

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

**Meeting of  
July 28, 2021**

Board of Appeals Members Present: David Houlé, Richard Baldin, Dustin Hayden, John Rusnov  
Administration: Assistant Law Director Daniel J. Kolick  
Assistant Building Commissioner: Brian Roenigk  
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

**1) PAMELA MATTERN, OWNER/Mark Spurlock, Representative**

- a) Requesting a 290 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,290 SF Floor Area is proposed in order to construct a Garage Addition;
- b) Requesting a 29' Setback variance from Zoning Code Section 1252.04 (d) (2) and Appendix IV, which requires a 100' Setback from the centerline of Colebright Road and where a 71' Setback from the centerline of Colebright Road is proposed in order to construct a Garage Addition; property located at 16600 Shurmer Road, PPN 397-05-023, zoned R1-75.

Mr. Rusnov stated that the previous two car garage was extended slightly on a previous date. Mr. Baldin stated that it will not be in line with the properties on Colebright. Mr. Rusnov stated that there is going to be a different front yard setback. Mr. Houlé stated the house across the street has a garage that comes out.

**2) JILLIAN AND JORDAN BIZZI, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) Shed exists and a second Chicken Coop is proposed; property located at 16825 Shurmer Road, PPN 397-06-018, zoned R1-75.

Mr. Rusnov stated that this was one of the old farms on Shurmer. There are outbuildings but these are from when the place was built. The coop location abuts the woods to the right and immediately behind that is school property. The school board is supposed to remove the walkway that is next to the property. Mr. Kolick stated that this does sit off the property line and meets the Code sections on the setbacks.

**3) FELIX NUNGARAY, OWNER**

Requesting a 46' Side Yard Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Side Yard Setback and where a 4' Side Yard Setback (South) is proposed in order to construct a Chicken Coop; property located at 11430 Prospect Road, PPN 392-10-013, zoned R1-75.

Mr. Houlé stated that the coop will be on the inside of the deck so it will be at least fifteen feet off the side line even though the variance would be for four feet. It will be shielded by the shed and facing to the interior of the yard. Mr. Rusnov stated that the yard is very deep. Mr. Kolick stated that the run would be within three feet of the neighbor's property line. Mr. Rusnov stated that the lot is very narrow. Mr. Kolick stated that they may need to move the coop towards the center of the lot.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS**

- a) Requesting a 96 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion;
- b) Requesting a 2' 4" Height variance from Zoning Code Section 1252.04, which permits a 12' Height and where a 14' 4" Height is proposed in order to construct a Pavilion; property located at 18322 Heritage Trail, PPN 397-20-150, zoned R1-75.

Mr. Houlé stated his concern is with the height but that the homeowner may be trying to match the roof height. Mr. Rusnov stated that there are a lot of irregular shaped lots on this street. Mr. Hayden stated that there is HOA approval for this. Mr. Kolick stated that there is common area located behind.

**5) AHREN BOOHER, OWNER**

Requesting an 8' variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 8' (West) beyond the main dwelling in the Side Yard Setback; property located at 17000 Pheasant Trail, PPN 397-13-054, zoned R1-75.

Mr. Baldin does not have any problem with this request. Mr. Rusnov stated that there is a six foot privacy fence all around the property.

Mr. Houlé stated that there are three sets of minutes. Does anyone have any comments or corrections? There are none. We will adjourn the caucus and start the meeting at 8:00.

Mr. Kolick – We have a swearing in to do first. Mr. Houlé was then sworn in for a new term.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**July 28, 2021**

The meeting was called to order at 8:00 PM by Mr. Houlé.

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

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

Mr. Houlé – Good evening ladies and gentlemen. I would like to call this July 28, 2021 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

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

Mr. Baldin – Mr. Chairman, I make a motion to excuse Mr. Evans for just cause.

Mr. Hayden – Second.

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

ROLL CALL:	ALL AYES:	MOTION GRANTED
------------	-----------	----------------

Mr. Houlé - 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 minutes from three meetings, May 26, June 9 and June 23, 2021. We talked about this in caucus. I don't believe there are any corrections we need to make. Then we will submit those as they were given to us for the record. If you are here this evening and you intend to speak to the Board on any of the items or if you intend to speak at the public hearing, I would ask that you now stand and be sworn in along with our representative from the Building Department and our Secretary. So if you intend to speak to introduce an item or to speak at the public hearing, now's the time to stand up and be sworn in.

Mr. Kolick – If you even think you may want to speak, you’re better off standing now and getting sworn in. You don’t have to speak, but you’ll be sworn in.

Mr. Kolick stated the oath to those standing.

**1) PAMELA MATTERN, OWNER/Mark Spurlock, Representative**

- a) Requesting a 290 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,290 SF Floor Area is proposed in order to construct a Garage Addition;
- b) Requesting a 29’ Setback variance from Zoning Code Section 1252.04 (d) (2) and Appendix IV, which requires a 100’ Setback from the centerline of Shurmer Road and where a 71’ Setback from the centerline of Shurmer Road is proposed in order to construct a Garage Addition; property located at 16600 Shurmer Road, PPN 397-05-023, zoned R1-75.

Mr. Houlé – Thank you. We have five items on our agenda this evening and I want to let everybody know that all Board Members have been out and visited all the properties that are being presented tonight. You may not have seen them, but we all were out. Item number one on our agenda is Pamela Mattern. If you could come forward please or your representative. Come to the microphone and podium and we would ask that you give us your name and address for the record please.

Mr. Spurlock – I’m Mark Spurlock, 16600 Shurmer Road, Strongsville, Ohio.

Mr. Houlé – If you could give us a little bit of a short history of what you’re asking for and why you need a variance.

Mr. Spurlock – Thank you. I’d like to have this variance for several reasons. One is definitely selfish because I need more storage room. But the second and most important part is the court has just given my wife and I custody of our grandchild who is disabled. So I’d like this garage so that when we open up the doors you don’t have to scrape against the walls so that we can get him in there and out. That’s basically the reason.

Mr. Baldin – That’s a good enough reason for me. I don’t see any other hardship. We have three or four hardships and that’s the reason why we do give variances sometimes, but this sounds like a great hardship.

Mr. Rusnov – Basically the house is on a corner lot. You’re going to be in line with most of the houses on Shurmer, not on Colebright. You need this because of the shape, number one, of the

**1) PAMELA MATTERN, OWNER/Mark Spurlock, Representative, Cont'd**

**Mr. Rusnov continues** - lot. You have no place else to put this, so that's about all I could add, other than when this place was built, the Zoning Code has probably changed twenty times since then.

