

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

**Meeting of
August 12, 2020
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, David Houlié, John Rusnov, Dustin Hayden

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretaries: Kathy Zamrzla

The Board members discussed the following:

1) SETH YOUNG AND JULIA ROSS, OWNERS

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck;
- b) Requesting a 4' Side Yard Setback (North) variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback (North) and where an 11' Side Yard Setback (North) is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck; property located at 15435 Old Oak Drive, PPN 393-11-009, zoned R1-75.

Mr. Roenigk stated that there was an error on the agenda and it should say 7.5' Rear Yard Setback variance where a 7.5' Rear Yard Setback is proposed. Also, requesting a 6.5' Side Yard Setback variance where an 8.5' Side Yard Setback is proposed. Mr. Baldin stated that there is common ground behind the property and Mr. Evans stated the lot is odd shaped.

2) TRACEY PROCACCINI AND MICHAEL BARRINGTON, OWNERS

- a) Requesting a 197 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 520 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 6" Height variance from Zoning Code Section 1252.15, which permits a 15' Height and where a 15' 6" Height is proposed in order to construct a 520 SF Accessory Structure; property located at 19720 Royalton Road, PPN 392-35-015, zoned R1-75.

Mr. Evans stated that this item was removed at the applicant's request.

3) SHAWN AND LORA PUSKAR, OWNER

Requesting a 10.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 924 SF Paver Patio encroaching 10.5' beyond the main

dwelling into the Side Yard Setback; property located at 18878 Ledgestone Drive, PPN 394-31-048, zoned R1-75.

Mr. Baldin stated that this property is very large and private, and it looks like the job was started before the permit was obtained. Mr. Houlé stated that there is common ground abutting the property. The homeowner's association has given its approval.

4) GREGORY AND CAROLINE PARIS, OWNERS

- a) Requesting a 12' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 1,000 SF Concrete Patio and Pavilion encroaching 12' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 26' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 1,000 SF Concrete Patio and Pavilion; property located at 19193 Blue Spruce Drive, PPN 394-25-063, zoned R1-75.

Mr. Evans stated that there is common property abutting a side of the property. Mr. Houlé commented that this may be a replacement. Mr. Roenigk commented that a pergola is going to be added although a variance is not required for the pergola. There will be an Engineering final inspection due to the drainage issues that exists. There is a homeowner's association approval letter.

5) UNION HOME MORTGAGE, OWNER/Thad Vasko with TCV Development, Representative

Requesting a 23' Side Yard Parking Setback variance from Zoning Code Section 1262.08 (c), which requires a 25' Side Yard Parking Setback from the Dow Circle right-of-way and where a 2' Side Yard Parking Setback from the Dow Circle right-of-way is proposed in order to install Additional Parking Spaces; property located at 14955 Sprague Road, PPN 395-12-001, zoned Research and Development (RD).

The Board stated that this request is similar to the original approved request from many years ago and those documents are in the packet. Mr. Baldin commented that this update to the parking would be an asset.

6) SHENG LONG YU, OWNER

- a) Requesting a 10' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 737.50 SF Concrete Patio and a 600 SF Concrete Patio encroaching 10' beyond the main dwelling into the Side Yard Setback;

- b) Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 737.50 SF Concrete Patio and a 600 SF Concrete Patio; property located at 17393 Pioneers Creek Circle, PPN 397-28-019, zoned R1-75.

Mr. Evans stated that this property also backs up to common ground and there are topographical issues. Mr. Houlé stated that a side yard setback on the other side of the house should be added to the agenda because of what he saw while visiting the property. Mr. Baldin stated that the property is large. Mr. Roenigk stated that the job was started prior to issuance of a permit and a stop work order was issued.

7) LAURA GACSADY, OWNER/LEDGEWOOD ASSOCIATION

Requesting a 3' variance from Zoning Code Section 1252.18 which prohibits a Fence encroachment and where a Fence encroaching 3' onto PPN 396-05-049 is proposed; property located at 17524 Fallingwater Road, PPN 396-09-041, zoned R1-75.

Mr. Evans stated that this was added back to the agenda because the applicant now has an approval from the Ledgewood HOA to approve an easement.

8) JOSHUA AND GORDANA DIMACCHIA, OWNERS

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback is proposed in order to install a 648 SF In-ground Swimming Pool;
- b) Requesting a 6' Side Yard Setback variance from Zoning Code Section 1252.29 (b) 1(1), which requires a 15' Side Yard Setback and where a 9' Side Yard Setback is proposed in order to install a 648 SF In-ground Swimming Pool; property located at 10200 Forestview Drive, PPN 398-10-074, zoned R1-75.

