolick – I think it's just natural and common sense that everybody wants to see properties cleaned up.

Mr. MacGillis – Absolutely.

Mr. Kolick – They don't want to see wheel barrels out there.

Mr. MacGillis – Sure.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Kolick – They don't want to see anything that is going to attract rodents, and whatever, and I think the key to the City is that we want to know that you are going forward, and that you're going to get this done in a reasonable amount of time. So all of the wood underneath that tarp can come out, and it can be finished. That's what we're looking for. Without getting into any conflict between neighbors or what you feel they should do and what they feel you should do. I don't think that's a concern of this Board. The Board's concern is that if this variance is extended, we aren't sitting here again a year from now having the same conversation. I'm not suggesting that you would do that. I'm suggesting that we've got to know that this project is going to come to fulfillment.

Mr. MacGillis – Absolutely. I don't think that tent would last another 6 months anyway.

Mr. Rusnov – Mr. Kolick, can we set a reasonable timeframe for this build to take place so this is not open-ended? Let's say like 3, 6, 8 months? Some timeframe that would be reasonable.

Mr. Kolick – I think given our weather and where we are at, 6 months would be a reasonable time for him to do it. We know we're going to have good weather in that period of time. Or at least we all hope we do. I think that's a reasonable enough timeframe for him to do it. I think granting another year would be unreasonable given the circumstances, but it's up to the Board. You set the time period that you want.

Mr. Rusnov – Do you want us to vote on it?

Mr. Kolick – You have to set the time period.

Mr. Baldin – I think it's come up in the Board's discussions about setting a 6 month period. As you stated, you want to start ASAP depending on the weather. As long as you get the permits and as long as you get the OK here this evening. I think 6 months is a very reasonable amount of time. We can put that into our minutes here.

Mr. MacGillis – Sure, right. OK. That would be great. I'd appreciate that.

Mr. Kolick – You should limit it if that's the intention of the Board, and make it June 1st. That gives him 6 months.

Mr. Evans – You'll need to talk to the Building Department so all of those pieces are in place should we grant the variance. At that point, ensure that the project move at a timely place. I think also taking a look at things and making sure that you are doing things that are going to present the image that you want for the neighbors.

Mr. MacGillis – Absolutely.

Mr. Kolick – OK.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Evans – Alright, is there anything else gentlemen?

Mr. Rusnov – No.

Mr. Evans – Alright.

Mr. Baldin – In the back there.

Mr. Evans – Mr. Coray, I'm going to let you come forward, if you will, that's not typically what we do but I'm going to entertain a question if that's what you have.

Mr. Coray – I remember the last time we had the discussion about the stipulation that he had to have his house complete before he could start on the second house, and if he didn't complete the first house in that amount of time then he wasn't able to build the second house. Am I misunderstanding that?

Mr. Evans – That was part of our discussion, but we didn't actually make that a stipulation. The Building Department monitors that type of thing. Our job was in terms of the construction of the century house, and that was the only thing that the variances pertained to. The other property has not had any applications for variances, and they have not done anything with that. Nor would we be likely to entertain anything on that. So there was nothing that tied the two together that we approved.

Mr. Coray – OK. So right now it's just for…

Mr. Evans – The century house is the only thing we're dealing with.

Mr. Coray – OK. Thank you.

Mr. Evans – Alright. Then I will entertain a motion.

Mr. Baldin – I make a motion to approve a request for a 15' Lot Width (East) variance from Zoning Code Section 1252.05, which requires a minimum 75' Lot Width and where a 60' Lot Width is proposed; and also approve a request for a 60' Lot Width (West) variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 15' Lot Width is proposed; and also approve a request for a variance from Zoning Code Section 1252.03 to permit an Accessory Structure on a lot without a main building; property located at 16917 Shurmer Road and Hunting Meadows Drive, PPN's 397-06-012 and 397-06-002 zoned R1-75; with the stipulation that this project be under substantial construction by June 30th, 2019.

4) STEPHEN MACGILLIS, OWNER, Cont'd

Mr. Kolick – I don't want to hear that the City is holding up electrical or plumbing or anything else. I think we've had enough delays with this. There should just be substantial construction underway no later than June 30th. Then the City will be watching. It doesn't mean that we want to see construction stop then. We want it to be completed and brought to a conclusion.

Mr. Houlé – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

Mr. Smeader – Just make a note that this is an extension of the December 13, 2017 determination of the Board of Zoning and Building Code of Appeals.

Mr. Evans – Thank you, and so noted, Mr. Smeader. OK. We have a motion and a second, may we have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The extension of the variances have been granted to June 30th. You've heard the admontion of the various members of the Board here. You need to get together with the Building Department to make sure that everything is taken care of, and get things underway.

Mr. MacGillis – OK.

Mr. Evans – The extension is subject to a 20 day review from City Council as well, and you'll be notified by the Building Department at the conclusion of the 20 days. Hopefully we won't see you back here again. OK?

Mr. MacGillis – Thank you very much.

Mr. Evans – Thank you. Is there anything else to come before the Board this evening? Then we will stand adjourned.

Mr. Evans, Chairman | Kathryn A. Zamrzla, Sec'y | 1/9/19 Approval Date