Mr. Spurlock – We're going to conform with the brick and everything to be just the way it is so there would be no abnormalities.

Mr. Houlé – You're going to keep it in line with the existing garage.

Mr. Spurlock – Yes. Same color brick and everything.

Mr. Houlé – This is a public hearing. I'll ask if there is anyone here in the audience who would like to speak for or against the granting of the variance. Come up. Could you give us your name and address?

Ms. Poduch – I'm Mary Poduch. I live at 16514 Shurmer Road. So right next east of him. He's on the corner. I'm the next house. I don't want to feud with my neighbors. Mark and Pamela were both respectful to each other and quiet and I want to keep it that way. But I just wanted to ask some questions because they did already add onto the house and being a single lady I'm concerned about my only investment which is my home's property value and I guess I'm just a little concerned that the proposed addition would be aesthetically pleasing. How many stories? He just said it's going to be brick which is a relief. Will there be some landscaping to make it still have curb appeal that it will look like a normal single family home in my neighborhood? That's what I wanted to know about.

Mr. Rusnov – Maybe I can help you out. If you're worried about the aesthetics from the pictures and whatnot that I saw, it will conform, it will add to the value of the property, not detract.

Ms. Poduch – Well I would hope so.

Mr. Rusnov – No, it will. Trust me. As far as it being an eyesore or anything like that, that's not even close to being an issue, and it's on the far side from you.

Ms. Poduch – I'm not going to see it.

Mr. Rusnov – He is going to have the garage on the other side of his property.

Ms. Poduch – As long as my property value doesn't go down because I'm living next to a warehouse.

Mr. Rusnov – Do you want to know what I do for a living? I'm a real estate appraiser.

**1) PAMELA MATTERN, OWNER/Mark Spurlock, Representative, Cont'd**

Ms. Poduch – Oh, good.

Mr. Rusnov – So if there was going to be a negative impact, I would have brought it up. He's going to match the brick and everything else and I was out there bright and early Sunday morning and we discussed this and how it's going to conform with the house.

Ms. Poduch – I just wanted to find out.

Mr. Rusnov – The people turning down Colebright are not going to care.

Ms. Poduch – I live on Shurmer.

Mr. Rusnov – I know but the only ones to look at it would be on Colebright.

Ms. Poduch – I just want it to be aesthetically pleasing to the whole neighborhood is what I'm seeing. I don't want to live next to a warehouse.

Mr. Rusnov – It's going to blend or the City wouldn't have approved this. Nobody explained that to you.

Ms. Poduch – Okay. Right and I didn't think it was approved yet so I just wanted to double-check that because I don't know. It just says this building is going to be built next to my house, this addition.

Mr. Rusnov – It's not going to stick out. It's going to fit right in. The roof lines and everything.

Mr. Baldin – I don't think you're even going to notice it. Now you are to the east and you sit actually a little lower than they do?

Ms. Poduch – Yes I do. So I'm not going to ask about water drainage.

Mr. Baldin – It's going to drain the other way, probably, but I don't think you'll have a problem whatsoever.

Ms. Poduch – Okay. I just want to double check on that.

Mr. Houlé – Is there anyone else here in the audience that would like to speak for or against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – Mr. Chairman, I would like to make a motion requesting a 290 SF Floor Area variance from Zoning Code Section 1252.22(c), which permits a 1,000 SF Floor Area and where

**1) PAMELA MATTERN, OWNER/Mark Spurlock, Representative, Cont'd**

**Mr. Rusnov continues** - a 1,290 SF Floor Area is proposed in order to construct a Garage Addition, (b) requesting a 29' Setback variance from Zoning Code Section 1252.04(d)(2) and Appendix IV, which requires a 100' Setback from the centerline of Colebright Road and where a 71' Setback from the centerline of Colebright Road is proposed in order to construct a Garage Addition; property located at 16600 Shurmer Road, PPN 397-05-023, zoned R1-75.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Houlé – Thank you. The variance has been approved by us. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If they do not act on it or if they do not delay it, you'll be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You're all set. Thank you for coming out tonight and good luck with your project. You can leave.

Mr. Spurlock – Thank you.

Mr. Houlé – You're welcome to stay but if you want to leave that's fine too.

**2) JILLIAN AND JORDAN BIZZI, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) Shed exists and a second Accessory Structure, Chicken Coop is proposed; property located at 16825 Shurmer Road, PPN 397-06-018, zoned R1-75.

Mr. Houlé – Item number two on our agenda is Jillian and Jordan Bizzi. If we could have a representative come forward. If you'll come forward to the microphone please and give us your name and address for the record.

Mr. Bizzi – My name is Jordan Bizzi and this is wife, Jillian Bizzi. We live at 16825 Shurmer Road in Strongsville.

Mr. Houlé – Alright. You heard our comments in caucus and if you could briefly run through what your request is and why you need a variance.

Mr. Bizzi – We're trying to put a chicken coop on the property. The house is one of Strongsville's original farmhouses. We're trying to bring a little bit more life and some of the original pep that

**2) JILLIAN AND JORDAN BIZZI, OWNERS, Cont'd**

**Mr. Bizzi continues** - the house had in 1846 and throughout that time. We have our outbuilding which is our garage and then we have a shed on the property which I use for tool storage and yard equipment. We're just trying to have another structure on the property to house chickens in for eggs for the family.

Mr. Rusnov – And this is located close to the Board of Education at the rear?

Mr. Bizzi – Yes.

Mr. Rusnov – And you have woods to the right and you're well behind the property lines of all your neighbors and you're sitting on about an acre and a quarter.

Mr. Bizzi – Correct.

Mr. Rusnov – Everything is in pristine condition. You've got an existing shed and a garage which was probably a barn so they might have come with the property.

Mr. Bizzi – Yes.

Mr. Rusnov – I don't have any questions.

Mr. Baldin – I think it's perfect the way it sets. You're 88 feet from one side, 54 feet from another, 76 feet from another. You'll like basically in the center of your yard.

Mr. Bizzi – That's how we planned it.

Mr. Baldin – We see why you want to raise some chickens and get some eggs because when I was there you were smoking about eight or ten pounds of bacon.

Mr. Rusnov – My timing is bad.

Mr. Houlé – Anybody else have any comments?

Mr. Rusnov – No.