Mr. Evans stated that we are looking for a possible downsizing of the pool and that we now have received the Pine Lakes HOA letter.

The Board approved of the minutes for the June 24, 2020 meeting as well as the Findings of Fact and Conclusions of Law regarding the decision of the Board regarding Phuong Lien.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
August 12, 2020

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this August 12, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL FIVE MEMBERS 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. If you are here this evening for item number (2), which is Procaccini and Barrington that item has been withdrawn at the owners request. We have before us minutes from June 24, 2020. We talked about it in caucus. Unless there are other comments we will submit those to the City as they were given to us for review. We have Findings of Fact and Conclusions of Law from the Board meeting of July 22, 2020. We discussed those in caucus and as well. I will entertain a motion to approve.

Mr. Houlé – Mr. Chairman, I make a motion to approve Findings of Fact and Conclusions of Law regarding Phuong Lien decision of the Board from July 22, 2020.

Mr. Rusnov – Second.

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

ROLL CALL: ALL AYES: MOTION APPROVED.

Mr. Evans - If you are here this evening and wish to speak as a presenter or wish to comment during one of the Public Hearings, we now ask you to stand and the Assistant Law Director will swear you in as well as our representative from the Building Department and our Secretary.

Mr. Kolick stated the oath to those standing.

1) **SETH YOUNG AND JULIA ROSS, OWNERS**

- a) Requesting a 7.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 7.5' Rear Yard Setback is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck;
- b) Requesting a 6.5' Side Yard Setback (North) variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback (North) and where an 8.5' Side Yard Setback (North) is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck; property located at 15435 Old Oak Drive, PPN 393-11-009, zoned R1-75.

Mr. Evans – Thank you. Item number (1) is Mr. Young and Ms. Ross from Old Oak Drive. If we have a representative here if you will come forward. Please state your name and address for the record.

Mr. Young – My name is Seth Young and my address is 15435 Old Oak Drive.

Mr. Evans – Thank you, Mr. Young. During the caucus we talked about the fact that on this particular variance the original measurements that were done by the Building Department did not include the concrete walk around the pool, which are a part of the variance. So on item (a) it will be a 7.5' instead of the 5' rear yard setback variance where a 7.5 rear yard exists or is proposed and on item (b) it would change from 4.5' and from 8.5' in item (b). Those two items just wanted to make sure that they were in the record as being corrected. Mr. Young, tell us about the project and why it is that you need to put it where you propose. I will mention that we have all been out to visit all of the properties that are on the agenda tonight so we have all seen them. Sometimes there have been someone home and sometimes there isn't. It depends on when we're going to look at them. Give us a quick rundown on the project and why it has to be where it is.

Mr. Young – I'm looking to put in a swimming pool for the family with a concrete deck around it. The property is an odd shape because of the way the street is sloped at an angle so the setback of the house had to be so far so the rear yard is rather small, smaller than the front yard, in order to get the pool away from the foundation of the house and requesting a variance.

Mr. Evans – We talked in caucus about the fact that it is a trapezoid shaped lot and that is one of the criteria that we have for granting a variance and there is common area surrounding a couple of sides there so neighbor's would not be directly impacted. We do have the homeowner's association approval on that. Any other questions or comments? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience

1) **SETH YOUNG AND JULIA ROSS, OWNERS**

Mr. Evans continues - who 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, I would like to make a motion to request a 7.5’ Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15’ Rear Yard Setback and where a 7.5’ Rear Yard Setback is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck and a 6.5’ Side Yard Setback (North) variance from Zoning Code Section 1252.29 (b) (1), which requires a 15’ Side Yard Setback (North) and where an 8.5’ Side Yard Setback (North) is proposed in order to install a 648 SF In-ground Swimming Pool, 500 SF Patio and 850 SF Pool Deck; property located at 15435 Old Oak Drive, PPN 393-11-009, zoned R1-75 be approved.

Mr. Rusnov - Second.

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

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans - The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the conclusion of the twenty days and then can proceed with the project. You’re all set for tonight. Good luck with your project.

Mr. Young – Thank you.

2) **TRACEY PROCACCINI AND MICHAEL BARRINGTON, OWNERS**

- a) Requesting a 197 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 520 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 6” Height variance from Zoning Code Section 1252.15, which permits a 15’ Height and where a 15’ 6” Height is proposed in order to construct a 520 SF Accessory Structure; property located at 19720 Royalton Road, PPN 392-35-015, zoned R1-75.

