

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

**Meeting of  
April 12, 2017  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlié, Tom Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Michael Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

**NEW APPLICATIONS**

**1) CLARK OIL aka YEY LLC/ Eli Mahler, Representative**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or structural alteration of a nonconforming building or use except to make it a conforming building or use and the applicant is proposing the demolition of the current Gas Station/Convenience Store and construction of a new building;
- b) Requesting a .64 acre Lot Area variance from Zoning Code Section 1258.08, which requires a 1 acre minimum Lot Area and where a .46 acre Lot Area is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- c) Requesting a 35' Lot Width variance from Zoning Code Section 1258.10, which requires a minimum Lot Width of 150' and where a 115' Lot Width is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- d) Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Building Setback and where a 5' Side Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- e) Requesting a 5' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Building Setback and where a 5' Rear Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- f) Requesting a 10' Side Street Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' Side Street Parking Setback on a corner lot and where a 10' Side Street Parking Setback (North) is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;

- g) Requesting a 10' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback and where a 65' Front Parking Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB).

**The Board noted that this is an existing situation, and that the existing structure is an eyesore in the City. They stated that a new building would be a welcome part of the City. The Board also noted that they may be closing off one of the entrances.**

**2) J P MORGAN CHASE BANK, Timothy Meseck, Representative**

Requesting a variance from Zoning Code Section 1258.11, which requires frontage on a dedicated street and where no frontage on a dedicated street is proposed in order to subdivide a parcel with current frontage on Pearl Road; property located at 19250 Knowlton Parkway, PPN 393-31-008, zoned General Business (GB).

**The Board noted that there will need to be easements for parking and cross-utilities. They also noted that the applicant is aware of this issue. The Board noted that there will not be a frontage on Pearl Road anymore because there will be two buildings on two separate lots.**

**3) SEBASTIANO SETTANNI, OWNER, Frank Colabianchi, Representative**

Requesting a 6.04' Side Building Setback variance from Zoning Code Section 1252.04 (e), which requires a 15' Side Building Setback and where an 8.96' Side Building Setback is proposed in order to construct a Single Family Dwelling; property located on West 130 Street, PPN 398-21-014, zoned R1-75.

**The Board would like to find out why this building needs to be done where it is, and why it can't be moved over further into the yard.**

**4) TESTOIL, Mike Meyer, Representative**

- a) Requesting a .03 acre Lot Width variance from Zoning Code Section 1262.06, which requires a 2 acre Lot Width and where a 1.97 acre Lot Width is proposed in order to construct a 5,500 SF Addition;
- b) Requesting a 13' Side Building Setback variance from Zoning Code Section 1262.08 (c), which requires a 50' minimum Side Building Setback and where a 37' Side Building Setback is proposed in order to construct a 5,500 SF Addition; property located at 20338 Progress Drive, PPN 392-18-003, zoned General Industrial (GI).

**The Board noted that this is a general industrial building, and that it's a lot area variance they are asking for. The Code requires a two acre lot area for the build. They also noted that this is an existing lot that cannot be added onto.**

## **PUBLIC HEARINGS**

### **5) DAVID AND ANASTASIA FIJALKOVICH, OWNERS**

- a) Requesting a 360 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,360 SF Floor Area is proposed in order to replace a Garage;
- b) Requesting a 2' 7" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 17' 7" Height is proposed in order to replace a Garage; property located at 20572 Boston Road, PPN 394-28-009, zoned R1-75.

**The Board noted that the applicant's hardship is that he has a large boat, and he needs a tall door and garage to fit it into. They noted the size of the lot, and the positioning of the structure.**

### **6) WILLIAM AND CARLY HELMET, OWNERS**

Requesting a 1' Height variance from Zoning Code Section 1252.17 (c), which permits a 6' Height and where a 7' Height is proposed in order to construct a Solid Board Fence; property located at 21270 Castlewood Drive, PPN 391-14-088, zoned R1-75.

**The Board noted that the Building Department was given a building topo, but it was not one that included landscaping. They stated that the Building Inspector had been out to the property and said that there is no issue with drainage, and that all the swells are operating properly. The Board mentioned that this is a topographical hardship, and noted that the Homeowners Association had approved their plans.**

### **7) RICHARD AND JENNIFER KERN, OWNERS**

Requesting a 2' Height variance from Zoning Code Section 1252.04, which permits a 12' Height and where a 14' Height is proposed in order to approve an existing Accessory Structure (Playground Equipment); property located at 9381 Durian Circle, PPN 395-22-002, zoned R1-75.

**The Board noted that the Homeowners Association has not approved this project, and is requesting more time to work out some issues with the applicant. They noted that they will need to proceed with the Public Hearing portion tonight since notices went out to the public. The Board noted that when the applicant built the original playground equipment he had**

**approval for it from the City, and this is a replacement which indicates that he had followed the correct process in the past.**

**8) JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool, Representative**

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an Inground Swimming Pool; property located at 20572 Beechwood Lane, PPN 393-35-173, zoned R1-75.

**The Board noted that they moved the location to only a 5' variance. They mentioned they would like to discuss the location of it more during the meeting to see why it can't be moved.**

**9) J P MORGAN CHASE BANK/ Tracy Pichierri with Signtech, Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where two additional Wall Signs (North and South) are proposed; property located at 19250 Knowlton Parkway, PPN 393-31-008, zoned General Business (GB).

**The Board noted that the CIPTED Officer looked at the exit sign; he said that as long as it is placed in from the sidewalk further than the existing sign on the corner of Knowlton and Pearl, it doesn't block it there's no sight line issue. They also noted that the total square footage of all the signs are now no more than the total amount allowed by the Code as requested. The Board mentioned that they would rather not have signs on all sides, but also noted that it's a large building on a corner lot.**

**Other business to come before the Board**

**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative**

- a) Requesting a 41.04' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 158.96' Lot Width is proposed in order to split Parcel A;
- b) Requesting a 5' Side Driveway Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Driveway Setback and where a 0' Side Driveway Setback (South) is proposed in order to split Parcel A;
- c) Requesting a 40.19' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 159.81' Lot Width is proposed in order to split Parcel B;

- d) Requesting a 5' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Parking Setback and where a 0' Side Parking Setback (North) is proposed in order to split Parcel B;
- e) Requesting a 17 space Parking variance from the Zoning Code for parcel B, which requires 92 Parking Spaces and where only 75 Parking Spaces are proposed; property located at 16974 Pearl Road and 17024 Pearl Road, PPN 393-34-004, zoned General Business (GB).

**The Board noted that they would rather not change this property into two non-conforming properties, but that the easements would secure this new parking arrangement even if half of it is sold off to new owners.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**April 12, 2017**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this April 12<sup>th</sup>, 2017 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. I have minutes from our March 22<sup>nd</sup> meeting. If there are no changes I will submit them as presented. We ask that each of the individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

## NEW APPLICATIONS

### 1) **CLARK OIL aka YEY LLC/ Eli Mahler, Representative**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement or structural alteration of a nonconforming building or use except to make it a conforming building or use and the applicant is proposing the demolition of the current Gas Station/Convenience Store and construction of a new building;
- b) Requesting a .64 acre Lot Area variance from Zoning Code Section 1258.08, which requires a 1 acre minimum Lot Area and where a .46 acre Lot Area is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- c) Requesting a 35' Lot Width variance from Zoning Code Section 1258.10, which requires a minimum Lot Width of 150' and where a 115' Lot Width is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- d) Requesting a 5' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Building Setback and where a 5' Side Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- e) Requesting a 5' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Building Setback and where a 5' Rear Yard Building Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- f) Requesting a 10' Side Street Parking Setback variance from Zoning Code Section 1258.11 (b) (3), which requires a 20' Side Street Parking Setback on a corner lot and where a 10' Side Street Parking Setback (North) is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store;
- g) Requesting a 10' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 75' Front Parking Setback and where a 65' Front Parking Setback is proposed in order to replace a Gas Station/Convenience Store with a 2,800 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB).

**1) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Evans – Thank you. Our meetings are divided into two portions first is new applications and our first on tonight's agenda this evening is Clark Oil aka Yey LLC with Eli Mahler representing them tonight. Please come up to the microphone and give us your name and address for the record.

Mr. Mahler – My name is Eli Mahler. I live at 3947 West Ash Land, Orange Village, Ohio. I'm representing Mike Ali, he's the owner.

Mr. Evans – Thank you. Please tell us why you are applying for the variances, what your plan is, and what you intend on doing at that corner.

Mr. Mahler – Well as pointed out, this building should've been torn down some time ago. We want to replace it with something much nicer for the area. We're putting the building back further which will open up the area more than it is now. We're proposing several spots for landscaping. There will be a ground sign. The traffic flow circulation will be changed to one drive which will make it easier for egress and building a better pathway for vehicles. The building is proposed here for 2800 SF, but we'd like to reduce it to 2500 SF. We have ample parking based on your zoning requirements. The building set back from the street does meet the zoning from both the two streets. What we do need is that 5' variance for the rear yard and the side yard. Then the building will be brick and we may accent it with concrete split faced block. It'll be a hip roof and we'll try to keep it in the character of the City. It'll be a big improvement over what is there now.

Mr. Evans – Mr. Mahler I'll start with the questions and then other Board members may want to ask further questions. It is an existing situation that is a gas station. It's what we call a non-conforming use in the City because it's zoned General Business but it's really a motorist service activity. In terms of the variances, and while there are a lot of variances, these basically all relate to preexisting conditions. So from our standpoint in terms of granting variances, when we're looking at it we try and see it for the entire project. My understanding is that you have not yet submitted any elevations or plans for the station.

Mr. Mahler – We submitted the site plan and floor plan with the Building Department. We haven't gotten into any elevations yet. That would be the next step.

Mr. Evans – Our standpoint when looking at the corner there right now, the gas pumps, the canopy, the building, the landscaping, parking, all of those things would be substandard from what we'd like to see in our City in terms of building maintenance and conditions. So I'm assuming you're going to replace the parking lot surface?