Mr. Houlé – This is a public hearing and I'll ask if there's anyone here in the audience who would like to speak for the granting of the variance? Is there anyone here then who would like to speak against the granting of this variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – Mr. Chairman, I would like to make a motion to approve a request for a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1)



**2) JILLIAN AND JORDAN BIZZI, OWNERS, Cont'd**

**Mr. Rusnov continues** - Shed exists and a second Accessory Structure, Chicken Coop is proposed; property located at 16825 Shurmer Road, PPN 397-06-018, zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Houlé – All right. Mr. Bizzi, the variance has been approved by us. There is a twenty day waiting period, as I noted for the previous one, during which time City Council has the opportunity to review our decision. If they do not act on it or if they do not delay it, then you'll be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You're free to leave if you like or you can stay and listen to the others.

Mr. Bizzi – Thank you.

**3) FELIX NUNGARAY, OWNER**

Requesting a 46' Side Yard Setback variance from Zoning Code Section 1252.03 (e) (1), which requires a 50' Side Yard Setback and where a 4' Side Yard Setback (South) is proposed in order to construct a Chicken Coop; property located at 11430 Prospect Road, PPN 392-10-013, zoned R1-75.

Mr. Houlé – Item number three on the agenda is Felix Nungaray. If someone could come forward please. Please provide your name and address for the record.

Mr. Nungaray – My name is Felix Nungaray and this is my wife. We live at 11430 Prospect Road, Strongsville, Ohio. So when we moved to the property we had a good sized backyard and we built a garden and just finished building it this year and our next plan is to get chickens and we want to build the coop into our existing shed to use up some of the real estate within the shed. So the variance is because the Code is to be 50 feet from the property line. Currently this shed is four feet from that property line. It came with the house. The chicken coop with the chickens it will be housing will be within the patio of the shed and that's about sixteen feet from the property line. I do have a letter from my neighbor on that side who has no objections to that. Other than that the shed would be 135 feet from our neighbors in the back and about roughly 63 feet from the neighbor on the other side.

Mr. Rusnov – I don't think you were here when we had the caucus. If I'm understanding you correctly, you're building this chicken coop into this existing shed which is already there.

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Nungaray – Yes.

Mr. Rusnov – So that is in the most unobtrusive part of your yard, neighbors aren't close, you've got the 400 feet deep lot. I don't really have any questions for you.

Mrs. Nungaray – We have a letter from that gentleman.

Mr. Rusnov – Okay. So you're cool.

Mr. Houlé – So the letter you provided is from the neighbor from the south, just where the fifteen feet or four feet variance is?

Mrs. Nungaray – Yes. Four feet from the shed, fifteen feet from the actual coop which we're going to place which is also going to be sheltered from this property as well. He's aware and will gladly agree to the coop.

Mr. Baldin – This coop that you're adding on to the deck of the shed, is it going to go into the shed as well? Or just be right on the deck?

Mr. Nungaray – On the deck.

Mr. Baldin – And then the run will be right behind it.

Mr. Nungaray – Yes. It's on the picture shows and show it is between the shed and the garden right there.

Mrs. Nungaray – That's where we're going to put the run area.

Mr. Nungaray – So there's going to be some coverage between other neighbors. The garden is going to be covering all that up.

Mr. Rusnov – In other words, what he's doing is sliding the coop inside the covered porch to the right of the shed. So it's all going to be enclosed except the possible run. So it's going to be very well hidden.

Mr. Baldin – Is this number correct here? 4 x 8?

Mrs. Nungaray – Yes.

Mr. Baldin – I guess you don't need a big coop for chickens.

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mrs. Nungaray – No, I'm told you can fit up to eight chickens in that space and the Code permits up to twelve fowl of any type on your property according to Strongsville and we only plan to have about six.

Mr. Rusnov – This will occupy roughly half of that open porch area.

Mr. Nungaray – Barely.

Mr. Rusnov – Barely.

Mr. Houlé – There was also some concern during the caucus about the fence run going close to the property line to kind of parallel the back edge of the coop. Is there some possibility you might not extend that fence line all the way back? Is that close to the sideline where your neighbor is?

Mr. Nungaray – Yeah it can be worked out.

Mrs. Nungaray – We can adjust that.

Mr. Houlé – That's not part of the variance that's being requested. But that might be a point to change.

Mr. Baldin – On this print here you said you're going to be three feet from the property line? Am I reading this right?

Mrs. Nungaray – The run is going to be about three feet from the property line.

Mr. Baldin – The run is only going to be three feet, and you said the shed is only four feet from the property line?

Mrs. Nungaray – Yes. The shed is four feet from the property line.

Mr. Baldin – The City must have fallen asleep on that one because it should have been five feet.

Mr. Hayden – How far do you want to move the run over?

Mr. Baldin – Maybe move the run. . .

Mr. Nungaray – Maybe keep it in line with the garden fence that you saw?

Mr. Houlé – That's roughly about where the chicken coop would start then on your pavilion or your shed?

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mrs. Nungaray – Ours is going to be fifteen feet from the property line. So the run. . . Are you talking edge of the run close to the property line?

Mr. Houlé – Yeah. You were talking about having a run that would parallel the back edge of the shed and I think we're trying to steer away from that to keep it more centered in your property since it would help the adverse effect on your neighbors.

Mrs. Nungaray – That would be about the garden fence?

Mr. Baldin – So you might want to bring that in a couple feet.

Mrs. Nungaray – Okay.

Mr. Nungaray – We can run it in line with the existing garden fence.

Mr. Baldin – There's a lot of room for the chickens. That gives them eighteen feet to run around. Get all that exercise before they make the eggs.

Mr. Houlé – Do you know off-hand how wide your lot is?

Mr. Nungaray – Eighty-six feet wide and it's 399 feet long.

Mr. Baldin – So we need to change the numbers here on this.

Mr. Kolick – Why don't we get comments from the audience first, then we'll talk about it.

Mr. Houlé – If they had to be 50 feet off of either side, there wouldn't be a way to actually center the coop like on the previous one. Okay. If you want to step aside. This is a public hearing and I'll ask if there's anybody in the audience that would like to speak in favor of granting this variance. If so, come forward. Okay, is there anyone in the audience that would like to speak against the granting of the variance for the chicken coop? If you could give us your name and address please.

Mr. Lantz – Yes, my name is Robert Lantz. I live at 11431 Brady Lane. You're talking about north and south sides of the Felix's property. I live on the west side of it. My property abuts right up to his.

Mr. Houlé – To the rear of the yard?