Mr. Evans – Item number (2) has been withdrawn at the applicant’s request. That takes us to item number (3). If you would come forward please.

3) SHAWN AND LORA PUSKAR, OWNER

Requesting a 10.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 924 SF Paver Patio encroaching 10.5' beyond the main dwelling into the Side Yard Setback; property located at 18878 Ledgestone Drive, PPN 394-31-048, zoned R1-75.

Mr. Evans – We will need your name and address for the record please.

Mr. Puskar – My name is Shawn Puskar. My address is 18878 Ledgestone Drive, Strongsville.

Mr. Evans – Thank you, Mr. Puskar. We do have a HOA letter now that we have received. Tell us about the project and why it is that you need it exactly where you are proposing it.

Mr. Puskar – I have a big vision for my back yard to make it a paradise to enjoy and raise our kids and you saw that I have a walkway that was installed years ago. I'm trying to match that walkway and create a good flow to the back yard to enjoy the back yard because we have a nice pond beyond the house and we're trying to enjoy it. We are outdoor people. That is why I need the variance.

Mr. Evans – Question or comments from the Board members?

Mr. Baldin – He has a very large back yard and he has plenty of room. It will look nice when it's finished.

Mr. Evans – Questions, anyone? Other comments? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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. Baldin – Mr. Chairman, requesting a 10.5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 924 SF Paver Patio encroaching 10.5' beyond the main dwelling into the Side Yard Setback; property located at 18878 Ledgestone Drive, PPN 394-31-048, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

3) SHAWN AND LORA PUSKAR, OWNER, Cont'd

Mr. Evans - The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days and then can proceed with the project. You're all set for tonight. Good luck and we appreciate you being here.

Mr. Puskar – Thank you and have a good night.

4) GREGORY AND CAROLINE PARIS, OWNERS

- a) Requesting a 12' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 1,000 SF Concrete Patio and Pavilion encroaching 12' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 26' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 1,000 SF Concrete Patio and Pavilion; property located at 19193 Blue Spruce Drive, PPN 394-25-063, zoned R1-75.

Mr. Evans – That takes us to item number (4) on our agenda. If you would please come forward and we will need your name and address for the record.

Ms. Paris – Caroline Paris, 19193 Blue Spruce Drive in Strongsville.

Mr. Evans – Ms. Paris, you are asking for two setbacks, side and rear yard to put in a pavilion. During caucus we were talking about it so can you give an idea of the project, what is going in and what is coming out, that would be helpful.

Ms. Paris – Right now we have pavers on the patio and the walk from the front to the back and we're replacing that so we're digging all those up. We are putting up a pavilion and new pavers on top of that.

Mr. Evans – Okay. We did discuss in caucus that those pieces of it doesn't require a variance, just the patio itself. Questions or observations from the Board members?

Mr. Baldin – No, it looks like quite a design.

Mr. Evans – Just because the lot is odd shaped that is one of the criteria that we have for granting a variance. Other comments? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak

5) **UNION HOME MORTGAGE, OWNER/Thad Vasko with TCV Development, Representative, Cont'd**

order to install Additional Parking Spaces; property located at 14955 Sprague Road, PPN 395-12-001, zoned Research and Development (RD).

Mr. Evans – Number (5) on our agenda is Union Home Mortgage. If the representative would come forward and state your name and address please.

Mr. Vasko – My name is Thad Vasko and my address is 14445 Castlereagh Lane in Strongsville.

Mr. Evans – Thank you, Mr. Vasko. We talked in caucus a little bit about this development on Sprague Road. It's the old ITT building. There were a number of variances that we granted in the past when it was still ITT and they were thinking of expanding. Now it's a little bit different situation. You're proposing going a little bit closer to the right-of-way. Give us an idea of why the project requires additional space and scope of the project.

Mr. Vasko – The scope is a renovation of a 65,000 square foot building. A call center on the second floor or 30,000 square feet and then the first floor will be a cafeteria to serve all three buildings and a corporate marketing center where they make commercials and a corporate training center. It will also be the executive offices for the owner and his Board. I think it was in the paper where they mentioned 450 jobs coming to Strongsville. I know what the parking lot has. They need every bit of parking because in the summer they bring in interns so I have to prepare for interns coming in of 100 people yet this year while I renovate this parking lot. They could use another 50 parking spaces beyond that if everybody came to work. Covid19 people working remotely, I think across the parking lot they will have the parking that they need. They need this to support their growth.