Mr. Mahler – This is my understanding. Yes.



**1) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Evans – You're going to replace the pumps?

Mr. Mahler – Which I can't answer at this point.

Mr. Evans – The canopy is part of the project? Because that is in bad shape.

Mr. Mahler – Anything that is in bad shape will be taken care of. Anything that the City would object to will be taken care of.

Mr. Evans – Good.

Mr. Kolick – I know you weren't there at the Planning Commission meeting you were not there, but Mr. Ali was there. He did say that he was not planning on replacing that canopy. Our Building Department I believe told him to take a hard look at that because you can see the sky through places in that canopy. Please talk to him about that. If they are going to grant these variances for you to move that building back we will need to see some elevations of that building. The final plans will need some elevations to look at before they can do something with that. I know that the third thing that the Planning Commission was concerned with that if you sell propane, and that's permitted at a gas station, but you need to show us where it's going to be at and you have to have it protected with bollards from cars. We don't want a safety hazard there. So you need to submit additional plans. They don't have to be final ones, but we do need some more details. This is the first time we're hearing it's a brick building. We didn't even know that before then because we haven't seen anything. Get us in some preliminary plans with elevations, the location of the propane, and check on that canopy with the owner. I understand that he's the one that needs to do it, but we need to have some of those answers before the next meeting.

Mr. Mahler – Yes. I will do.

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

Mr. Rusnov – No.

Mr. Baldin – I'd just like to go along with what Mr. Kolick has said that if you don't know what is going on 100% with that building, then Mr. Ali better come up with all the right answers for us or you're going to have a problem.

Mr. Mahler – Unfortunately Mr. Ali had a prior commitment and said that he was going to be coming in late.

**1) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Baldin – I'm sure that's fine and that happens, but he's got to come up with the right answers and get with the City on this. This just doesn't look good, and we all know we want it gone. It's been an eyesore for many, many, years in the City of Strongsville. It's a really tight piece of property and we would like to work with him. We like to keep businesses in this town, but it's got to be done right.

Mr. Mahler – Yes sir, it will be.

Mr. Baldin – Let him know that. Thank you.

Mr. Kolick – The other item is that if you're going to reduce it to 2500 SF, you will need to show us that. We're not against it. That's fine, but everything we see shows 2800 SF so we don't know how you're reducing it.

Mr. Mahler – I have this in my hands if you'd like to see a copy.

Mr. Kolick – We don't need to see it here tonight, but if you bring it up to the City those plans will get distributed to all the Board members. Give it to the Building Department along with some elevations and like I said the location of the propane tank, etc. That way we can see how everything will fit in, but we need those plans first.

Mr. Baldin – I'm glad you brought that up about the 2500 SF because he said there was going to be a convenience store and carry-out that wasn't there before. So this really needs to be looked at very hard.

Mr. Mahler – Yes, well the 2800 SF does show what we're planning on the interior.

Mr. Baldin – Yes, but you're dropping it down 300 SF from what you're saying here.

Mr. Mahler – Yes we are.

Mr. Baldin – OK. Thank you.

Mr. Evans – So Mr. Mahler if you can get that information to us and get it to the Building Department and they'll get it out to the Board members so we have it to consider this when we meet again. That meeting will be on April 26<sup>th</sup>. Is there anything else Board members?

Mr. Rusnov – No.

**1) CLARK OIL aka YEY LLC/ Eli Mahler, Representative, Cont'd**

Mr. Evans – OK. So April 26<sup>th</sup> will be the public hearing for it. Please get that information into the Building Department and talk with Mr. Ali meanwhile, have him appear, and we can move forward at that time.

Mr. Mahler – Yes, OK. Thank you, Mr. Evans.

Mr. Evans – You're welcome to leave if you want. You do not need to stay for the rest of the meeting. You're welcome to stay if you wish.

**2) J P MORGAN CHASE BANK, Timothy Meseck, Representative**

Requesting a variance from Zoning Code Section 1258.11, which requires frontage on a dedicated street and where no frontage on a dedicated street is proposed in order to subdivide a parcel with current frontage on Pearl Road; property located at 19250 Knowlton Parkway, PPN 393-31-008, zoned General Business (GB).

Mr. Evans – Next on our agenda is JP Morgan Chase Bank with Timothy Meseck representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Wright – Good evening, my name is Terron Wright. I am here tonight on behalf of Tim Meseck. My address is 200 S. Michigan St., Suite 1020, Chicago, IL 60604.

Mr. Evans – Thank you. Alright Terron go ahead and take us through this request for the lot split.

Mr. Wright – Yes. Per the comment that was issued by the Planning Commission meeting, our proposed resolution to provide access to a public street for Parcel B is to create an ingress egress easement that will allow Parcel B to have access to Pearl Road.

Mr. Evans – Alright. Mr. Kolick, did we require drawings for that?

Mr. Kolick – I spoke to the applicant here before. What we're going to need is a formal easement that will allow that cross access, but will also allow both parties to use that driveway on Knowlton. Both Chase Bank has to use that as well as the rear parcel. The easement also has to provide for cross utilities because this was designed for storm sewer through the whole parcel. Although Engineering says it'll still work, there needs to be a legal document in place between those two property owners. We need to receive that from you before the next meeting. You can deliver that directly to me at City Hall. That cross-easement agreement needs to address parking, ingress and egress, and it'll also address utilities including the storm and sanitary sewers on both parcels. That needs to be in place before the Board of Zoning Appeals is even in a position to consider the granting of the variance.

**2) J P MORGAN CHASE BANK, Timothy Meseck, Representative, Cont'd**

Mr. Wright – We have a legal description for the ingress egress easement that was submitted. Are you looking for verbiage from Chase's attorney?

Mr. Kolick – We're looking for a formal easement document that would ultimately be signed by the two different owners of the parcels. Chase Bank being the front and Dr. Tam or whoever is going to own the rear one. That'll define the legal rights between the parties. Who is going to maintain them? Who's going to maintain the driveway? We don't get involved with how it's divided. We just to have that in place. So we need that formal easement document addressing those items. If there's any questions you can be in touch with my office. I can walk your attorney through it.

Mr. Evans – I'm sure Chase's property attorneys are pretty familiar with that though. They should have a Word document and just put things in it.

Mr. Wright – Yes.

Mr. Evans – Are there any questions from Board members?

Mr. Rusnov – No.

Mr. Baldin – No questions.

Mr. Evans – So we encourage you to get that information into Mr. Kolick as fast as possible so that we have it. Then he can review it and then the public hearing is on April 26<sup>th</sup>. We'll welcome you back at that time.

Mr. Wright – Alright you got it.

Mr. Evans – OK. Thank you.

**3) SEBASTIANO SETTANNI, OWNER, Frank Colabianchi, Representative**

Requesting a 6.04' Side Building Setback variance from Zoning Code Section 1252.04 (e), which requires a 15' Side Building Setback and where an 8.96' Side Building Setback is proposed in order to construct a Single Family Dwelling; property located on West 130 Street, PPN 398-21-014, zoned R1-75.

Mr. Evans – Item number three on our agenda is Sebastiano Settanni with Frank Colabianchi representing. Please come up to the microphone and give us your name and address for the record.

**3) SEBASTIANO SETTANNI, OWNER, Frank Colabianchi, Representative, Cont'd**

Mr. Colabianchi – Hi, my name is Frank Colabianchi. My office is at 11005 Pearl Road, Suite 2, Strongsville. I'm sure everybody knows my buddy George here.

Mr. Hofmann – George Hofmann, 2400 Beech Street in Berea.

Mr. Evans – Alright Mr. Colabianchi tell us about the request and in particular I'll ask up front for you to include the definition of why that rear portion where the variance is couldn't get moved over a couple feet to avoid the variance.

Mr. Colabianchi – A brief synopsis of the whole situation is that the lot is 75' wide. Normally in the City of Strongsville we could built a house 60' wide. In this particular situation the house to the north was built 5.77' off the property line. Then the house to the south was built 3.97' off the property line. So we've taken the house and cut and cut and cut and got it down to the 54.72' width to still make it conform up there. The rear of the property, we're just asking for consideration there because by cutting the house so much, right in the middle of the house is the family room/great room. The focal point of the house has a two story ceiling with a big window wall and whatnot. Now the back structure encroaches better than half of the family room blocking the view. The more I kick the structure in the back over, it's going to encompass the majority of the view. It's only 11' off the family room so it's just going to create a really small alcove in there. I know the woman especially doesn't like losing so much of the view and losing the rest of it may be a deal breaker for her. I was just hoping that the Board might consider giving us a break because we are going through the expense too of pushing the house way back. It's not going to be anywhere near another structure on either side of the property so we are going to push it considerably further back. We'll still be 5' off the property line, which in some instances would be just fine. I was just hoping that the Board would take that into consideration a little bit for us. Plus, and this has nothing to do with it, but that rear property there is flat and low. There's some drainage issues and whatnot, and we're willing to take on some of those issues when we build the house and try to straighten out as much as we can. We've talked to a couple of the people on either side and they were willing to let us regrade some areas or even run some type of drainage on the property lines to help the whole situation out. I think this could be a win-win for everybody in that whole area.

Mr. Evans – We did not have in our packet a floor plan for this so in terms of looking at the arrangement of the interior of the home that you're talking about the view and everything I don't know if that would be helpful to other Board members or not, but that might be something that if you have a floor plan that you're working with on that then it might be advantageous for us to see it.

Mr. Colabianchi – I can provide that. It's nothing finalized, but I have the first floor plan that I could submit for the Board to look at.

Mr. Baldin – It is a very large, long lot. Its 75' wide with 600-700' deep.

**3) SEBASTIANO SETTANNI, OWNER, Frank Colabianchi, Representative, Cont'd**

Mr. Colabianchi – It's a mile long.

Mr. Baldin – You are moving it back quite a ways to get away from the other dwellings?

Mr. Colabianchi – Correct.

Mr. Baldin – Can you push it back any further? I heard you mention problems with drainage and so forth.