Mr. Lantz – Yes. My concern is that I built my house thirty years ago and it was residential and everybody has nicely groomed lawns and such. He's done a lot of nice work on cleaning up the property as he has moved in. The backyard is now more of a rural look. Everybody has nicely

**3) FELIX NUNGARAY, OWNER, Cont'd**

**Mr. Lantz continues** - manicured lawns all around him and I'm in favor of gardens and such. What I have an issue with is chickens coming in and maybe not so much the chicken coop but the depth of his lot is a lot deeper and I understand the chickens are free ranged. They could possibly put them on the very edge of my yard. I'm sitting on my back deck and I don't have as much backyard as he has, so if I'm sitting on my deck I may be watching chickens doing their thing in the back yard being free ranged.

Mr. Rusnov – It was out understanding they were not going to be free ranged. They're not going to have the run of the entire lot. Don't they have a run that they're going to be in?

Mrs. Nungaray – A run in the garden area.

Mr. Rusnov – A run in the garden area so they're not going to be free ranged. They are not wandering that whole property or onto the neighbor's property. They're going to be contained in that fenced area.

Mr. Lantz – But that fenced in area covers a lot of the back yard. Have you seen it?

Mr. Rusnov – Yes, I've seen it.

Mr. Lantz – The fenced in area?

Mr. Rusnov – The fenced in area of the property line? Or the garden? Yeah, I saw that.

Mr. Lantz – That covers a lot of the yard.

Mr. Rusnov – But the chickens are not going to be in there.

Mr. Lantz – Pardon?

Mr. Rusnov – The chickens are not going to be in the fenced in garden area. Are they?

Mr. Nungaray – No.

Mr. Baldin – They're only going to be sixteen feet behind the shed and they've probably got another 100 feet to your deck.

Mr. Lantz – My concern is, in a few years as I'm getting older, I'm going to have to think about selling and I guess I don't want a rural farm atmosphere. It makes it harder for me to sell my property.

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Rusnov – Then what I would do is I'd get a hold of your councilman and have him or her change the ordinance. We can't do that. Whatever the City Code says as far as livestock, we have to uphold. We have no choice.

Mr. Lantz – I'm just listing my concerns on this .

Mr. Rusnov – We totally understand. If you're really that concerned you might want to have them address this at City Council because they have the power to change this.

Mr. Kolick – Mr. Chairman, Council has decided that a coop needs to be fifty feet from any property lines. So in other words, if they only have an eighty five foot lot, the Code does not permit a chicken coop on this lot, period, without the variance being granted. I mean, Council has made a decision on it. It's up to you to determine if you want to vary the Code in this case here. You need fifty feet from any property line for the coop. That's why the last one worked out, as I mentioned, it was sixty seven from one property line and ninety seven from the other. This lot can't accommodate it at fifty feet because it's only eighty five feet wide. Council has made their decision to allow chickens on larger lots. I bring this up because we've had problems with chickens on Shurmer and Boston Road and complaints to our Building Department over the years. Regardless of how careful they are, chickens sometimes get out.

Mr. Rusnov – Maybe I should have clarified myself. When he talks to the council person, eliminate the possibility of having a chicken coop or a goat in your backyard.

Mr. Kolick – And we've looked at that and Council got a lot of feedback from residents who determined, no, if we've got a bigger lot like Albion where they have the horses and areas on Boston where they have five, six acre lots. Council made a determination to allow chickens on those lots because they were bigger lots but they did require fifty feet on all property lines from the coop for that reason.

Mr. Rusnov – One size does not fit all. You're talking a five acre lot as opposed to these people's lot.

Mr. Kolick – I understand, but that's why they set the fifty foot setback thinking that would be a bigger lot. This one is not five acres.

Mr. Rusnov – I totally understand. It could be a four foot variance to be approved.

Mr. Kolick – No, they need a forty six foot variance to permit this coop. Not a four foot variance.

Mr. Houle – And the yard is just not wide enough without a variance.

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Baldin – What is the depth of your lot? It doesn't show here.

Mr. Houlé – 389 you said.

Mr. Baldin – 389?

Mr. Rusnov – Almost 400 feet.

Mr. Baldin – It's almost 400 feet long so you definitely have enough room to the west of you where you won't even hinder his property at all, in my opinion, but I don't live there. But it's the south side where we're concerned about. I can see you moving it even further back and in.

Mr. Nungaray – The neighbor residence directly to the side of that house, he's the one who provided the letter.

Mr. Kolick – If you're going to talk you have to get up to the microphone.

Mr. Lantz – My concern is if the chickens aren't confined to their coop they will impact my property. The variance is how much area they're going to travel in since he doesn't have nearly 50 feet on all sides.

Mr. Baldin – Well right now they're only going to travel in a 20 x 16 foot square, rectangle.

Mr. Houlé – That isn't part of our variance.

Mr. Baldin – I know, but that's where it's fenced in, in the run. They have another 200 feet behind that.

Mr. Lantz – That fenced in area is not 20 x 16.

Mr. Houlé – No, they are proposing to attach it to their shed.

Mr. Kolick – They're proposing another fenced in area attached to the chicken coop.

Mr. Baldin – No, right behind the shed they're doing this.

Mr. Houlé – It will run to the west towards your property, but attached to the shed. We appreciate your comments.

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Lantz – I'm just residential and trying to keep it residential so I don't want my property value to go down or limit the prospective buyers that I have because I have kind of a farm atmosphere in my backyard. That's my concern.

Mr. Houlé – We recognize your comments and they're great. Sir, do you have a comment too that you wanted to make?

Mr. Frick – My name is Paul Frick, 11475 Brady Lane. Mr. Chairman, Members of the Board. I guess much of what I had to ask was clarified through your discussion. Actually we're here for a variance to permit chickens on an undersized lot. I have experience with chickens. It's not pretty. It's a lot of work. There's manure. There's E-Coli. There's Salmonella. If you're not going to free range, which is fine, your chickens won't lay. I can tell you that. So I guess I'm here to find out what direction the City is taking us. I've been here since 1964. I grew up on Brady Lane and there are many concerns and a lot of the neighborhood talking about chickens in the neighborhood. What's going to happen? I don't know. But I guess we'll wait. Next I would like to commend Felix for his hard work he's put into the property. I was the former owner of 11430 Prospect Road and I've seen it go through a couple owners but he is the only one that addressed a flooding problem in the area. The City didn't help, I don't know, but anyway I guess I'll just wait to see what direction you take us. Are we going back to farm land? Are we residential? What are we?

Mr. Houlé – So you have a concern about the chicken coop being approved or not?

Mr. Frick – Well the variance seems to be to the north and the south. Correct?

Mr. Houlé – The variance is saying that it's going to be too close to one of the side property lines. It's supposed to be fifty feet.

Mr. Frick – True and I know that property.