Mr. Evans - Questions or comments from the Board?

Mr. Rusnov –I have no questions. They are taking a Class C building and making it into Class A office space. Because of the training center it's the world headquarters. That's why the high volume.

Mr. Vasko – They will be bringing in people from all over for training and interviewing and it will be a total gut and rebuild. It will look more like a college campus when we are done than an office building. All new roofing, windows, hvac, plumbing, total gut and rebuild.

Mr. Evans – Okay, any other comments or questions?

Mr. Kolick – Mr. Chairman, for the applicant, the prior owners were also looking at expanding towards Sprague Road too and they received additional variances for that so if you need additional parking you may want to consider that. I'm not telling you that you have to but we have granted variances for that very thing in the past.

5) **UNION HOME MORTGAGE, OWNER/Thad Vasko with TCV Development,
Representative, Cont'd**

Mr. Vasko – We have discussed that and once we go beyond I believe it is one acre that we disturb land that triggers a storm detention. There is no land left. We would have to put in another parking lot, which they did at their headquarters building and they really don't want to do that again. They are going to see how the 29 spaces work. I may be back.

Mr. Evans – All right. Anything else, gentlemen? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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, requesting a 23' Side Yard Parking Setback variance from Zoning Code Section 1262.08 (c), which requires a 25' Side Yard Parking Setback from the Dow Circle right-of-way and where a 2' Side Yard Parking Setback from the Dow Circle right-of-way is proposed in order to install Additional Parking Spaces; property located at 14955 Sprague Road, PPN 395-12-001, zoned Research and Development (RD).

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The variance has been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. We wish them success on the project. You're all set for tonight. We appreciate the investment that they are making.

Mr. Kolick – Mr. Chairman, this has to go a little bit different track. Thad, you need to get on ARB agenda and Planning Commission agenda. For ARB you can go in during the twenty day waiting period but Planning Commission you can get onto after the twenty day expires. You can get in touch with Carol Brill. She will set you up for the meetings that you need to go to.

Mr. Vasko – Is that for the site work permit?

Mr. Kolick – Yes. Our Engineering Department will give their report and the Fire Department will report and ARB will determine if there is any type of landscaping in that 2' area. They will look at it at any rate.

Mr. Vasko – Okay. Thank you.

Mr. Evans – You're all set for tonight. Thank you.

6) SHENG LONG YU, OWNER

- a) Requesting a 10' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 737.50 SF Concrete Patio and a 600 SF Concrete Patio encroaching 10' beyond the main dwelling into the Side Yard Setback;
- b) Requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 737.50 SF Concrete Patio and a 600 SF Concrete Patio; property located at 17393 Pioneers Creek Circle, PPN 397-28-019, zoned R1-75.

Mr. Evans – Item number (6) on our agenda is Sheng Long Yu. Please come forward to the microphone and state your name and address for the record.

Mr. Long Yu – My name is Sheng Long Yu. My address is 17393 Pioneers Creek Circle.

Mr. Evans – Thank you and welcome. Can you give us a run down? In caucus we talked about how this is another pie shaped lot. Question, as you are looking at the house from the street along the right hand side, the drawing shows your project going outside of the line of the house and so our question is whether or not the project in the back, we know on the one side it's going to extend beyond the foot print of the house but on the right side too?

Mr. Long Yu – It will not be visible from the street because the angle of the house is set.

Mr. Evans – If you were to lay a line on the side of the house is the patio going beyond the line? In the drawing you show it going beyond where the house is. Is it in line with the house or does it go outside of where that line on the house is?

Mr. Long Yu – It is outside.

Mr. Evans – So, that side we don't have a variance proposed for so we need to know how many feet outside of the line of the house that is going to project.

Mr. Long Yu – I believe it is 4'.

Mr. Evans – Okay, so that means that we need to add a (c) on to this that would be a 4' variance. Mr. Roenigk, we are going to have to rely on flying by the seat of our pants. I'm assuming that we have the 15' on that side as well.

Mr. Roenigk – Yes, there would be no issues encroaching except it will be 4' beyond the house.

6) SHENG LONG YU, OWNER, Cont'd

Mr. Kolick – You'll need to mention that it's the other side.

Mr. Evans – We will add that as a part of the motion.

Mr. Rusnov – Four feet on the right side of the house.

Mr. Kolick – That will be fine. (a) should be requesting a 10' side yard setback variance on the left side of the house.

Mr. Rusnov – Okay.