Mr. Hofmann – We would have issues with sanitary sewer.

Mr. Colabianchi – We didn't know any part of that. We were willing to go back as far as we can, but we have the sanitary connection right there at 130<sup>th</sup> that we have to make work. We're even going to bring the sanitary in up high on the basement wall, it's not going in through the footer. We'll have to put a grinder pump in the basement and whatnot, but I don't think we can go much farther. Well as George just said, we can't go further back. I'm willing to take it back to the maximum without having any headaches with the sanitary sewers.

Mr. Baldin – What square footage is the building going to be?

Mr. Colabianchi – Living area is a little under 3000 SF. Then the other building in the back was 30' by 60' so that's another 1800 SF.

Mr. Baldin – OK. Thank you.

Mr. Hofmann – There is a natural storm swale that runs through the middle of these properties. By moving the building any further back we'd be infringing into that a little bit.

Mr. Evans – Mr. Hofmann you're saying that it cuts across the middle of the property from the north to the south.

Mr. Hofmann – Yes.

Mr. Evans – OK.

Mr. Baldin – Thank you.

Mr. Rusnov – Is this staked out now so that we can go out there and visualize what's going on? It doesn't have to be a work of art.

Mr. Hofmann – The house is not staked out, but I could put some stakes in the ground.

**3) SEBASTIANO SETTANNI, OWNER, Frank Colabianchi, Representative, Cont'd**

Mr. Rusnov – If you don't mind.

Mr. Hofmann – Right.

Mr. Evans – If you could just do the four corners of the two major rectangles. That will do it.

Mr. Hofmann – Yes, I could do that for you.

Mr. Colabianchi – It's a bit of a disaster area there too. You can do it, but just be careful walking back there.

Mr. Hofmann – I have my mukluk boots.

Mr. Colabianchi – I'm not worried about you George. I'm worried about the panel going back there.

Mr. Baldin – For all us young guys?

Mr. Evans – Alright is there anything else? All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. The public hearing is on April 26<sup>th</sup>. We will invite you back at that time. If you could submit a floor plan to the Building Department that might be helpful for us. That will help us when looking at the stakes in the ground too to see which way the house is facing. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Colabianchi – OK. No problem. Thank you very much. Appreciate it.

Mr. Hofmann – Thank you.

**4) TESTOIL, Mike Meyer, Representative**

- a) Requesting a .03 acre Lot Width variance from Zoning Code Section 1262.06, which requires a 2 acre Lot Width and where a 1.97 acre Lot Width is proposed in order to construct a 5,500 SF Addition;
- b) Requesting a 13' Side Building Setback variance from Zoning Code Section 1262.08 (c), which requires a 50' minimum Side Building Setback and where a 37' Side Building Setback is proposed in order to construct a 5,500 SF Addition; property located at 20338 Progress Drive, PPN 392-18-003, zoned General Industrial (GI).

**4) TESTOIL, Mike Meyer, Representative, Cont'd**

Mr. Evans – Item number four on our agenda is Testoil on Progress Drive. Please come up to the microphone and give us your name and address for the record. That's alright. We all have copies. Just set it on the chairs there if you want to. We're having trouble with the easel.

Mr. Baldin – I've been trying to get the Building Department with the City to increase the fees so we can afford a better easel and so forth.

Mr. Meyer – I think these chairs are doing a nice job.

Mr. Evans – They'll do a good job. Alright.

Mr. Meyer – My name is Michael Meyer. I'm the architect for the project at 20338 Progress Drive. My address is 4918 Cleveland Road East, Huron, Ohio.

Mr. Evans – Thank you. So tell us what you're asking for. You have the lot area variance and then the setback variance.

Mr. Meyer – Yes, the lot area variance is pretty miniscule we're hoping that doesn't become an issue. We hope that based on the project and the good neighbors that it won't be causing any heartburn. So the major issue is the setback from Alameda Drive. The business is growing, they offer a high quality service with a quick turn-around time and as a result they are in high demand. They need to expand their building. We looked at options on the north end where the parking lot is now so we wouldn't have to go onto that vacant property, but the business model from the interior of the existing building tells us that it really needs to be where it is. We made the building about as small as we could make it, given the needs of the owner. Basically that's where we need to be to meet the business model plans. We're looking at a 5500 SF addition to the west side which encroaches over the existing setback from Alameda by roughly 13'. We'll still be about 48' back from the curb. That 13' is ahead of the neighbor to the north which just about lines up with their front sidewalk.

Mr. Evans – There are no new loading docks or anything proposed in the new expansion?

Mr. Meyer – Actually there is a loading dock over in this area (indicating on drawing).

Mr. Evans – I'm going to ask you to stay by the microphone though.

Mr. Meyer – The loading dock there now has a pretty decayed wall. We're going to rebuild that wall, and then that dock will be less pronounced than it is now after this addition. So no new loading docks are proposed.



**4) TESTOIL, Mike Meyer, Representative, Cont'd**

Mr. Evans – OK. We'll all look at the plans, but we just got those tonight so we didn't have them to look over earlier. Gentlemen, are there any questions?

Mr. Rusnov – No questions.

Mr. Baldin – No questions.

Mr. Smeader – No questions.

Mr. Evans – Do we want them to stake out where the corners of the addition will be on this? Is that necessary? I don't think so.

Mr. Smeader – We can figure it out.

Mr. Meyer – They are out there now there is a single stake that is 55' from the existing building so if you want to get a gauge to the west how far it'll be from the street it's just one of those snow plow markers, but it's out there.

Mr. Evans – With the drawings I'm sure we can figure that out. So April 26<sup>th</sup> is the public hearing. Everyone in Progress Parkway will be notified within 500 SF of the expansion plan as well. So we'll see you back at that time then.

Mr. Meyer – Thank you very much. Thanks for your time.

**PUBLIC HEARINGS**

**5) DAVID AND ANASTASIA FIJALKOVICH, OWNERS**

- a) Requesting a 360 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,360 SF Floor Area is proposed in order to replace a Garage;
- b) Requesting a 2' 7" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 17' 7" Height is proposed in order to replace a Garage; property located at 20572 Boston Road, PPN 394-28-009, zoned R1-75.

Mr. Evans – That takes us into public hearings. Item number five is David and Anastasia Fijalkovich. Please come up to the microphone and give us your name and address for the record.

Mr. Fijalkovich – Hi, I'm David Fijalkovich, 20572 Boston Road, Strongsville.

**5) DAVID AND ANASTASIA FIJALKOVICH, OWNERS, Cont'd**

Mr. Evans – David when you were here the last time we talked about the boat that has the requirement of height and we discussed the size of the building. You need the height in order to have a door that will accommodate a boat that doesn't have a folding scaffold or whatever on it. You also indicated that you have a lot of toys and equipment and things like that. You're still in the mindset that the 1360 SF is the square footage that you need, is that right?

Mr. Fijalkovich – I would like to, yes sir.

Mr. Evans – OK. Board members are there any questions?

Mr. Baldin – Is this a power boat or sail boat?

Mr. Fijalkovich – It's a power boat, yes. It has a tower on it for water sports or things like a wake boarding and things like that.

Mr. Baldin – With your other toys you feel you need the extra square footage?

Mr. Fijalkovich – Yes sir. My wife and I have three cars, motorcycles, boats, lawn mower, log splitter. It's a lot of equipment. I'd like to put it inside to make the lot look nice.

Mr. Baldin – You have a large shed in the back. It's not a large shed, but you have a shed. What do you store back there?

Mr. Fijalkovich – Because it's so far back and the lot is very wet and soft back there I can rarely even get there. I'd also remove it if you'd like me to. I would have no use for it if I could store things up front.

Mr. Baldin – You're fairly new there if I remember correctly.

Mr. Fijalkovich – Yes.

Mr. Baldin – You're doing a lot of remodeling and really fixing the place up to make it look really decent for the neighborhood.

Mr. Fijalkovich – I think it'll be a great improvement for the neighborhood.

Mr. Baldin – Thank you.

Mr. Smeader – If I remember correctly you have a gravel or earth-type driveway. You're going to need to put a hard surface into the new structure. You're aware of that?

5) **DAVID AND ANASTASIA FIJALKOVICH, OWNERS, Cont'd**

Mr. Fijalkovich – Correct. I have that understanding.

Mr. Evans – Thank you Mr. Smeader. I foregot about that.

Mr. Rusnov – We've been in the situation before with the height variances. All of them to my recollection they conformed after we spoke to them. The big issue we have is the height and also the square footage. Is there any way you can peel this back in size, to make the structure close to if not to the Code for its size? Also I know that you have a big boat, but is there any way you can have this structure be 1000 SF and have it conform to the Code?

Mr. Fijalkovich – I can try to revisit it and see what I can do. The main thing about the height is that I need a 12' door there.

Mr. Rusnov – I ask because you could ask us to table this. Then revisit what you're going to do.

Mr. Fijalkovich – I don't understand what that means.

Mr. Rusnov – Putting it off until you've come up with a Plan B.

Mr. Fijalkovich – A revision?

Mr. Rusnov – Yes.

Mr. Fijalkovich – OK.

Mr. Rusnov – It's a suggestion. We can't make you do anything, but it's a lot more palpable for us if it's a conforming use.

Mr. Fijalkovich – The height is going to be virtually impossible to get it below that with the 12' doors.

Mr. Rusnov – See what you can do with the size, and maybe there's a little more wiggle room with the height.

