

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

**Meeting of  
April 26, 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) MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative**

Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 3' Rear Yard Setback is proposed in order to install a 37' x 22' concrete Patio; property located at 21414 Woodview Circle, PPN 392-10-110, zoned R1-100.

**The Board noted that this is a rear yard setback to put a basketball court or maybe just a large patio into the backyard. They also noted that they are not in the swale. They also mentioned that they have not gotten a letter from the Homeowners Association as of yet. The Board noted that the shape of the lot and the topography are circumstances that make this project unrealistic without the variance. They mentioned a large drop-off in the back of the property.**

**2) BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15 to permit two Accessory Structures where one Accessory Structure is permitted and there is currently one 200 SF Accessory Structure;
- b) Requesting a 720 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 480 SF Floor Area and where a 1,200 SF Floor Area is proposed in order to construct an Accessory Structure;
- c) Requesting a 11' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 26' Height is proposed in order to construct an Accessory Structure; property located at 18365 Howe Road; PPN 397-33-013 zoned R1-75.

**The Board noted the height on this variance request, and wondered if they planned to have a second floor. They also mentioned the need for a hard surface driveway. They also noted that they turned down several similar variance requests in that area. They noted that this is two buildings with a large square footage.**

**3) DAVID ANDERSON, OWNER**

Requesting a 13' Setback variance from Zoning Code Section 1252.17, which requires a 16' Setback from the right-of-way and where a 3' Setback from the right-of-way is proposed in order to install a 6' Privacy Fence; property located at 13548 Richards Drive, PPN 392-33-078, zoned R1-75.

**The Board noted that the front yard is approximately twice the width of the backyard. They also remembered past variances where they had told the applicants to stay back from the sidewalk 4' instead of 3' for safety reasons mostly. They also mentioned that this is a board on board 6' fence, so it will really reduce visibility. They also noted that it will be a 60' fence to the end of the lot.**

**PUBLIC HEARINGS**

**4) 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 2,500 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 2,500 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 2,500 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 2,500 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 2,500 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 2,500 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 non-conforming property that is in severe disrepair. The Board stated that they believe that these variances will allow them to greatly improve this structure, property, and improve traffic flow. They also noted that they have a revised drawing from the applicant.**

**5) 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 this is a parcel split for the new bank on Knowlton Pkwy. They also stated that it will need to be subject to the receipt of cross-easements to be approved by the Water Department.**

**6) 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 questioned whether the interior basketball court on their floor plans can't be moved so that they don't need a variance. They debated the existence of a hardship that would call for a variance from the City's Code, or whether it was a created circumstance based only on the applicant's preferences.**

**7) TESTOIL, Mike Meyer, Representative**

- a) Requesting a .03 acre Lot Area variance from Zoning Code Section 1262.06, which requires a 2 acre Lot Area and where a 1.97 acre Lot Area 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 an existing lot size non-conforming situation. They also stated that they were unable to identify an alternative to these variances. The Building Department mentioned that they had one inquiry from a neighbor, but after speaking with them about it they seemed to have no issues with the project.**

**8) CAMP BOW WOW/Roxanne Janeski, Representative**

**Requesting an extension of the May 11, 2016 determination of the Board of Zoning and Building Code Appeals:**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming Dog Boarding and Day Care Business and where the applicant is proposing to add a 3,640 SF Building Addition, Relocate and Expand a Parking Lot, Alter an Entrance Feature and Relocate Dog Kennels at an existing non-conforming Dog Boarding and Day Care Business; property located at 14411 Foltz Parkway, PPN 393-03-009, zoned General Industrial (GI).

**The Board noted that this is simply an extension from a variance that was granted a year ago. They said they will ask the applicant if anything has changed with their project. It was also noted that this is an existing non-conforming use.**

**OTHER BUSINESS**

**9) 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 6" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 15' 6" 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 came down on the height and the square footage. The Board also mentioned that the applicant will need a hard surface driveway all the way to the garage. They also stated that item (a) needs to be revised from 360 SF to 330 SF. The Board also noted that they have received an approval letter from the Homeowners Association.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**April 26, 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 26<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 would like to welcome as a special guest this evening our former Chairman of the Board, Dr. Glen Goist who happens to be in attendance. I guess he had nothing better to do this evening so we welcome him. I have minutes from our April 12<sup>th</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) **MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative**

Requesting a 7' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 3' Rear Yard Setback is proposed in order to install a 37' x 22' concrete Patio; property located at 21414 Woodview Circle, PPN 392-10-110, zoned R1-100.