Mr. Houlé – What we've established here is that technically there's no way they can place it in their lot because the lot is not 100 feet wide.

Mr. Frick – What you established is that the City made a mistake from the get-go because the shed is only four foot offset right now.

Mr. Houlé – No mistake has been made yet at this point other than the existing shed that's there but that's not what we're here to deal with though.

Mr. Frick – If they are contained in the shed and towards the house that doesn't solve the problem. I just don't like the smell of chicken manure or roosters. Who's going to police all of this?



**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Houlé – We appreciate your comments.

Mr. Frick – Although somebody on Albion Road had one.

Mr. Kolick – Would you bring the applicant back up to talk?

Mr. Baldin – I'd like to make one comment. Growing up as a young man, where we came from, we lived in a neighborhood, and where I came from we had alleys. We had a big chicken coop. We had big gardens. We had eggs. And our chicken coop and our run was probably 30 x 20. And our coop was probably 12 x 14 and we raised the chickens and little ones in the garage with the heat lamp and all that kind of stuff. We never really had a major problem. We had lots on both sides of us but we had neighbors behind us. No one ever really seemed to be concerned. As you heard earlier, we have had a problem with some chicken coops and livestock in the City and that's why Council has limited chicken coops to larger yards I've been on this Board for thirty years and I've seen a lot of things happen here, and that's why Council has made some changes. But yeah, we do have a little bit of a problem because they are a little close to their neighbors. But I think one of the reasons you're doing that is probably to give some shelter to the chickens, that's why you're putting it where you're planning on putting it right now.

Mr. Frick – I don't know about your experience. Based on my experience, vermin find their way into the roost.

Mr. Baldin – Well we had a lot of rats but we used to shoot rats all the time.

Mr. Frick – Snakes and we're talking about predators. We do have coyotes in Strongsville. I tried to say this when I was a kid but nobody believed me. We do have coyotes in Strongsville. They also didn't believe us when we said we have turkeys. We do have turkeys in Strongsville, but turkeys are much more work and worse to raise than chickens.

Mr. Baldin – I wouldn't doubt it.

Mr. Frick – So I guess I'll just wait to see which direction this Board takes us., rural or residential. Thank you for your time.

Mr. Houlé – Thank you for coming up and giving us your comments. If Mr. Nungaray would come forward and if there are any other comments you want to address to the two gentlemen or to us.

Mr. Nungaray – The chicken coop being within the shelter of the shed and then the run will be right behind it basically. The garden will basically be covering any of the neighbors in the back

**3) FELIX NUNGARAY, OWNER, Cont'd**

**Mr. Nungaray continues** - and the neighbor to the south of us, he's the one who wrote the letter. That's really all the clarification I can give.

Mr. Baldin – Dan, I'm looking at this print here. Technically he's not really going to be four feet off that.

Mr. Kolick – The chicken coop is attached to the shed, which is why it is only 4' off the property line. What Council has dictated is that the coop should be fifty feet from the property line and since it's attached to the shed, that's why it's saying. So if they moved it to the center of the lot, it would be closer to the fifty feet than what it is there. I guess the first question is do you want to permit it at all because the lot doesn't conform with the lot that would allow for chickens because it's only eighty six feet wide. The first question is do you want to permit it at all on an undersized lot? Forget about the distance. That's the first question, if it's a hardship and it meets the standards of the Code then you certainly have the right to vote in favor of it, but if you don't feel it meets the four zoning standards, then obviously like any other variance, you wouldn't vote in favor of it.

Mrs. Nungaray – May I say something? The coop itself would be fifteen feet from the property line, not four. The shed itself is four feet from the property line. As well as Kemper House on the corner by our street also has chickens. I work there.

Mr. Nungaray – The main reason why we're building into the shed is because we're not allowed to have two accessory buildings on the property. So we're making that into one structure.

Mr. Rusnov – You're making it an integral part of the shed and the covered porch.

Mr. Nungaray – Yes.

Mr. Houle – Thank you.

Mr. Baldin – Have you considered what you're hearing here? Have you considered maybe thinking about moving it more into the yard and maybe even further back because you've got so much land?

Mrs. Nungaray – Well back would actually push it to the neighbor to the west. Pushing it back would put it closer to the west.

Mr. Kolick – If they move it back, they're saying, it would be closer to the houses on Brady Lane.

Mr. Baldin – I realize that, but you're two hundred and some feet away from them right now.

Mr. Hayden – Wouldn't they then have two variances though as well?

**3) FELIX NUNGARAY, OWNER, Cont'd**

Mr. Nungaray – Then we'd have to get another one for a second building which I don't think we're allowed to have a second accessory building.

Mr. Houlé – If there any no other comments, I will entertain a motion for this.

Mr. Hayden – Mr. Chairman, I would like to make a motion requesting a 46' Side Yard Setback variance from Zoning Code Section 1252.03(e)(1), which requires a 50' Side Yard Setback and where a 4' Side Yard Setback (South) is proposed in order to construct a Chicken Coop; property located at 11430 Prospect Road, PPN 392-10-013, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:	MR. HAYDEN	AYE
	MR. BALDIN	NAY
	MR. RUSONOV	YES
	MR. HOULE'	NAY

Mr. Kolick – The variance is denied then.

Mr. Houlé – The variance is denied, unfortunately. We appreciate your investment in the property and we're sorry that we couldn't help you out. Based on the size of the lot and what you heard today, the motion is denied. Thank you.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS**

- a) Requesting a 96 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion;
- b) Requesting a 2' 4" Height variance from Zoning Code Section 1252.04, which permits a 12' Height and where a 14' 4" Height is proposed in order to construct a Pavilion; property located at 18322 Heritage Trail, PPN 397-20-150, zoned R1-75.

Mr. Houlé - Item number four, Brian and Elizabeth Kolesar. If you would come forward we need your name and address for the record.

Mr. Kolesar – Brian Kolesar, 18322 Heritage Trail, Strongsville.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Houlé – As we noted, we have all been out to your property, but if could give us a brief summary of what you're requesting and the nature of your hardship and description.