Mr. Evans – We will honor any request that you make. Again our job is to take a look at each one. Evaluate it on its merit and make a decision. What Mr. Rusnov is suggesting is that we have many, many, people who all want big garages and sheds. Our job is to try and determine what is really necessary and what is appropriate for the area. We understand the 12' height in order to get the boat in. Whether or not you could do a building that wouldn't require that much of a variance maybe it's only a foot that's necessary to get a 12' door in and the pitch done correctly on the roof. We'd probably be ecstatic if you could reduce the size of it as well just because no matter how big

**5) DAVID AND ANASTASIA FIJALKOVICH, OWNERS, Cont'd**

**Mr. Evans continues** - you build it you will find stuff to put in it. We all know that. The converse is true that whatever you build, if it's smaller than that you'll be able to get everything into that too because you'll work harder to do it. Our whole objective is to try and make things amenable to our residents, so they can enjoy the property that they have, but it's also to be in conformance with the zoning code which the City has and it is in place for specific reasons. That's the reason why Mr. Rusnov is suggesting that if you went back to the drawing board and determined that you could do a 14' height rather than a 17' it would seem to us a better way of doing it. Again that's your choice as to whether you wanted us to roll the dice and do it based on what you had originally requested.

Mr. Fijalkovich – I'm not an architect so I don't know that it can be done, but I can look into it. I suppose I can knock some square footage off and at least try to get at least closer to the 1000 SF.

Mr. Evans – That would be the objective of what we'd ask you to try and do, but before you would ask us to table it though we will hold the public hearing since it was advertised as such. It was advertised at this figure so if you were to bring it down that would make it an even better situation. If you'll allow me to I'll go ahead and do the public hearing then, and we can figure out whether you need to table or not. OK. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will then close the public hearing. Mr. Fijalkovich the question is that if you're willing to take a look at that, and see if you can bring it down but still have a 12' door to accommodate the boat then you'd ask us to table it now. That would push us back to April 26<sup>th</sup> or beyond that. That would mean that we could administratively deal with it at that time. We wouldn't have to advertise again for the public hearing.

Mr. Fijalkovich – I would like to table it then. I'll go talk to my people and see what we can do. I would like to say that my situation is a little unusual because of the size of my lot too.

Mr. Evans – The size of the garage is determined by the lot. So if you had a 2 acre lot you'd actually be able to do a bigger garage back there. It's predicated on that. We recognize that everyone would like to have as big as they can possibly make it, and unfortunately we have a lot of examples around the City where we've allowed somewhat bigger and we try to contain the size of them to keep the City in check. OK. We'll table it then. You'll need to notify the Building Department if you're ready to go to the April 26<sup>th</sup> meeting. We'll ask you to get those revised plans into them so they can give them to us prior to the meeting to look at.

Mr. Fijalkovich – Just resubmit everything that I can change.

Mr. Evans – Yes.

Mr. Fijalkovich – OK. Thanks.

5) **DAVID AND ANASTASIA FIJALKOVICH, OWNERS, Cont'd**

Mr. Evans – Thank you.

6) **WILLIAM AND CARLY HELMET, OWNERS**

Requesting a 1' Height variance from Zoning Code Section 1252.17 (c), which permits a 6' Height and where a 7' Height is proposed in order to construct a Solid Board Fence; property located at 21270 Castlewood Drive, PPN 391-14-088, zoned R1-75.

Mr. Evans – OK. Number six on our agenda is William and Carly Helmet. Please come up to the microphone and give us your name and address for the record.

Mr. Helmet – I'm William Helmet. I live at 21270 Castlewood Drive, Strongsville.

Mr. Evans – Thank you Mr. Helmet. You heard us in caucus. We had you at the last meeting and talked about meeting the fences so they're the same level. This is not really around the entire yard it's just a section there. Is there anything else that you need to tell us about your request? Are there questions from the Board?

Mr. Rusnov – No questions.

Mr. Smeader – No.

Mr. Baldin – No questions.

Mr. Houlé – We have the Homeowners Association letter on this?

Mr. Evans – Yes they gave us their approval. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 1' Height variance from Zoning Code Section 1252.17 (c), which permits a 6' Height and where a 7' Height is proposed in order to construct a Solid Board Fence; property located at 21270 Castlewood Drive, PPN 391-14-088, zoned R1-75.

Mr. Smeader – Second.

**6) WILLIAM AND CARLY HELMET, OWNERS, Cont'd**

Mr. Evans – Thank you. Before we do the roll call I want to mention that we had Engineering look at the situation because we'd asked for that and they said that everything was in order. I just wanted to make sure that was part of our minutes. So we have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variance has been granted, and pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Then you can continue with your plan with the Building Department. So you're all set at this time. Thank you.

Mr. Helmet – OK. Thank you.

**7) RICHARD AND JENNIFER KERN, OWNERS**

Requesting a 2' Height variance from Zoning Code Section 1252.04, which permits a 12' Height and where a 14' Height is proposed in order to approve an existing Accessory Structure (Playground Equipment); property located at 9381 Durian Circle, PPN 395-22-002, zoned R1-75.

Mr. Evans – Item number seven on our agenda is Richard and Jennifer Kern. Please come up to the microphone and give us your name and address for the record.

Mr. Kern – Hi I'm Rich Kern, 9381 Durian Circle.

Mr. Evans – Thank you. You are here because we invited you back to talk about the height variance on the playground equipment.

Mr. Kern – Two things have taken place. One I was not aware that there was a 12' height variance for the swing set prior to my building it. I take accountability for that. I apologize. Number two, I did have an existing swing set that was falling apart and as my kids grow in age they need a sturdier structurally sound swing set. Therefore I made a modification and I made it larger. Unfortunately I wasn't aware per our Association that I needed to request their approval when you make a modification. So again that falls on me and I take full accountability of that as well. So I'm kind of in a Catch 22 here because first I feel like I'm being singled out there because we have numerous residential swing sets in Sneider Reserve and all that I was able to measure were all over 12'. No one has had any questions about it. The Association hasn't had a lawyer come out and make any objections to it. So that I feel like I'm being a little singled out there on that. I feel like when I do propose the change to drop it in height so everyone is happy that because I've already perpetuated this long enough that I've now had to waste your time, and the Association had to get

**7) RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

**Mr. Kern continues** - a lawyer that there's going to be some bad blood there and they're just not going to approve it anyway. So therefore I may end up losing all the way around.

Mr. Evans – OK, so Mr. Kern the first question I'm going to ask you is if you've spoken with the Homeowner's Association.

Mr. Kern – Yes.

Mr. Evans – Have they given you an indication that they're willing to consider it?

Mr. Kern – They are willing to consider it so I've sent in to the design committee what I need to do. It's still in process. The question I have for you is what have you seen in the past? I mean, we're talking about a swing set here. It's something for kids. It's a playset. I'm trying to be communal. There is nothing for kids in our development and it's a young neighborhood. So therefore we live in a cul-de-sac and numerous kids come to our street to play because it's safer. Now there will be a swing set for other kids to play on which would be mine. So I'm asking for some advice I guess.

Mr. Kolick – Clearly we can't give you legal advice, but all I can tell you is that from the City's standpoint if you lower it to meet the height requirement of 12' then you won't need any other approval from this Board because you would meet our zoning requirements. What you do with your homeowners association is up to you. This City wouldn't be involved in that process at all. On the other hand if you want to proceed and see if you can work things out first with Homeowners Association then we can table it tonight. Then you can meet with the Homeowners Association and if you can make it work with them and you still want to go with the 14' then we can always bring it back at the next meeting. Just like the applicant before though we have to go through with the public hearing tonight. You may want to see what happens with that, and then you can determine what you want to do from there. From the City's standpoint though, we don't enforce the covenants and restrictions. We are however cognizant of what the neighbors and the Homeowners Association may feel is objectionable so we do look at that. We're not bound by the covenants and restrictions though. That's between you and the Homeowners Association.

Mr. Kern – I think that would only be fair because the President of the Association is here and the lawyer that he hired. So basically I kind of hired him. I'd like to hear what they have to say beforehand.

Mr. Kolick – That's quite alright. We're going to hold the public hearing one way or another no matter what.

7) **RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Evan – Yes, and before we go to public hearing I will also say that one of the purposes of this board is to try and work things out. We take a look at variances. We look at everything on its merit. One of the things we hope is that when we're done with our process that things will work for all parties involved.

Mr. Kern – Absolutely.

Mr. Evans – We would hope that the Homeowners Association understands that you've made a mistake. You've admitted that. You're willing to go back through the process now. We hope that the Homeowners Association is willing to work with that process that they have in place as well. Hopefully it's a win-win situation when everything is all said and done then.

Mr. Rusnov – If I'm understanding you correctly I totally understand your position. If you just get this thing to a 12' height, then you've conformed.

Mr. Kern – Yes.

Mr. Rusnov – We're gone.

Mr. Kern – Yes.

Mr. Rusnov – Then the rest of these issues also I assume are no longer germane.

Mr. Kern – That would be the hope.

Mr. Rusnov – Then your course of action would be a) you could let it go through for a vote based on this; or b) as Mr. Kolick said you have the option to table this and redoing this entire thing to conform.

Mr. Kern – Sure. Well redoing it would basically involve sinking it.

Mr. Rusnov – Just sink it a little bit. Right just 24”.

Mr. Kern – Yes.

Mr. Evans – OK. So if there's anything else?

Mr. Baldin – Mr. Kern, did I understand correctly that Snyder's development doesn't have any recreation equipment or area for young children?

Mr. Kern – Correct.



7) **RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Baldin – Do I also understand that you’ve measured some others in the neighborhood and they are over height?

Mr. Kern – Correct.

Mr. Baldin – So you’re not the only one, but for some reason they’re singling you out?

Mr. Kern – Correct.

Mr. Baldin – Thank you.

Mr. Evans – So we do have a public hearing. I’ll ask if there is anyone here this evening who would like to speak for the granting of this variance. OK. Mr. Kern I’m going to ask you to have a seat here in the front row. If the first person there with the hat on would please come up to the microphone. Thank you. Give us your name and address for the record. We’ll need to swear you in first. If there is anyone else who would like to speak, but wasn’t sworn in at the beginning of the meeting please stand to take the oath.

Mr. Kolick then stated the oath to those standing.

Mr. McGlynn – Gerry McGlynn, 9385 Durian Circle.

Mr. Evans – OK. Thank you Mr. McGlynn.