Mr. Evans – First on our agenda this evening is item number one. Mary Rock of Woodview Circle. Please have your representative come up to the microphone and give us your name and address for the record.

Ms. Faught – Kelly Faught, 2117 Pinewood Drive, Brunswick, Ohio 44212.

Mr. Evans – You are representing the Rocks?

Ms. Faught – Mary Rock, yes.

Mr. Evans – Excellent, tell us about what you're planning on doing. We know that it's a patio, and we also know it's pretty large. So give an idea for what and why the variance is needed please.

Ms. Faught – May I give you these first?

Mr. Evans – You may.

Mr. Rusnov – Oh, so it's not a basketball court.

Mr. Evans – Thank you.

Mr. Baldin – Thank you.

Mr. Evans – Alright so give us a rundown on what you're planning on doing.

Ms. Faught – OK. So as some people did see, Mary Rock's backyard is terrible. She's the only one with the big ditch in the backyard. You can't put two feet together and stand straight anywhere in the backyard. She has fallen. There is a letter in here. She was on a lot of medication, so there's a lot of misspelled words and spaces, but she wants a place for her grandkids to be able to come home, hence the 28' by 6' behind the addition. That's going to be the Corn Hole's place. There is no place to do anything you can't put a table out there, nothing. She does a lot of entertaining. She's a widower, but she has a lot of friends. So she wants to do parties out there. There's a HOA approval letter in there as well. It was approved way back in December, but we changed the plans a little bit since then. This is our final plan. I tried to move it as close to her house as possible. A gentlemen said something in caucus about how we're going to build this. So this is how we're

1) **MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative,**  
**Cont'd**

**Ms. Faught continues** - going to do it. We're dropping the height by doing a 3' pad coming out of her house, then it will be one step down to the patio. On the outside most of the wall will be about 1.5' tall. We're using Versalock. Versalock goes together with two nylon pins, and there's a 3/4" setback. Because her yard keeps going, we're going to add Geogrid on the outside for at least 4'. We're going to put the Geogrid at the one and a half mark, and the backside of it. The last 13' that will go this way on the encroachment, and that will be 2.1' exposed. We're going to bury one full block. The block is 6" tall. This is all going to be on a floating footer. The agenda said it was going to be a concrete patio, but it's a concrete paver patio. It's not going to be solid. If the City has to get in there to fix something, we could take this apart, and we can put it back together again when you're finished. The only thing that is going to be solid in here is she insists on getting this pergola which is pretty much a piece of furniture, but we're going to build this thing so we need four pylons underneath the ground. It was not suggested that the pavers that go on top of here is 42" by 32" width, but it's only an inch and a half thick. It's very natural looking so there's not a flat spot to be had. We're going to build four pylons underneath the ground. We're going to set them on there and then put the pavers around it. We're also going to encase each footing to a very small pillar. They are what I call table pillars. They are about 28" tall. They encase all four legs of this pergola that she wants. It's just an aluminum pergola. It's at Lowe's, \$500. It's nothing permanent. It's to be taken down in high winds, rain or snow. So this is just for entertaining.

Mr. Evans – Are there questions from Board members?

Mr. Baldin – I think she was pretty thorough.

Mr. Houle – Yes.

Mr. Rusnov – I think she covered all the bases.

Ms. Faught – I just thought it was funny because you asked how he was going to build. I designed it. I point my finger and it gets done.

Mr. Baldin – Walking back there, I can understand if she's fallen.

Ms. Faught – Yes.

Mr. Baldin – Anyone could fall. You're walking like this.

Ms. Faught – She has 25 staples in her back right now.