Mr. Kolesar – Thank you for your time. We had an existing structure on the back of the house. I did attach it to the application. I don't know if you guys had a copy, but in either case, I think it was a previous homeowner who put the structure on and the pitch on it caused a lot of interference with our windows on the back of the house but also the structure itself was showing deterioration. There was some leakage on the roof itself so we were experiencing water damage and water leaking underneath the structure. The posts themselves were also showing signs of deterioration at the base even the footers showed signs of cracking from the surface. So the concept was to remove that unsafe structure and build a standalone structure away from the house which would be a positive for us to allow more natural sunlight in the house. But also the concern was about the height of the pavilion. We do have a second story bay window that's actually our master bedroom's bathroom window and there's a tub on the other side of that window and it's kind of exposing or revealing if you will, but we didn't build the structure height-wise to cover up that window, but it just kind of worked out that way. The existing structure that was built, was built underneath that bay window and I think they didn't accommodate the right pitch on that structure as well. So that's kind of why you see the concept that we have. I heard comments before that it was approved by the Homeowner's Association. I do live in Highpoint so we have to go through the approval with the Board there so that was approved on May 20<sup>th</sup> and here I am.

Mr. Houlé – So you've removed the existing structure that was there which basically was an attached deck with some sort of overhang or something?

Mr. Kolesar – It was an overhang, had a header on the back of my house so I have to repair the siding on the back of my house and repaint it. So that structure is gone now.

Mr. Houlé – What I don't understand is the need for a fourteen and a half foot high pavilion. You've got a rather small lot and you're asking for both a height variance as well as a substantial size variance on the pavilion. The way the lot is set up, there's a lot of neighbors that have access or view of your rear yard. So explain to me again though the need for the height.

Mr. Kolesar – I appreciate your comments there about an irregular shaped property. So the height, the size of the structure and again we're doing this to increase the value of our house and/or make our backyard more useable than what it was. So the design has a recessed ceiling on the underside of it so that makes the pitch of the roof, the hip roof, taller, and the size of the structure which is sixteen by eighteen, to meet that pitch, it comes to that height. So if we were to attach it to the house, there's no way we'd be able to do that because it would be into that bay window if it was on the house. Talking to the neighbors, even though I don't have official letters from the neighbors, we all get along in that neighborhood and I appreciate what you're saying about our lots being on top of each other, so I have other plans or additional plans with landscaping to kind of provide

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

**Mr. Kolesar continues** - some privacy because that's always been a concern for us since we've been living here over eight years now. That's always been a desire of mine to kind of, with landscaping, provide some privacy for us because you can't have fences in the HOA.

Mr. Houlé – You have an existing swing set, and a trampoline in your backyard too, I believe.

Mr. Kolesar – That's correct. We have small children under the age of nine.

Mr. Houlé – The other issue I have too is the size. Is the height based on because of the size of the thing?

Mr. Kolesar – Correct.

Mr. Houlé – I guess what I don't understand is why you need such a large pavilion for the size of the yard that you have.

Mr. Kolesar – This is another good question. I have a large family. We have a lot of family birthdays and things of that nature, so having a smaller structure would maybe just inhibit us. It would not serve a purpose for us if it was any smaller than that. The existing structure was actually larger than what I'm proposing. The fact that it's just off the house is what makes this an issue, is why I'm standing here. Even with the concrete pad in that existing structure, you know that was more of a larger footprint than what I'm proposing. That's kind of what I'm going for.

Mr. Houlé – I'm still not understanding what the hardship is that you need a variance for. I understand, we all have family and like to entertain, but I don't see the reason for the excess size which would also then necessitate the larger height. So I'll leave that up to the other members of the Board if they have any comments or questions.

Mr. Baldin – You're going to be eight feet from the house?

Mr. Kolesar – Yes.

Mr. Baldin – I don't really have a big problem with the size of it. I do have a problem with the height. I'm looking in your neighborhood there and I've never really noticed anything that high around your neighborhood. I might miss something because Highpoint is a big area.

Mr. Kolesar – Our neighbor on the south side of us has, now that's attached to his house, but that's a sunroom.

Mr. Baldin – But that's attached to the house.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Kolesar – No, I understand what you're saying.

Mr. Rusnov – Floor area, Rich, dictates the pitch of the roof and the height of the roof. So the larger you get the higher the pitch is and the centerline of the roof. So the way to cut the thing down would be to decrease the size of the footprint and that would lower the height.

Mr. Kolesar – So it is a calculation. So, if I do a fourteen by sixteen and I come under the size...what am I at? Two feet four inches over the allowed height?

Mr. Rusnov – Yes, if you lowered the size, you might negate the need for a height variance because they are proportional.

Mr. Baldin – What is your lot size again?

Mr. Kolesar – I think it's. . .

Mr. Baldin – You've got that pie-shaped.

Mr. Rusnov – It's an odd-shaped lot.

Mr. Baldin – Like thirty nine in the back.

Mr. Rusnov – It's probably twelve to fourteen thousand square feet.

Mr. Kolesar – I don't have the topo on this.

Mr. Baldin – One hundred thirty by thirty nine which is really narrow back there. Is there common ground behind you?

Mr. Kolesar – There is, yes.

Mr. Kolick – Mr. Chairman, maybe for Brian in the Building Department. Does that size mandate that the roof pitch has to be that height or could they comply with the Code even if they use that square footage?

Mr. Roenigk – If it's a pre-build, no. If you build it yourself from scratch, you can kind of do whatever you want. But I believe this is pre-fab.

Mr. Rusnov – Stick build, you can make whatever you want.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Baldin – Is this stick built or are you having a contractor do this or are you doing this yourself or what?

Mr. Kolesar – I'm going to take this on myself with some help from a family friend.

Mr. Roenigk – Excuse me, the lot size is ten thousand fourteen square feet.

Mr. Baldin – So he could lower it.

Mr. Kolick – If its stick built he could lower the height. If he using a pre-fab structure it sounds like he couldn't without decreasing the size. Why don't you see what comments you have from the audience?

Mr. Houlé – This is a public hearing so I'll ask if there's anyone in the audience that would like to speak in favor of granting the variance. Is there anyone here who would like to speak against the granting of the variance? Please come forward and give us your name and address.

Ms. McNeily – I'm not saying I'm for it or against it but I would just like to ask some questions.

Mr. Houlé – Just give us your name and address.