Mr. McGlynn – I’m the direct neighbor of the Kern Family. I think it’s a wonderful project what he’s done. It’s great for the kids like he said. I think it should absolutely be kept up whether it’s with a variance or not.

Mr. Evans – OK. Excellent. Thank you. We appreciate your comments. Sir? Please give your name and address.

Mr. Higginbottom – Daniel Higginbottom, 9365 Sagamore Circle.

Mr. Evans – OK.

Mr. Higginbottom – I just want to say that I’m a neighbor down the street, and I’m not offended by it whatsoever. I think it’s great. I know a lot of children enjoy it very much. That’s all I wanted to say.

**7) RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Evans – Thank you, we appreciate you coming and speaking. Is there anyone else 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? Gentlemen you can take your turn coming up. Please give us your name and address.

Mr. Mott – John Mott, 9068 Eldorado Trail. I'm the Board President for Snyder Reserve and I've been so for five years. I'm also on the Design and Architectural Review Board for them as well. With me is the Vice President, Brian Cutre. He serves on the Board and is also the HOA's attorney. I'll have the attorney speak on this matter, but as far as being on the Design and Architectural Review Committee, no plans were ever sent to myself. How our process is that I get first look at what a homeowner is submitting. We look at the Declarations to see if it falls within our processes. I also reach out to the Building Department, and I also look into the City Ordinances. As long as everything is in unity and conformity it's then sent to our management company who takes a final look at it. They then send the homeowner a letter about whether it's approved or if it needs to be modified. I never had a chance to take a look at this project. We have a process in place so before the City can grant the variance the Homeowner's Association at least has had to look at it and make our opinions based on the declarations between the City of Strongsville and the builder when they first built the HOA. I'll have the Vice President speak with you now.

Mr. Kolick – Mr. Mott do you now have plans though? I know you haven't had them before to look at them. Have you received what you need now?

Mr. Mott – I have not formally been issued or received those either from Rich Kern or from Associative Property Management. So as of today I did not receive any plans.

Mr. Kolick – Has your management company gotten them? I just want to make sure that we keep things moving here. If you haven't then Mr. Kern needs to get you whatever it is that you need.

Mr. Mott – I'm copied on all the emails. I know there was correspondence between Kyle Pelfrey who's our Account Manager and Mr. Kern and Kyle sent him the actual application, and also directed him to a website where he can just download the application himself and fill it out.

Mr. Evans – So it's a relatively easy process.

Mr. Mott – Very easy process.

Mr. Evans – Thank you. Mr. Cutre?

**7) RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Cutre – Brian Cutre I live at 9517 North Bexley Drive in Schneider Reserve. I've served as the Vice President for about three years now on the Board. I think the issue that the Board is that we've granted almost a hundred percent of people's request to build things. There's a process that they have to go through. There was never a request to build anything let alone to modify anything. So when this structure and we got notified of it, and we only got notified from the mailer for this variance, we were confused because we never approved any structure on that property. That's why we're here tonight to say that we need to take a look at these plans because the way it looks right now, we wouldn't have approved this at all. We have pictures of it to show you if you'd like to see it. We'd like to be notified prior to someone building something in our community so we can do our due diligence to work with the Homeowner to build the structure and do it right so everyone is on the same page. That way we're not at the point where we're at right now.

Mr. Evans – Mr. Cutre are you saying that there was no playground, swing set or anything there prior to this?

Mr. Cutre – There was no application for a playground or swing set so if there was one we had no indication of it.

Mr. Evans – You were saying that you just became aware of it because of the variance permit so you never knew that there was a swing set there prior?

Mr. Cutre – Right. We never knew.

Mr. Evans – Is that typical in Snyder Reserve that there are playgrounds or swing sets without your being aware of them?

Mr. Cutre – No. If we don't know about something we just don't know about it. If it's brought to our attention then we'll obviously take a look at it to see if conforms. Most of the time though people do apply for these things and go through the process. We really don't have a problem with most of our neighbors doing that.

Mr. Evans – OK. And your attorney, your name and address please?

Mr. Rutter – John Rutter, 222 South Main Street, Akron, Ohio. I think these two gentlemen said pretty much what I really needed to say. I just want to put a fine point on the effectiveness of their current application. As they had said and to finish off on Mr. Mott's point, I had an email correspondence with the Associative Property Manager this afternoon asking if anything had changed or submitted. His response to me this afternoon was that Mr. Kern had submitted what appeared to have been his application to the Design Review Committee today, but it was blank or otherwise unreadable. So to his point, they haven't had anything to review as of today. This is to the extent that any prior existing structure had already been built, but what we're here today is an

**7) RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

**Mr. Rutter** - alteration. Mr. Pelfrey confirmed that his records don't contain any application or correspondence of any kind regarding the initial structure that Mr. Kern speaks of. The records are devoid from the Homeowner Association's standpoint. They simply haven't complied with the Declaration. I'm sure as this board knows the Declaration represents covenants that run with the land. When property owners purchase real estate in these Associations, they are bound to follow those rules and procedures for the benefit of all owners in our community. That's simply the concern that we have here tonight.

Mr. Evans – As Mr. Kolick explained, we're not in a position to enforce private covenants and restrictions, but we are here to look at this variance request. I guess my question to you gentlemen is if the Kern's do submit an application, are you willing to consider that on its merits? Unfortunately I'll tell you that this Board, gentlemen, how should I say it politely? We deal with a lot of after-the-fact situations. We don't happen to have one on the agenda tonight, but that's actually a rarity. A lot of times we are asked to grant a variance after something is already up. So I guess my question to you is, given that the homeowner could make an application to you, are you willing to consider that under the terms that you consider others?

Mr. Mott – Absolutely. Had Mr. Kern just submitted the application it probably would have saved him a lot of grief and heartache because it would have been caught during my research of the City Code. We probably wouldn't even be here today. There has only been one application in five years that I've turned down and it was a satellite dish. We approve almost everything. We do work very hand-in-hand with the homeowners.

Mr. Evans – Good.

Mr. Kolick – For the Homeowners Association, if they table this tonight, would the Board make some decision on this or the ARB or whoever needs to meet before our next meeting which is set for the 26<sup>th</sup>?

Mr. Mott – That was my original suggestion to Mr. Kern when we spoke prior to today, to table this. Then we'll have him submit the application. I'll review it, and I'll make the recommendation on it to obviously reduce the height to 12'. Then he would have a much better chance. The only other thing on there was a permanent structure. We have an issue with permanent structures. There would have to be some modification there.

Mr. Evans – OK.

Mr. Kolick – Alright, thank you.

Mr. Evans – Is there anything else gentlemen?

7) **RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Mott – Nothing further.

Mr. Evans – Thank you very much. Is there anyone else who wishes to speak against the granting of the variance? Mr. Kern, would you be so kind as to come back to the podium.

Mr. Baldin – Gentlemen, did you say you have some pictures? Would you like to submit those? Thank you.

Mr. Evans – Thank you. Alright. Mr. Kern back to you. So you've heard the process then that's been described. It would seem that the course of action would be to get the application into the Homeowners Association and they've said that they'll deal with it for you.

Mr. Kern – It's done. There's just a PDF issue, that's what he was referring to.

Mr. Evans – Good. I would suggest that you consider asking us to table this for tonight as we did with that earlier one, during which time they can get the opportunity to review the plans, you can determine how easy it would be to get that reduced in height and maybe everything can be taken care of.

Mr. Kern – I completely agree. I think going to 12' will just make everyone happy. We can make this an easy thing. That seems to be the easiest way to skin this cat. But what Mr. Cutre said was that if we would have submitted it earlier they would have never approved it. How do you not approve a swing set in a residential neighborhood where there's no significant change from the one that I have? The only difference between mine and the others is that my boys helped me build this with logs. That's the only difference.

Mr. Evans – OK. I guess my answer is Mr. Kern is that when you're caught speeding in a zone and you say that you didn't see the speed limit sign, that's not usually a good defense. Here I'll say that if you just follow the process then the hope is that it'll all work out.

Mr. Kern – Absolutely. This is definitely taking accountability for it. It was my ignorance. I would like to table this.

Mr. Evans – OK. So we'll table this to at least the April 26<sup>th</sup> meeting so you have the opportunity to get together with Snyder Reserve Homeowners Association.

Mr. Kern – Can I table it until the meeting after that? I would not be able to be here for that one.

Mr. Evans – That's fine.

Mr. Kolick – Mike, if he brings it down to 12', does he even need to come here?

7) **RICHARD AND JENNIFER KERN, OWNERS, Cont'd**

Mr. Miller – If you come down to 12', then the Building Department is done with this.

Mr. Kern – It'll be at 12' this weekend.

Mr. Kolick – So you don't need to see us but you still need to do whatever you need to do with the Homeowners Association. We'll table it for now, but if you bring it down to 12', then just inform the Building Department that it's to Code and you can withdraw the variance request because it'll no longer be necessary.

Mr. Evans – We encourage you to still work with them to get it resolved so that everyone can work it out.

Mr. Kern – Absolutely, one hundred percent. Thank you for your time.

Mr. Evans – OK. That's very good. Thank you.

8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool, Representative**

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an Inground Swimming Pool; property located at 20572 Beechwood Lane, PPN 393-35-173, zoned R1-75.

Mr. Evans – Next on the agenda is Jacob and Julie Bugno with Ron Fazulak with R & R Pool for the property on Beechwood Lane. Please come up to the microphone and give us your name and address for the record.

Mr. Fazulak – Ron Fazulak, R & R Pool and Spa Co., 25901 Water Street, Olmsted Falls, Ohio. This is the homeowner.

Mr. Bugno – Jacob Bugno, 20572 Beechwood Lane.

Mr. Evans – Thank you. Alright. When we met the last time we talked about options and whether or not that could be moved to alleviate the variance. All of us have been out to look at it. There is a drop-off there. In caucus we talked about it just very briefly. Gentlemen does anyone want to take a stab at some comments?