1) **MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative,**  
**Cont'd**

Mr. Baldin – Wow. Yes, it's pretty bad. I know that there's some trees back there, there's a big swale, and I think it'll be a hell of an improvement, to put it bluntly.

Ms. Faught – Yes please. This is going to be our showcase of the year. She picked top of the line materials, and so I'd like this to be our showcase for the year. Literally what you're seeing on the front here is going to be what she will also have. The only difference is that the pillars right up under the light there's a solid line. That's how high the pillars are going to be. They're not going as high as this one.

Mr. Evans – Alright.

Mr. Baldin – Aluminum pergola?

Ms. Faught – Aluminum, yes sir. We're going to tap it down into the concrete, and then we're going to put the slabs around it, and then the pillars on top.

Mr. Evans – Given the description that the applicant's representative has provided us, should we have Engineering look at this before we act on the variance?

Mr. Miller – The pergola would fall under the purview of the Building Department. The Geogrid we'd probably want to look at if this variance is approved. Engineering would approve that depending on the overall height. Is it just one piece?

Ms. Faught – No, do you want me to bring you a piece to see it?

Mr. Miller – No, I mean your design. We don't have your full design yet.

Ms. Faught – It is designed, it's just in my head what we're doing. It's not required. The Geogrid is not required for a retaining wall until your 4'.

Mr. Miller – Right.

Ms. Faught – We're adding this because of the fact that her land still goes down.

Mr. Miller – Therefore the Engineering Department would request that you submit that to their department for review.

Ms. Faught – OK. OK.

Mr. Miller – As part of what's going in. We want a record of what's being put there.

1) **MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative,**  
**Cont'd**

Ms. Faught – Oh OK.

Mr. Evans – We wouldn't need that as part of the variance?

Mr. Miller – No you wouldn't need that. No.

Mr. Evan – OK.

Mr. Smeader – If I'm not mistaken there's a drain back there for storm water runoff.

Ms. Faught – There is a swale.

Mr. Smeader – How close will that be?

Ms. Faught – We're 6' away from the center of the swale. I pulled it as far as I can this way.

Mr. Smeader – Is there any consideration for that?

Mr. Miller – They are outside the swale easement in construction so we're OK with that. Again if approved Engineering would specify that the swale would be required to be maintained so it's operational.

Mr. Smeader – Thank you.

Mr. Evans – Anything else gentlemen?

Mr. Rusnov – No.

Mr. Evans – In the meantime, May 10<sup>th</sup> will be the public hearing for this. The rest of us that haven't been out there yet will be before then to take a look at this. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight, so the large square footage may raise a few eyebrows. So if she has curious neighbors that will want to ask questions, she should get together with them before the next meeting to explain simply what the plans are. Maybe you could provide them the picture that you gave us here tonight so they have a better idea of what will be going in there. That may save everyone some time and the trouble.

Ms. Faught – May I ask that we say a concrete paver patio? Because it's not solid, and I'm afraid that someone is going to think that it is.

1) **MARY K. ROCK, OWNER/Kelly Faught of Bricks and Stones, Representative, Cont'd**

Mr. Miller – It'll be changed on the letter that goes out.

Ms. Faught – Thank you.

Mr. Evans - We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Ms. Faught – Thank you. I'm still shaking. Thank you very much.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15 to permit two Accessory Structures where one Accessory Structure is permitted and there is currently one 200 SF Accessory Structure;
- b) Requesting a 720 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 480 SF Floor Area and where a 1,200 SF Floor Area is proposed in order to construct an Accessory Structure;
- c) Requesting a 11' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 26' Height is proposed in order to construct an Accessory Structure; property located at 18365 Howe Road; PPN 397-33-013 zoned R1-75.

Mr. Evans – Item number two on the agenda is Ihde on Howe Road. Please come up to the microphone and give us your name and address for the record.