Ms. McNeily – Hi, my name is Loree McNeily. I live at 18377 Admiralty Drive which is a few houses away from Brian and his wife Elizabeth. My parents, just for the record, I and several of my siblings live in Highpoint Association. My parents are actually Brian and Elizabeth's neighbors. They have lived there for about eight years I think it is. They have two young daughters. They maintain their yard very well. They get along. They're good residents of Highpoint. I have a few concerns and I would like to voice them to you and then maybe you guys discuss them and some of them you were hitting on. To begin with, the City of Strongsville has different Codes. That is why we are here because Brian and Liz want a variance. The reason you have the Codes is for a reason. Specifically, we live in Highpoint and Highpoint has certain lots. As you have been told by Brian, his lot is a pie-shape. This structure is going to be at the rear of the structure where it is very thin. Brian also has in his particular lot doubles. Most people as I do and many other people have two neighbors and one behind you. Brian does not. He has seven neighbors behind. He has two on the side, two that would be open to this area where this structure will be placed and at least two more on Admiralty. I live across the street if you were to make a triangle, I live across the street from where the structure will be, kitty corner, okay. Brian is here and if you were to draw a straight triangle basically at the point because I can walk through at my parent's backyard straight through the backyard and come into my house. So my thing is there's not a lot of trees, as Brian will know, a lot of trees and stuff. When my parents are sitting they can view many of the backyards. Brian puts this structure in the backyard, the noise or whatever, I don't care if you're sitting out. It will be a nice structure, I'm not worried about that. But the

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

**Ms. McNeily** - thing is sound travels. There are not trees and the noise will travel. I currently live on Admiralty and somebody way down the street I can hear what's going on. So it's the sound, it's the size of the structure that will impact all the residents around that I am concerned about. My mom and dad are for this structure, my dad has informed me. My only concern is the impact it will have on the fellow residents that surround this, and then the president that is sitting for Highpoint Association, if this exercise pavilion structure is granted, what will that say for the rest of our development? Our homes are not built for exercise like this. Everybody is entitled to enjoy their backyard. Everybody else is also entitled to enjoy theirs. That is one of my main concerns is the infringement on everybody else.

**Mr. Rusnov** – Your major concerns are the size, the floor area, and the height. That's a brief summary of what you have purview over.

**Ms. McNeily** – Sorry. I think there's nothing with building a conforming structure.

**Mr. Rusnov** – We understand that. That's why he's here for a floor area variance and a two foot height variance.

**Ms. McNeily** – And that's my main concern. If it's higher, sound is going to travel farther out.

**Mr. Rusnov** – And you're setting a precedent.

**Ms. McNeily** – And you're setting a precedent. So, my question is one person gets it, what's going to happen is the next person and the next person will want it. So we're going to have all these structures in the backyards.

**Mr. Rusnov** – Well if you abide solely by the Code then we wouldn't be here.

**Ms. McNeily** – Correct. As Brian stated, his neighbor has a sunroom in the back of his which was built when the house was built. So that's kind of a different thing. One other concern is the other side of Admiralty, on his street there was a house fire back in March. I wasn't here, but it burned it to the ground. So my question is, if the structure is built out there, these houses are close and it will be close to my parent's house. I'm concerned. My parents are in their 80's and I'm concerned about fires. Evidence is right down the street. There was a house fire and it ruined their whole siding and it's taken some time to clean up. It just was leveled last week.

**Mr. Baldin** – That was very unfortunate that it happened, but those things do happen.

**Ms. McNeily** – My parents are in their 80's. They're fine, they're good, they're healthy, but my thing is being out and if it will be eight feet out and then further back into the yard. They have no



**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

**Ms. McNeily continues** - problem with it, but I do. And the noise and the size, and the precedent and the other things. That's why we have a Code here and for this size lot I don't think it's proper to permit this.

Mr. Rusnov – The only thing we're allowed to address is the variance issue. You're making valid points with the fire and the noise and everything else, but we have tunnel vision here, but it would be the size of the structure which is within the purview of us, we have to have a variance for that and the height. That's what we're here to look at.

Ms. McNeily – If we were to stay in size and height, I think no problem because everybody's allowed to do that and that's why we have rules.

Mr. Baldin – Thank you for your time.

Mr. Houlé – Loree, you made some great points.

Ms. McNeily – I have one other question. I don't know if you guys are, but I have talked to Kathy and Kathy's been very good. There's the website that has not been available to residents since March for us to see what is going on.

Mr. Rusnov – File complaints?

Ms. McNeily – No, to view people that are looking for variances or permits for building. Kathy, you know what I'm talking about.

Ms. Zamrzla – Mr. Chairman. When the City, and Brian if you want to jump in here, do so, when the City upgraded with their MyGov system, which is our database, if you will, or if you want to call it that, for a permit and contractors, when we upgraded from 4.0 to 5.0 we currently don't have all the reports we used to have before the update. We used to have the capability where people could go on the website and search for a permit address and see what's happening there. We can't do that yet with the new system and Mr. Miller said that it is coming and that's what Ms. McNeily is referring to.

Mr. Kolick – Kathy, we do post the agendas, don't we?

Ms. Zamrzla – She's only referring to looking up individual addresses. She wants to look up a permit.

Mr. Kolick – No, no, I understand, but I mean the agenda at least would identify the lot and would identify any variances requested. So you post the agenda so they would at least show.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Ms. Zamrzla – But what she's referring to is that she just wants to look up any given address at any given time and see if permits are happening at that address and we don't have that capability currently like we did with the previous database that we had. But I explained to Ms. McNeily that we're open 8 to 5 and she can call us anytime and ask us about any address that she would like.

Ms. McNeily – Is there any way to get that up sooner since that information is important?

Mr. Rusnov – Ma'am this is not their fault.

Ms. McNeily – You guys don't do that?

Mr. Rusnov – It's not their fault. It's the software providers who have dropped the ball. They've been working like beavers to make that information more accessible.

Ms. McNeily – And Kathy did very good job with it.

Mr. Rusnov – It's not's their fault. They're trying their absolute best. It's the software providers that have dropped the ball.

Ms. McNeily – Go back to the old system. Thank you.

Mr. Houlé – Mr. Kolesar if you want to come back up if there are other comments you want to make before we entertain a motion.

Mr. Kolesar – Yes. I'm trying to make use of my backyard and as it currently stands we don't spend any time back there. I appreciate what you're saying as far as noise. I'm just trying to make use of most of my property.

Mr. Baldin – But understanding what she's saying and you know what our Codes are. Have you given any thought of downsizing what you're asking for?

Mr. Kolesar – Absolutely.

Mr. Baldin – This is the time and place to do it.

Mr. Kolesar – It seems pretty reasonable to meet that two feet four inches if I need to move it down two feet, length times width.

Mr. Rusnov – This is a public hearing and you can ask for a continuance or a reconsideration and come back with a plan the next time we have the meeting. If you would do that.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Houlé – Of if you conform to the Code, you don't even have to come back to us and you can start your contracting work tomorrow. That's the other option. If you eliminate the floor area and height requirements that you're asking for here and conform with Code you can start as soon as you're ready. Otherwise you may need to come back for the other part of this variance.

Mr. Kolesar – The other part of this variance, I'm sorry.