Mr. Houlé – Well, I've been out there and as I suggested at the previous meeting, I didn't see the need for it to be as close to the side where it's at.

8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool,  
Representative, Cont'd**

Mr. Fazulak – So we moved it.

Mr. Houlé – Yes, you moved it 5'. So I think you still need a 5' variance. I still don't see the need why it can't be more centered, and just alleviate the entire variance though.

Mr. Fazulak – I'm stuck in the middle here because the homeowner wants to maximize the yard.

Mr. Evans – We understand that, and we generally look at topographical situations or other things that have to do with the layout of the house that may be preexisting or whatever. Our problem is that our propensity is to not have variances unless we absolutely have to. In your case it would be nice to move it all the way up to the fence because it would give you more yard. The reality is that not only does it impact current neighbors, but what we've found from experience on this Board is that when we offer a variance to be approved that it stays with the property. So subsequently someone who may not have had a problem with the variance goes to sell their house and all the sudden their buyers all say that the pool or fence or whatever it may be is way too close. At that point they regret having said it wasn't a problem and it became a problem when they tried to sell it. Our job is to take a look at variances and try and fit them into the four criteria that we have for granting variances. Unfortunately maximizing the backyard isn't one of the reasons we can use. You're putting the pool in so you can enjoy the pool and there has to be a consequence for you as a homeowner that it's got to be balanced in the yard. What the Zoning Code has done is make sure that it doesn't negatively impact not only current owners, but someone who may want to be an owner of a property down the road. After having been out to look at it, we all agree that it can be shifted. Then you wouldn't have to have the variance and then it wouldn't require that. Yes, it would impact your yard more, but it's really not a situation where it's the only place that it could be.

Mr. Fazulak – OK. Basically then what you're looking for since you're counting the deck as long as I'm 15' to the outside of the deck basically I could make the deck one foot on that side and still put it in that place.

Mr. Evans – Yes.

Mr. Fazulak – Right. So it doesn't matter where the pool is as long as I'm 15' to the deck.

Mr. Evans – OK. Yes.

Mr. Kolick – Well we still have a public hearing we could do.

Mr. Evans – If you want to talk about that for a couple seconds we could do the public hearing on it and get it out of the way.

8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool,  
Representative, Cont'd**

Mr. Fazulak – Then I guess we don't need a variance. Well go ahead and let's see what happens.

Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Please come up to the microphone and give us your name and address for the record.

Mr. Baumeister – Joe Baumeister, 16132 Heatherwood Court, Strongsville. First I'd just like to say thank you for providing me the opportunity to speak. I'd like to make some general points and observations. Being a homeowner who moved to Strongsville from another City I have faith that higher standards would exist in the City of Strongsville. I assumed Codes, Rules, and Laws would be strictly enforced and not weighed simply on homeowner's preferences and conveniences. It would seem logical to me that a homeowner that should take responsibility before buying a piece for property in the City of Strongsville. They should know their property lines and what they can and cannot build. Buying a home requires accepting of zoning conditions. I bought my house knowing that there's limitations to what I can and cannot do. I also place trust in the Zoning Codes to protect my major investment. If Zoning Codes are not strictly enforced, it provides the opportunity to detract from the neighborhood settings and affect property values. In this case it would seem that various other options exist that do not require variance zoning approval. If you set precedent based solely on homeowners convenience and grant variances which seem to conflict with and I quote "a strict letter of Codes and issuance of unnecessary hardships," and in this case I don't see any hardship evidence. And I do worry that it sets a bad precedent. I'd also like to point out that this hearing puts pressure on myself and neighbors to present options, and I do think my fellow neighbors concur. I've spoken with other neighbors and none of them were in favor of this variance. It becomes too easy to obtain approval, and if this were to pass it'll shake my faith in the Zoning Board. So to paraphrase 2048.08 of the Reasons for Granting Variances "in order to meet public health, safety, morals, general welfare, and safeguard the substantial justice done for the following reasons." I think you know that all four of these conditions must be met. First is unnecessary hardships, particularly to the property involved and are not based on conditions created by the owner. In this case the conditions are not met. There are no hardships, and it's a very large property with various options. It may even be the largest property in the area. Next is exceptional circumstances or conditions. Again for this one I don't think conditions are met for this case. I don't see any exceptional circumstances. I see it only as homeowner preferences and convenience. Third is when the granting of a variance will not be materially detrimental to the neighborhood. Also it does not meet this condition. I think it provides an opportunity to unfairly detract from the neighborhood and on the property values. And lastly, when the granting of the variance will not be contrary to the general purpose to the intent and purpose of the Zoning Codes. I think requests based homeowner preferences and conveniences that can easily be accommodated with a different design is contrary to the general intent of the Zoning Code. Again I don't think these four conditions were met, and I think there are so many other options you could do, and in



8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool,  
Representative, Cont'd**

**Mr. Baumeister continues** - conclusion I am on the record against voting in favor of this variance. Thank you for your time and attention.

Mr. Evans – Thank you very much Mr. Baumeister. That's a great job, you read all the requirements.

Mr. Baumeister – I know you know them all, but I felt obligated. That's just how I respond.

Mr. Evans – That's alright. I wish all our applicants would look at them too, but we don't always get that opportunity. Alright. Thank you. Is there anyone else who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. Are there any further comments we need to make from Board members?

Mr. Fazulak – Can I make a comment? OK. From the way he made it sound, and that's why we're here. I know what the Codes are, OK? The homeowner knows them because I have explained it to him that it has to be 15'. So it's not that we're trying to do something against the City. The City has set precedent on this before by putting the pool in closer to the house.

Mr. Evans – Where circumstances have warranted we would like to think that this Board has made accommodations, yes.

Mr. Fazulak – I know that's just my comment. I just sounded like I didn't know what I was talking about, and I know what the Codes are in this City. That's why I'm here. OK. Thank you.

Mr. Evans – Again, anyone is able to request whatever they want. Our job is to try and determine the merits of each one, and make decisions based on that. That's the reason we exist. We like to think when we set precedents that they are an accommodation based on a specific circumstance that has its roots based on what the Code allows us to do in terms of granting variances. So that is the way that we operate. Mr. Bugno at this point you have the opportunity to modify if you want to your request for the variance, or you could withdrawal it, or you could say that this is what you want and I'd like you to act on it. Those are all things you have the option of doing when you're here before us requesting a variance. As your contractor explained to you the Setback is from the edge of the deck. In some communities it is to the water, and ours it happens to be to the deck area. So that's the way the 15' has to be determined. You're not required to have a deck in any particular width so those are all options that you have within your consideration. Do you want us to go ahead with the 5' variance request that is on record? Do you wish to modify that?

Mr. Fazulak – Can I ask one question? If the Board says No, can we then just go back and resubmit the application for 15' to the deck? What happens if you all say no?

8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool,  
Representative, Cont'd**

Mr. Kolick – If you want to resubmit so you don't need a variance, and you comply with the Code then sure. You can do that.

Mr. Fazulak – We could go for the vote?

Mr. Evans – Right. Yes.

Mr. Kolick – That's not going to preclude you. You can always comply with the Code and resubmit. That's fine.

Mr. Fazulak – Ok. Great.

Mr. Baldin – Can't they make that determination now as long as they're here?

Mr. Kolick – He can. That's why the Chairman said that if he wants to just withdraw the variance request, and just make it to Code he can.

Mr. Bugno – I think it's pretty obvious that it's going to get voted against, but either way it requires resubmitting?

Mr. Kolick – Yes, because then you need to give us new drawings that comply with the Code. Then we can look at them.

Mr. Bugno – OK. Great.

Mr. Kolick – They're not going to be major changes from what we have. You're just shifting it over.

Mr. Bugno – Right.

Mr. Houlé – So what would you like us to do? Just withdraw it then?

Mr. Bugno – Yes. Withdraw. OK.

Mr. Kolick – OK. Just mark it for withdrawal then.

Mr. Evans – That's fine. That's perfectly legitimate to do that, and we've had many people come before the Board and they determined that it was the best course of action. We respect that. Like I said, it's your opportunity to do that, but we also understand that it's also good to do that. We'll withdraw it, and you are all set and free to go.

8) **JACOB AND JULIE BUGNO, OWNERS/Ron Fazulak with R & R Pool,  
Representative, Cont'd**

Mr. Miller – Ron you just need to resubmit the drawing to us. Your 10 days is more than over so we can go ahead and get the approval for it.

Mr. Evans – Yes.

Mr. Fazulak – Thank you. No problem.

Mr. Evans – OK? So then you are all set. Thank you very much.

Mr. Fazulak – OK. Thank you.

Mr. Baldin – If I could, I'd like to ask the previous gentlemen that was at the microphone where do you live in the neighborhood in proximity to this lot?

Mr. Evans – Mr. Baumeister, could you please come back up to the microphone?

Mr. Baumeister – There's some odd lot shapes in the neighborhood. I would say a small fraction of our properties, well the creek that runs between us. It's a small fraction that my property is adjacent.

Mr. Baldin – You're on the other side of the creek, OK.

Mr. Baumeister – Yes, the other side of it.

Mr. Houlé – Sir, could I have your address again please?

Mr. Baumeister – Sure. 16132 Heatherwood Court, Strongsville.

Mr. Houlé – I'm sorry, Heatherwood?

Mr. Baumeister – Yes. Heatherwood Court.

Mr. Houlé – Heatherwood. Thank you.

Mr. Baumeister – Sorry.

Mr. Evans – Thank you, Mr. Baumeister. OK, are we all set? Alright. Let's move on then.

9) **J P MORGAN CHASE BANK/ Tracy Pichierri with Signtech, Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where two additional Wall Signs (North and South) are proposed; property located at 19250 Knowlton Parkway, PPN 393-31-008, zoned General Business (GB).

Mr. Evans – Alright, number nine on our agenda is J P Morgan. We have representatives from Signtech. Please come up to the microphone and give us your name and address for the record.

Mr. Groom – Don Groom, I'm with Archer Corporation. We're the sign installer. My address is 7735 Angel Drive NW, North Canton.