Mr. Parken – Good evening, my name is Rob Parken. My address is 20431 Scotch Pine Way, Strongsville, Ohio. I'm representing the Benjamin Ihde and his wife Dawn. If I could go first, I'd like to explain the reason for the height of the ceiling. My potential client has a passion for rehabbing vans. He is the owner of DNS Color Supply which is a large distributor of PG automotive refinishes. So by nature of his business and his passion, he takes vans and rehabs and remodels these vehicles. In order to do the mechanical work on the underside of the vehicle he needs to elevate it on a lift. We thought a 16' wall would allow enough space for a 6' van to be properly elevated for a 6' person to be underneath it and work on the vehicle. As we've been discussing that, we could take the walls down to 14' which actually with the 7/12 pitch would put the ridge of the scissor trusses at 23'. So we could take the walls down to 14'. I just wanted to explain why and say what we could do for that. Otherwise, the size of the building, the 30' by 40' building as I said by the nature of his business and passion that he has for remodeling these vans, he owns six vehicles. Now, he has another accessory structure which is now solely used for yard

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

**Mr. Parken continues** - equipment and storage. They use their attached garage to store their family vehicles. He owns six, and one he is paying for it to be stored right now. This room in the building, 1200 SF on paper may not seem like a lot, but if you've ever been in a collision repair facility, there's welders, tools, equipment, there's a vehicle being worked on, there's one that is not at the moment. The space gets eaten up so quickly. Without it being at least 30' by 40', it would be really tight. Even the 14' walls would allow enough room for the lift to elevate the van. There is a section that will have a 12' door. That overhead door coils to the ceiling, and that eliminates space for a lift. That area is of no use as far as lifting the vehicles. That's another contributing factor as to why we would need that much space. The lot size is 2.2 acres. The variance request is I think for those two major things, and I think that's as well as I can address it. Is there anything you'd like to say? OK.

Mr. Evans – Mr. Parken, I guess I'll start for the Board. Several things you mentioned in your presentation made the hair stand up on the back of my neck. One is collision repair operation. This is a residential area.

Mr. Parken – Sure.

Mr. Evans – When you talk about that, and your client rehabbing vans and things like that, we are well across the border of running a business. That presents a problem in a residential area like that. I know that along Howe Road we have lots of variety in terms of buildings and people doing things. One of the reasons this Board exists is to take a look at things. There are four reasons for granting a variance. I'll tell you right now that running a collision business is not one of the reasons why we grant variances.

Mr. Parken – Understood. Yes, he does this solely for passion. It's not for economic gain. He doesn't sell the vehicles. He has a passion for rehabbing these vans, and being able to do it in his home would allow him to pursue his passion and enjoy it at his residence.

Mr. Evans – I will ask Mr. Ihde that question because we would like for him to reply under oath about that.

Mr. Parken – Sure.

Mr. Evans – Our problem is that when we grant variances they stay with the property, so if Mr. Ihde moves and someone else goes in there, it's going to have a pit. It's going to have a functioning collision repair shop, and someone else looks at it and thinks it'll be a great place to run their business out of. At that point, we've made a major atrocity in the City by this Board allowing something like that to be there. So it's a concern of this Board when we're presented with that kind of information. I understand the passion. There's lots of wonderful passions that people have. This one takes it into another dimension for the most part.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

Mr. Parken – Perhaps my use of the term collision repair wasn't the greatest choice of words. It's not going to be like he has a body shop set up. When it comes to rehabbing a vehicle, the mechanical and body work involve a lot of tools that are stored in chests, as well as welders and things like that. I do understand what you're saying, but this isn't a building that is going to be set up as a collision repair facility or an auto shop. It's just a place for him to store his yard equipment, have his vehicles, and be able to do this in the leisure of his residence.

Mr. Evans – The yard equipment is in the other shed now. Correct?

Mr. Ihde – Yes that's correct.

Mr. Evans – So what would cause that equipment to move from that shed and relocate to this proposed building?

Mr. Ihde – What would cause it to?

Mr. Evans – Right, because Mr. Parken said that the new building would be a great place to store yard equipment.

Mr. Ihde – No the existing building.

Mr. Parken – Yes.