Mr. Kolick – Sheng, are you sure it is 4'? I don't want you to have to come back if it is more than that so we want to make sure that we're giving you what you need.

Mr. Long Yu – I'll go back and double check.

Mr. Kolick – Tonight is the night. We need to have the correct dimensions.

Mr. Evans – You're thinking 4' but you want to say 5' so you're covered in case it's over 4'. That is not a problem. If you say 4' and you need over 4' then there's a problem and you'll have to come back here.

Mr. Baldin – Then you get it over with tonight and there would be no issues. Just add (c) to it.

Mr. Kolick – If you think it is 4' then it's best to go 5'. If you want to do 4' that's not a problem but then understand you can only go 4' out.

Mr. Baldin – With the shrubbery and the trees no one is going to see it.

Mr. Long Yu – I can always go smaller than 5' then.

Mr. Kolick – Yes, you just can go larger than 5'.

Mr. Evans – All right. Anything else, gentlemen? We do have a homeowner's association approval on this one. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who 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, requesting a motion to approve a 10' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard

6) SHENG LONG YU, OWNER, Cont'd

Mr. Rusnov continues - Setback as the main dwelling and where the applicant is proposing a 737.50 SF Concrete Patio and a 600 SF Concrete Patio encroaching 10' beyond the main dwelling into the left Side Yard Setback and b) requesting a 19' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 17' Rear Yard Setback is proposed in order to install a 737.50 SF Concrete Patio and a 600 SF Concrete Patio and (c) to approve a 5' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 737.50 SF Concrete Patio and a 600 SF Concrete Patio encroaching 5' beyond the main dwelling into the right Side Yard Setback; property located at 17393 Pioneers Creek Circle, PPN 397-28-019, zoned R1-75.

Mr. Baldin - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans - The variances have been approved by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. Good luck on the project. You're all set for tonight.

Mr. Long Yu – Thank you.

7) LAURA GACSADY, OWNER/LEDGEWOOD ASSOCIATION

Requesting a 3' variance from Zoning Code Section 1252.18 which prohibits a Fence encroachment and where a Fence encroaching 3' onto PPN 396-05-049 is proposed; property located at 17524 Fallingwater Road, PPN 396-09-041, zoned R1-75.

Mr. Evans – Item number (7) on our agenda is Laura Gacsady on Fallingwater. If you would come forward and give us your name and address for the record.

Ms. Gacsady – Hi, I'm Laura Gacsady at 17524 Fallingwater Road.

Mr. Evans – Thank you. We invited you back here this evening to get this taken care of. We appreciate you taking care of your end. We understand that Ledgewood has agreed to grant an easement. The attorneys have met and worked on that. We are concerned about the written approval to have the easement in place. Any questions or comments from Board members?

Mr. Rusnov – As long as all the paperwork is in order that was a major concern.

7) **LAURA GACSADY, OWNER/LEDGEWOOD ASSOCIATION, Cont'd**

Ms. Gacsady – I did bring a copy of the easement. It was not revised until this evening so we did not have time to have the notary sign it. May I give you a copy?

Mr. Evans – You can give it to Mr. Kolick, our counsel.

Mr. Kolick – The original still needs to get it notarized and you need to get the City over a file stamped copy.

Ms. Gacsady – I will do so.

Mr. Kolick – Take the original with you.

Ms. Gacsady – We could not get it notarized before the meeting.

Mr. Kolick – That's okay. We will need the notarized and filed one later. Give it to the Building Department before they issue the permit. You're okay tonight to act on this but be aware that the original should be filed with the Cuyahoga County Fiscal Office.

Ms. Gacsady – My attorney was waiting for your approval before he submitted it to the County.

Mr. Evans – No problem. We appreciate you and Ledgewood following through on that. We do not need to do a public hearing on this one because we did that at the last meeting.

Mr. Kolick – Please bring a signed and file stamped copy to the Building Department, presuming the Board approves you here tonight.

Mr. Evans – Any other comments?

Mr. Rusnov – No, that pretty much wraps it up.

Mr. Baldin – Enjoy the back yard and the grandchild.

Mr. Evans – I will entertain a motion.

Mr. Evans – Mr. Kolick what are the numbers again?

Mr. Kolick – It's still 3' because it crosses into the other property. That will remain the same.

Mr. Hayden – Mr. Chairman, requesting a 3' variance from Zoning Code Section 1252.18 which prohibits a Fence encroachment and where a Fence encroaching 3' onto PPN 396-05-049 is