Mr. Evans – OK. Thank you. You are here requesting a variance for signs. We have talked about this in caucus. This is basically a north and south side that you want to add them on to. We had at the last meeting talked about downsizing to get them within the square footages which you did. I'm still not convinced that I want signs of every side of the building. You do have one approved on the east side. Then we have north and south. So I guess from our perspective, and what I'd like to hear is why do we need them on all three sides?

Mr. Groom – Right. Well the obvious claim is visibility. I don't know that we explored that adequately at the last meeting other to say visibility. But if you're paying attention, and driving down Pearl Road from the north your focus is on lanes of traffic, the lights, the turning and that sort of thing.

Mr. Evans – Hopefully.

Mr. Groom – So you're not really looking to the west. So then the only sign there is on the front as a monument sign. It's particularly aggravating coming from the south because the monument and the wall sign is on the other side, and all the more you're focusing on traffic in front of you. Plus the lights are changing and that sort of thing. So it's not just a marketing visibility, more pizzazz type of thing. It literally is to let people know that Chase Bank is there. I just don't know that from particularly the south if people are going to be looking over there to see the signage that complies with the Code.

Mr. Evans – So if you're driving headed south, you'd certainly see the building because the Cube storage place sits back, and you have the side of the building. You're going to see the frontage, and you're going to see that monument out front as well.

Mr. Groom – You have a better shot at it, particularly if there's a light that is causing people to slow down there. Then yes, they can look around a bit longer waiting for traffic. So the opportunity is better coming from the north. From the south though, it's really a challenge.

Mr. Evans – Now if I remember right the monument sign that is in here is 6' tall?

9) **J P MORGAN CHASE BANK/ Tracy Pichierri with Signtech, Representative, Cont'd**

Mr. Groom – Yes. I think you're right.

Mr. Baldin – It's 9' by 6'. It's a pretty good size.

Mr. Evans – The fact that the consideration was made to make the signage size down, what would be the chances that you might come down a foot on the monument sign if we were to do the two building signs?

Mr. Groom – I suppose that's an option, if we had to give up anything I guess. I know you said the last meeting that you're not into bartering. A consideration is that we'd forego the north sign. Keep the monument as it's approved right now, and then ask for the south side instead.

Mr. Evans – OK.

Mr. Rusnov – South side sign only, not the north sign. Delete the north sign?

Mr. Groom – Deleting the north sign.

Mr. Miller – The monument sign has already been approved by the Building Department.

Mr. Evans – Yes, I know it's been approved, but what I'm trying to do is look at what we have with other buildings, and try and put that into what everybody is asking for.

Mr. Rusnov – So if I understand correctly, you would forego what sign?

Mr. Evans – North sign.

Mr. Rusnov – North sign?

Mr. Groom – There would be no sign on the north side.

Mr. Evans – Then the south side would be as it was submitted. So instead of approving two here, we'd be approving one additional.

Mr. Rusnov – Right.

Mr. Evans – Alright. Because it's not a dedicated street so it's not actually a corner so that's the reason we have to grant a variance.

Mr. Baldin – Sounds good to me.

9) **JPMORGAN CHASE BANK/ Tracy Pichierri with Signtech, Representative, Cont'd**

Mr. Kolick – That would be correct. So you'd change it to one additional sign south is proposed.

Mr. Groom – Wonderful, yes.

Mr. Evans – OK. So we have that. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Baldin - I make a motion to approve a request for a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where one additional Wall Sign (South) is proposed; property located at 19250 Knowlton Parkway, PPN 393-31-008, zoned General Business (GB).

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Gentlemen, the variance has been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. I very much appreciate, as does the Board, your willingness to accommodate us and work with us. We hope that you are wildly successful with the new project, and we welcome you to the new location. Thank you.

Mr. Groom – Thank you everyone for your consideration. We appreciate it.

Mr. Rusnov – Thank you.

**Other business to come before the Board**

**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative**

- a) Requesting a 41.04' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 158.96' Lot Width is proposed in order to split Parcel A;
- b) Requesting a 5' Side Driveway Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Driveway Setback and where a 0' Side Driveway Setback (South) is proposed in order to split Parcel A;
- c) Requesting a 40.19' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 159.81' Lot Width is proposed in order to split Parcel B;
- d) Requesting a 5' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Parking Setback and where a 0' Side Parking Setback (North) is proposed in order to split Parcel B;
- e) Requesting a 17 space Parking variance from the Zoning Code for parcel B, which requires 92 Parking Spaces and where only 75 Parking Spaces are proposed; property located at 16974 Pearl Road and 17024 Pearl Road, PPN 393-34-004, zoned General Business (GB).

Mr. Evans – Item number 10 on our agenda is Sheiban Properties with George Hofmann and I'm not sure who else we have here this evening. We have the cavalcade. We welcome you all.

Mr. Boumitri – We are a family so we'll come up as a family if you don't mind.

Mr. Evans – Good, we'll need you all to give us your names and addresses for the record.

Mr. Boumitri – I'll begin. Attorney Fadi Boumitri, 700 W St Clair Ave #218, Cleveland, OH 44113.

Mr. Evans – Alright, Mr. Boumitri. George you're going to speak too? Go ahead.

Mr. Hofmann – Maybe, but maybe not. George Hofmann, 24 Beech St. Berea, Ohio.

Mr. Sheiban – Jason Sheiban, 16394 Pepperwood Ct., Strongsville, Ohio.

Mr. Sheiban – Chris Sheiban, 16394 Pepperwood Ct. as well.

**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative, Cont'd**

Mr. Evans – Thank you Chris. Alright, so Mr. Boumitri, take us through this. We talked about this at the last meeting and everything. One of the things we talked about in caucus was whether there are other ways that this could be accomplished without going through the subdivision of the lot? You know that our concern is that we set a precedent because we take one that is existing that's OK right now, and make two that are not OK. Obviously that's a concern that we have. So sell us on why it is that we'd have reason to be able to approve this.

Mr. Boumitri – So as I mentioned at the last hearing that we were present at, Mr. Sheiban is doing this as a result of Estate Planning. Unfortunately we have explored other options to see if there are 99 year leases and things of that sort, but as you know when you're giving a simple conveyance to one person and a lease to another. It's not really working about well. So as the Board also knows this property was at one point one parcel that was then split to build on the parcel. What I've done is compiled a bit of information and data for the Board just to present my client's case in the best light that I can. Whenever the Board is ready, and if you have questions, I'll be happy to field those. Otherwise I can present what little information that I have.

Mr. Evans – Fire away.

Mr. Boumitri – So first of all as far as necessities are concerned, we have explored other options as far as what can be done. As I said, a fee-simple conveyance is the strongest conveyance, and to do a 99 year lease or anything of that sort it's simply isn't fair to one person verses the other. So we are stuck in that situation. This is an exceptional situation simply because you have two building on one parcel first of all, but more importantly one of them is a long-standing member of the community being an owner/occupant in that building. Obviously they'd like to be in that building hopefully forever. The sons are both here because they plan on continuing that business and because they plan on continuing to grow within the community, as their family has done for their entire lives, and well beyond that with their father before that. As far as detriments to the community to the public health or safety or anything of that sort, this is going to be exactly the functional equivalent of one parcel. We have already created and submitted the easement so that there is nothing that can be said about that. We won't have a situation where there's a problem with one or the other because the easement takes care of that. It runs with the land, and forever the two parcels will be able to use each other's parking. The two parcels will have 50/50 responsibility for maintaining the parking, and making sure it doesn't fall into disrepair. They'll have to share the payment for those maintenances. It's a functional equivalent. We've done everything we can to make sure that it will remain that way. Obviously with the sons, they hope to continue their father's legacy in order to make sure that it stays as beautiful as I think it is today and has been since the day they built those buildings. I've also taken the liberty to go through maps. On the west side of the street which is the same side of the street, if you go south from this parcel, five parcels south from this are under the 200' frontage. If you go north from there four out of the six parcels north from this parcel, are also below the 200' frontage. If you go to the other side of the street, the two commercial parcels across the street are both under the frontage.



**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative, Cont'd**

**Mr. Boumitri** - There's one that's residential, but I won't count that in this because they don't pertain similarly. If you go south on the east side its two out of five parcels under the frontage. If you go north three of the six are under the 200' frontage. So we're not asking for something that hasn't already existed previously, or anything that doesn't exist immediately in the area. It will not look any different to anyone passing by or even to anyone who knows the area well. The only difference would be that the City would know that these are two separate parcels. They do plan on being given to the family to remain within the Sheiban family, and as I said even if down the road they are not within the Sheiban family, those easement would make them functionally equivalent so that they have to be maintained. They should always look essentially the same as one another. From there, I don't have to tell you guys that the Sheiban's have been here as long as they possibly could have. Even when they had a satellite location it was within the City of Strongsville. They've been tied to this community and they wish to remain tied to this community for all of their lives. As the Board mentioned in the prior hearing, they think it's a step backwards, but in my opinion this is only a step side-ways. There's no change that anyone will see unless you're talking about what's on paper. The fact that it would be two parcels verses one, would do anything that the Board asks to make sure that it remains exactly that same way. Does anyone else want to speak? Or would the Board like to take questions first?

Mr. Evans – Mr. Boumitri, the only thing I would say is that you're speaking on behalf of the two youngsters and I'd like to hear them say that too.

Mr. Boumitri – Yes, absolutely.

Mr. Evans – Just very briefly since you're on record and under oath.