Mr. Ihde – Everything I have in the existing building now. I have to keep a car offsite. The reason it's not a collision repair business is that I obviously keep them all. I have six vehicles. So this is just something I need for storage. There's no pit, the lift doesn't contain a pit in any shape or form. It's a moveable device. It will be a garage so if I were to sell the property, it would just be a slab with an enclosed building.

Mr. Evans – Alright. I'll defer to my fellow Board members.

Mr. Baldin – Did you give your name and address?

Mr. Ihde – I did not. My name is Benjamin Ihde, 18365 Howe Road.

Mr. Evans – Thank you.

Mr. Baldin – You have a shed up there now. I don't know if you got a building permit to put that shed up or not.

Mr. Ihde – It was there when I purchased the home.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

Mr. Baldin – OK. It's almost on the property line too, isn't it?

Mr. Ihde – Yes.

Mr. Baldin – Whoever put that shed up originally it should have been 5' off the property line. That's required in this City. OK? Number two, how long have you had the home?

Mr. Ihde – About a year and five months.

Mr. Baldin – You didn't put all the stones and gravel in before you?

Mr. Ihde – That was all there. Correct. I bought the house as you see it.

Mr. Baldin – Alright. That was another boo-boo that the City should have caught. Because that should have all been concreted.

Mr. Ihde – I understand that and I'm willing to do the concrete as well.

Mr. Baldin – So where exactly is this big, new building going?

Mr. Ihde – So that would be off the property line, so if you were to remove that building...

Mr. Baldin – Excuse me, I'm looking at the print here, and I can't tell exactly where it's going. So please explain that to me again.

Mr. Ihde – OK. Next to that building. So if that was removed, you'd go off the property that necessary 5', and then in that section from the face of that building back over the extra...

Mr. Baldin – So you're talking about moving that particular shed that's there now, and putting the new one there. But instead you'll have it 5' off the property line.

Mr. Ihde – I would put that shed behind the other building. So that you wouldn't see that from the road nor would my neighbor's see it.

Mr. Baldin – You do have a lot of land there. You have a big yard, there's no doubt about it. There's a lot of room to do something like that. Of course instead of three, you're only going to be having two structures in the backyard, right?

Mr. Ihde – That's correct.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

Mr. Baldin – This new shed you want to put up, and of course it needs to have a big front door. Will you be putting in a back door so you can go out the back to get to the other shed?

Mr. Ihde – No. So the other shed would be sideways. It currently faces the road with the door like this. The other building is in front of it so with it sideways I can go behind there and get my yard equipment out, work on the yard and put it back.

Mr. Baldin – OK. The other thing as our Chairman said that made the hairs on my neck stand on end too because that's your passion, and the gentlemen keeps saying vans. Now if you keep working on vans, are you going to keep all these vans? Are you going to sell these vans? Are they for friends of yours? You're going to repairing all these vans and lifting them up, doing body work, painting them, etc.

Mr. Ihde – No this is solely for me. This is something I do. In my business I use them for advertising on some level. All my customers own cars and were kind of in that group. The business I do is not collision repair, I sell to collision repair. So again it's just a hobby of mine. I do not plan on fixing my friend's vehicles. I don't have time for that. I just want a place to store the vehicles I have now. They just happen to be vans. That's what I'm in to, customizing vans.

Mr. Baldin – So the ones you own already are primarily all vans.

Mr. Ihde – Correct.

Mr. Baldin – So another reason you want the larger building is to store some of these vans in.

Mr. Ihde – They are all custom vans like from the 70's. Those style vans. I want some place to put them. My wife and I actually park in the driveway right now so I'd like for her to be able to park in our attached garage and use it for what it's for. Then I'll put that off the street so it's not as noticeable. At any given time I have \$150,000 worth of machines with garage doors open. They're accessible. I'd like to enclose all that, and keep it from street view.

Mr. Baldin – Because one of the other things that came up and was said was a functioning repair shop. Basically when you come right down to it with the tool chest, the welding equipment, the lift, etc., and so forth. If we grant this type of variance and you end up moving, that all stays. Someone else could do the same thing. It's going to be hard to do that.