Mr. Rusnov – One is floor area and one is height.

Mr. Hayden – The floor area is going to be more than that, right? It's got to be under 192 square feet?

Mr. Baldin – A hundred feet more.

Mr. Kolesar – So even if I take it down. . .

Mr. Kolick – We permit 192 square feet.

Mr. Kolesar – Correct. So even if I reduce it down under the two feet four inches, but I'd still be greater than 192 square feet.

Mr. Kolick – Do you know what it would be? Because we could consider dropping the height and lessening the floor area. Do you know what you would want, is the question.

Mr. Houlé – We could still make a determination today, if you do that. And if you want, we could go on to our fifth item and you can recalculate your square footage based on what you think you could live with without exceeding the height variance, we could call you back up and we could vote on it at that point.

Mr. Kolesar – Yeah, I appreciate that. Let me step out of here for a minute.

Mr. Kolick – You can use the room back there on the left hand side. There's a light switch on the right hand side when you go in.

Mr. Kolesar – Very good. Thank you.

Mr. Kolick – So we'll just continue the hearing.

Mr. Houlé – We'll come back to number four in a few minutes and we'll bring up our fifth item on the agenda which is Ahren Booher. If you would come forward and give us your name and address.

**5) AHREN BOOHER, OWNER**

Requesting an 8' variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 8' (West) beyond the main dwelling in the Side Yard Setback; property located at 17000 Pheasant Trail, PPN 397-13-054, zoned R1-75.

Ms. Booher – My name is Ahren Booher. I live at 17000 Pheasant Trail in Strongsville, Ohio. My fiancé also lives with me, Michael Schmidt. We are requesting a variance because we'd like to put a side patio on our lot. I purchased the home as a foreclosure. It was in extreme disrepair. We've invested significant amount of money into renovating the property and we've done a lot to the backyard but the one item we have not done is the side lot which there are paver stones that were out there prior to me purchasing, which we've removed some so that we can actually mow the lawn which was about knee-high when I purchased it. I guess our issue is we have a chunky yellow lab that loves to be in the mud and the slider comes into the kitchen and it just be very nice to have a buffer without just bringing your wet, muddy dog into the side of the house. The side patio, what we do have a six foot privacy fence, nobody other than us would see the side patio and we are on a private street with a cul-de-sac and we're just kind of hidden from anything. Other than the drone photos we provided, really no one would know it was there.

Mr. Rusnov – Your yard is fenced six foot high, it's wooded, very private. You can't see it from the street.

Mr. Baldin – Absolutely correct. I have no problem with it.

Mr. Houlé – And you're minimizing the concrete? You're not establishing a walkway all the way to the back? The back looks very nice too. We appreciate all you've done there. I don't have any other comments either.

Ms. Booher – We're both realtors so we understand the value. We're trying to increase property value for our house.

Mr. Houlé – So if there are no other comments by the Board, then this is a public hearing. I'll ask if there is 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, then I will entertain a motion for this particular item.

Mr. Baldin – Mr. Chairman, I would like to request an 8' variance from Zoning Code Section 1252.16(e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio encroaching 8' (West) beyond the main dwelling in the Side Yard Setback; property located at 17000 Pheasant Trail, PPN 397-13-054, zoned R1-75, be approved.

**5) AHREN BOOHER, OWNER, Cont'd**

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Houlé – Thank you. The variance has been approved by us. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If they don't act on it or if they do not delay it, then you'll be notified by the Building Department at the end of the twenty days and then you can move forward with your plans. Thank you very much for coming tonight.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Baldin – If you want to come back up ma'am. (Individual indicating she wanted to talk on the prior matter).

Mr. Kolick – No don't have her come back up until we have the applicant back in the room. Brian, do you want to check and see where he's at?

Ms. McNeily – I talked to Brian. . .

Mr. Kolick – We can't have you come up yet until the applicant is back on the floor. Then you are welcome to come up.

Mr. Rusnov – Hey why don't you go out and get us a couple of sandwiches?

Mr. Houlé – Paid by the hour tonight?

Mr. Rusnov – No, I want a sandwich.

Mr. Kolesar – I apologize. I don't have real concrete numbers for you right now, so I have to come back.

Mr. Kolick – We can table this until our next meeting. In the meantime, if you change any of the dimensions, either the height or the size, just get them up to the Building Department and we'll table this until our next meeting. We're scheduled for when, Kathy?

Ms. Zamrzla – August 11<sup>th</sup>.

**4) BRIAN AND ELIZABETH KOLESAR, OWNERS, Cont'd**

Mr. Kolick – August 11<sup>th</sup>. And if you get everything up in time we will put you back on that agenda and you're welcome to come as well to that meeting. The public hearing is still open.

Mr. Kolesar – Okay great.

Ms. McNeily – I talked to Brian afterwards and he showed me what he was going to do and how he was going to put different things as barriers in different sections and with that I think Brian's structure and Liz's structure would be a nice addition to their backyard.

Mr. Rusnov – He's revising everything so we have to wait.

Mr. Houlé – We're not going to make a determination today.

Mr. Kolesar – And just to be clear, because I'm two feet and four inches too high, I'm assuming that it probably wouldn't be approved here by the Board.

Mr. Kolick – We can't vote in advance, and we'll vote on whatever you like us to. I think what you're hearing from input is maybe if you could remove the height variance and bring down the size somewhat, not necessarily all the way down to Code, the Board would be more apt to look favorably upon it. So with your permission, you permit us to table it? Correct?

Mr. Kolesar – If I ask you to vote on it, then what would be my next step if it was denied?

Mr. Kolick – If it's denied, then you are done.

Mr. Baldin – How long do you have to wait to come back?

Mr. Kolick – Six months.

Mr. Kolesar – I'll tell you what. I ask that you table it tonight.

Mr. Houlé – Okay. We'll see you on August 11<sup>th</sup>.

Mr. Kolesar – Thank you for your time.

Mr. Houlé – Is there anything else to come before the Board tonight?

Mr. Kolick – We can conclude the public hearing though, with his matter. We just won't take a vote on it. It won't be re-posted or anything. Any changes you make or if you decide to leave it the way it is, that's fine too, just let us know.

Mr. Houlé – Mr. Kolick, if you will do Findings of Fact and Conclusions of Law for anything denied here tonight.

Mr. Kolick – I will on anything denied tonight, I will do so. Thank you.

Mr. Houlé – If there is nothing else, then we will adjourn the meeting.

---

Mr. Evans, Chairman

Kathy Zamrzla, Sec'y

Approval date