Mr. Sheiban – Yes, absolutely. I'd be more than happy to. So as Fadi had mentioned, we've been here a long time. Just to reiterate what he said. Having our business here and having some properties here, both my brother and I have gone away to a specialized school for the field that we're in. We brought back degrees in Gemology to bring it back to our hometown so we can continue to grow within the City. We can bring additional things to our jewelry store that some other areas may not have access to like Gemologist and whatnot. With that being said as far as the business regarding the property you'll notice, as Fadi has mentioned, we take being a tenant in the property where we're at, we noticed everything right away. We always take the extra care to make sure that we properly maintain the property. If you'll notice around the holiday season, we decorate with Christmas lights. That's not something that is required by the City or something that is required by anybody. It's just purely wanting to present our shopping center, and we want to present the City of Strongsville as it truly should be. So I think when it comes to those regards, we go above and beyond. When you talk to any of our tenants, you'll notice that snow is always removed, that the bushes are always trimmed, everything is very well maintained for ourselves as well as the image of the City. That concludes what I have to say. If anyone has any questions for myself, I'd be happy to answer them for you.

**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative, Cont'd**

Mr. Sheiban – Alright, just to add on to what he said, I'm glad you called us youngsters because it's true I've known all of you since I was a kid. How many times have I seen you in the store or talked to you, and you know a good portion of our family members. It's refreshing to see everyone still here and still a part of the community. It's grown quite a bit. As we've grown quite a bit as well within this community. Obviously my Dad started here 42 years ago. As he said before as well as a lot of his friends, they started here when there were dirt roads. Now there's a five lane Pearl Road going right through it. It's great to see the community grow. We're doing this more on behalf of my father and his wishes to really make sure that whatever he's asking gets done. He's helped build this City to where it is now. He didn't do it by himself, there's a lot of people, along with you guys as well. As Fadi has stressed, we are going to be staying here. I'm not looking to leave. As you've seen what we've done with Royal Center. It's taken us quite a bit, and obviously Scrambler Marie's and the salon, we're really trying to create a lifestyle plaza. We just opened a dental office, and hopefully another office coming soon. I can't really say much upon that, but we are really picky about our tenants that go into our plazas as well. We've declined quite a bit, and it's because of the fact that we live here. We were raised here. We love this City. So I'm not going anywhere, and I don't think he is. We can't promise that, but I could definitely tell you for sure that there's no plan of it. So these plazas are definitely going to stay within the family, and hopefully forever. For my kids, and hopefully your kids.

Mr. Boumitri – Not that what they've said is not enough, but I also want to remind the Board that Sheiban Jewelers did just undergo a very extensive and expensive remodeling as well. They are growing and they're growing within this community. I'm sure the Board loves to see that as any community would love to see. I just wanted to bring that back up to the Board's attention.

Mr. Evans – Mr. Kolick we already did the public hearing on this, we have the easements that have been submitted in an appropriate form.

Mr. Kolick – I have two things to mention. One is that we want to thank them. They have been a good supporter of the City. We certainly have no problems with Sheiban's. One thing that I do want to make them aware of though is that if this is done. We try to be very business friendly in our City. If this is done, anything you do on either one of these parcels is going to be long involved process because you're going to have to come back to the Board of Zoning Appeals. If you add on to the building or do anything with either of those buildings, right now you will need to come back to the Board of Zoning Appeals because you won't meet our Codes. But if you're only a 150' width, even if you just add 5' on the back of the building you'll have to come all the way back to the Board of Zoning Appeals to get variances to do it. I just want you to understand that if the Board grants it, there are some downsides for you as businessmen that I want you to be aware of what you're asking. Like you said, we want to be business friendly. We don't want you to come back later and say that we never told you that you couldn't add to the buildings now that we split off these properties, or that we never told you that you couldn't modify the parking lot. You're going to need a variance for everything because you'll be undersized. I just want you to realize

**10) SHEIBAN PROPERTIES, INC., OWNER, George Hofmann, Representative, Cont'd**

**Mr. Kolick continues** - what will happen if you do this. The Board first needs to approve it, and the Planning Commission can grant a split. There are some consequences that are not only not good for the City, but not necessarily good for you for getting in tenants. If you get a tenant that wants a drive-thru or something on the side of the building, you'll have to come back before the Board of Zoning Appeals. Right now, you don't need to do that because you comply with all the Codes. Just be aware of this. If you still want the Board to go forward, then the Board can do their vote. As I noted in caucus it needs to be made subject to the cross-easement agreement for the parking ingress/egress, and utilities to the satisfaction of the Law Department. I've worked with their attorney, he's been very reactive to what I've given him. I have a document that is in place, and we'd have to get it signed after you transferred the ownership to another entity because we have to have two different owners to sign the cross-easement. That can be done. I just want you to know all of this up front because you are going to be undersized, and we allow 150' frontage if it's a one-user parcel. We normally require 200', but there were times that we only required 150' all the way up so a lot of those are non-conforming uses that predated the Code change. I know one of the concerns of the Board is that you're doing something after the Code is changed, and asking them to do it. So there are consequences here you have to understand. If you still want us to go forward then the Board can act on it.

Mr. Sheiban – Yes, we understand the consequences, we're definitely there. I've studied the property quite a bit. If we were to even expand onto the premises that we're currently on, we'd either have to take from parking which would make everything obsolete at that point. Because we've got a restaurant, and a lot of different things in this so we couldn't take parking. We wouldn't be able to do a drive-thru because there's a bit of middle ground. There's not much we'd change other than maintaining the building or if there would be any issues with turning a tenant. So if the tenant were to leave the space as is, as I understand it as long as it's the same type of business or similar business then we wouldn't really need anything. Are you talking upon not needing a grant from you?

Mr. Kolick – It would probably be changing the tenants, changing the building, changing uses, and we all know that tenants don't last forever. That's what happens. That may require variances then in order to do it. That's what I'm concerned about with your proposal as was mentioned in caucus. You're taking a conforming parcel, making it non-conforming. The Board has authority to do that, but these consequences then come up later on because of it. We have done this in some instances. We have wound up with problems in some instances because of the two property owners. As long as you keep it in your family it's fine, but once we split it that can change. If you have a sister that decided she no longer wanted to be a landlord and sold off the parcel, then we run into the problems. For instance the new owner complains that your truck ran over their lot and caused a problem, and then their fighting over cost of repairs. That's another just natural consequence. The attorney can do a certain amount with the cross-easements, but even he'll tell you their limited. If there's a break in the storm line, who's property is it on? Maybe it was on my property, but it was a truck going to your restaurant that did it. That's where we wind up with the problems with property

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**Mr. Kolick continues** - owners or rather they have problems and the City gets caught up with it. They come up to City Council and complain to us about it. That's why these ordinances are in effect that's why they're set that way. Again, I just don't want you to be surprised by something down the line that you couldn't have imagined would ever be a problem. It helps this purpose, but it hurts over here.

Mr. Boumitri – Unfortunately as you know, no matter how well we'd like to think we've drafted something. It's never perfect. Whether it's one owner or two. There are always issues and we will never be able to sit down and list them all in order to avoid them all. What we will do is whatever the Board asks, which I think we have done so far with regards to the easements. If there is anything else we'll be happy to accommodate as well. As far as changing it in the direction, I know that there are others that have within the last few years also granted easements for various reasons. All that I can say in regards to this is that I think their intentions are pure, and I think that what we've done will secure the two properties so that there is a 50/50 share even if it is situations like you described. The document is clear as can be. If they want to litigate if they want, but it's going to be pretty easily resolved as far as a judge is concerned.

Mr. Kolick – Again the Board can act on it. If they look at it favorably it will be subject to the cross-easement agreement for parking and ingress and egress and all utilities to the satisfaction of the Law Department.

Mr. Evans – OK. Is there anything else that anyone would like to add?

Mr. Baldin – Mr. Chairman, I would just like to make one comment. The Sheiban family has been around here for a long, long time. They've always taken good care of all their properties. I've noticed that over the years. There's no doubt about it. I think what you're trying to do is get your estate in order to keep it in the family. You guys are young guys, and you've been working with your dad for many, many years. My feeling is that you're going to continue to do this. I hope things work out. Thank you.

Mr. Sheiban – Thank you.

Mr. Evans – Is there anything else?

Mr. Rusnov – No.

Mr. Evans – OK. I'm assuming you want to move forward.

Mr. Sheiban – Yes please.

Mr. Evans – Then I will entertain a motion.

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Mr. Houlé – I would like to make a motion to approve a request for a 41.04' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 158.96' Lot Width is proposed in order to split Parcel A; as well as a request for a 5' Side Driveway Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Driveway Setback and where a 0' Side Driveway Setback (South) is proposed in order to split Parcel A; also a request for a 40.19' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 159.81' Lot Width is proposed in order to split Parcel B; also a request for a 5' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Parking Setback and where a 0' Side Parking Setback (North) is proposed in order to split Parcel B; also a request for a 17 space Parking variance from the Zoning Code for parcel B, which requires 92 Parking Spaces and where only 75 Parking Spaces are proposed; property located at 16974 Pearl Road and 17024 Pearl Road, PPN 393-34-004, zoned General Business (GB). Subject to cross-easement agreements for parking, ingress and egress, and all utility maintenance to the satisfaction of the Law Department.

Mr. Baldin – Second.

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

ROLL CALL:	EVANS – YES	MOTION PASSED
	SMEADER – NO	
	BALDIN – YES	
	RUSNOV - NO	
	HOULÉ - YES	

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Kolick – Presuming that Council doesn't review it then you need to get back before the Planning Commission. Mr. Hofmann is aware of that to approve the split itself.

Mr. Boumitri – Thank you for your consideration. Good night. Mr. Kolick if you need anything in the meantime just let me know as far as the easement.

Mr. Kolick – What you'll do is if Planning Commission approves it, when they transfer the ownership into the other entity then you'll bring the cross-easement agreement with all the signatures up to the City and they'll file it at that time.

Mr. Boumitri – Would you like us to create a new entity prior to that is the real question.

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Mr. Kolick – I'd wait until Planning Commission approves it because I don't want to put you through extra expense. Once they have approved it, then create the entity, do the transfer, and then get the cross-easement agreement up to us.

Mr. Boumitri – As long as they're OK with it.

Mr. Kolick – That's fine. Good.

Mr. Sheiban – Thank you.

Mr. Evans – Thank you. OK. Is there anything else? Then we are adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>May 10, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date