Mr. Ihde – I wouldn't grant it for that, and I'm not asking for that. If you were to look at my current garage, I already own and use this equipment. I'm not asking for more than I currently do other than the lift. I already have a small welder, an air compressor and things like that that I use as a hobbyist.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

Mr. Baldin – Where do you run your business at?

Mr. Ihde – Middleburg Heights.

Mr. Baldin – Explain to me again what that is?

Mr. Ihde – My business is a distributor of automotive and industrial paints and coatings, and other related supplies.

Mr. Baldin – So you don't have a big shop and room there to do this kind of work?

Mr. Ihde – I don't.

Mr. Baldin – OK. Thank you.

Mr. Ihde – Thank you.

Mr. Evans – Do we have questions from anyone else?

Mr. Smeader – No.

Mr. Houlé – OK.

Mr. Evans – So Mr. Ihde what I'll tell you is that the issue is going to be height. The size may or may not be, but you're going to hear another one on the agenda tonight that wanted to start off at a considerable height as well because they had a boat with a rack on top of it to fit into it. Our problem is that huge buildings that are tall and a lot of square footage in our community they start taking over. Our job is to limit the reasons we have for granting variances. We want to try and fit in what our residents would like to do inside of those restrictions to work out situations. You'll hear tonight another person that wanted really tall, and has come down considerably in order to make that work. I would encourage you to think about that as well. You're able to ask for whatever you want. We will always give it due consideration. Our problem is though that when we set precedent and we put a 26' building then suddenly all the neighbors look at it and want the same. Everyone can fill every bit of space they have with stuff because we know that you may present to us that you want to give your wife the opportunity to park in the garage, so you're putting up the other building. We've done that before for people, and dog-gone if they still aren't parking outside because the building got filled up with boats, and jet skis, and so forth. So we're sensitive to it, but we are not blind. So you need to think about that. If the 26' is what you absolutely need, we'll certainly entertain that. I would encourage you to try and find a way that you might be able to lower the height of the building to make it more fitting into that area. There are other big buildings along Howe Road, we know that. Very few of them are taller than the 15' or 18' range.



2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

**Mr. Evans continues** - Those that are taller than 15' have had variances. We ask you to consider that before you come back for the public hearing. 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. It will state exactly the description that is written in the agenda tonight. If you decide to reduce it or anything like that you'd need to let us know when we have the public hearing on May 10<sup>th</sup>. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble.

Mr. Ihde – I asked a few of the neighbor's about it already. They know what I'm asking to do.

Mr. Evans – OK.

Mr. Ihde – If at this point we've already decided that the 16' can come down to the 14' on the wall height. Would that change be reflected in the announcement?

Mr. Evans – We can do that. You want the overall height instead of 26' would be 23'?

Mr. Ihde – Yes. Actually 23' would be with the scissor trusses and going to the ridge. So it would be 23' tall overall.

Mr. Evans – We can certainly make that adjustment. My position would be that you give due consideration as to whether or not it can come down further than that. 23' is 8' higher than what our Ordinance Codes allow. That's a pretty steep variance. So please consider that.

Mr. Ihde – OK.

Mr. Evans – You can stay with 23'. That's up to you, but we'll advertise it as 23' for you. We can do that.

Mr. Miller – Mr. Parken, I would ask that you go back to your designer and look at your roof truss pitch. You may want to bring that down from a 7/12.

Mr. Ihde – Yes, we could change the pitch. That is another option.

Mr. Miller – Get that pitch down to...

Mr. Ihde – I know we're pretty high, but that is another option. I believe it was in the plans, but we could adjust that and take some height off that way.

Mr. Evans – Yes.

2) **BENJAMIN AND DAWN IHDE, OWNERS/Robert Parken, Representative, Cont'd**

Mr. Parken – OK. Fair enough.

Mr. Baldin – Excuse me, might I add height and size.

Mr. Ihde – OK. Sure.

Mr. Evans – Alright thank you.

Mr. Ihde – Alright.

3) **DAVID ANDERSON, OWNER**

Requesting a 13' Setback variance from Zoning Code Section 1252.17, which requires a 16' Setback from the right-of-way and where a 3' Setback from the right-of-way is proposed in order to install a 6' Privacy Fence; property located at 13548 Richards Drive, PPN 392-33-078, zoned R1-75.

Mr. Evans – Item number 3 on our agenda is Anderson on Richards Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Anderson – Dave Anderson, 13548 Richards Drive.

Mr. Evans – You are on a corner lot. We talked a little bit about it in caucus about this. You are requesting to put up a fence. Our question is, are you replacing a split rail or are you taking it the entire length of the yard?

Mr. Anderson – Basically replacing a split-rail. From the back corner of the garage where there's only 15' between the sidewalk and that corner, and there's an existing Maple tree on the other side of the existing split rail fence. I'm only proposing to replace that amount. We have a deck area that we do a lot of entertaining on, so it's just for more privacy in that particular area. We like the open space and that open area, but we're trying to make it a little bit more private.

Mr. Evans – In caucus we also talked about how in prior situations. We have asked to move fences like this four foot off the sidewalk. We do that for a couple of different reason, but especially it's because if a child or someone falls off a bicycle or something like that they don't wind up going straight into a fence. Instead they fall on the grass instead, and that gives it less of a stockade look. That might be something that we ask you to think about doing.

Mr. Anderson – Yes, the split-rail fence is only a little more than two feet off the sidewalk. I understand the difference between three feet and four feet. However, with a new dog and an invisible fence that goes about three feet, part of our objective is to keep the dog on the side of the

**3) DAVID ANDERSON, OWNER, Cont'd**

**Mr. Anderson** - fence that we can see her. We don't want her on the outside where people are walking and riding their bikes. In the twenty plus years we've had the split-rail fence we've had no issues with bike riders or any of those types of instances.

Mr. Evans – OK. Alright. Are there other questions from the Board?

Mr. Houlé – I just want to clarify something. The new proposed fence is going to mirror the length of the existing split-rail fence?

Mr. Anderson – It may be two or three feet longer on one end, but it's about 60' to 64' depending on if I go with 6' or 8' panels. It's not going clear down the yard one way or the other.

Mr. Smeader – What style fence will it be?

Mr. Anderson – Right now we're considering a white, vinyl fence. I'm trying to cut back on maintenance, so no more wood.

Mr. Baldin – You're saying that right now from the corner of your garage to that fence is 15'?

Mr. Anderson – To the sidewalk it's 15'.

Mr. Baldin – To the sidewalk. OK. The fence now is only about 2.5' off the sidewalk.

Mr. Anderson – Correct.

Mr. Baldin – OK, and it's sort of on a curve there where people ride their bikes through there.

Mr. Anderson – Yes sir, and part of the caucus discussion was about the potential visibility loss on the driveway. When you visit out there you'll see that it won't affect the visibility on the road the way the curve is shaped.

Mr. Baldin – I think you're correct, I was out there today. Also you said something about the invisible fence. Is that in the ground there now?

Mr. Anderson – Yes sir.

Mr. Baldin – How far off the sidewalk is it?

Mr. Anderson – It's about 6" off the sidewalk. So it extends depending on a meter that we have, and it extends about three feet for the safety of the dog and the people walking.

**3) DAVID ANDERSON, OWNER, Cont'd**

Mr. Baldin – Six inches off the sidewalk?

Mr. Anderson – Is where it's buried, but the range of the invisible fence carries the dog's safety area to about three feet from that area.

Mr. Baldin – So you're saying that will hinder putting the fence back an extra foot?

Mr. Anderson – Yes, it'll allow the dog to be on the other side of the fence which we're trying to avoid.

Mr. Baldin – Thank you.

Mr. Evans – OK. 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. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble like we've said before. The public hearing is on May 10th.

Mr. Anderson – Great, thanks for your consideration.

Mr. Evans – Thank you.

**PUBLIC HEARINGS**

**4) 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 2,500 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 2,500 SF Gas Station/Convenience Store;

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

- 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 2,500 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 2,500 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 2,500 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 2,500 SF Gas Station/Convenience Store; property located at 15387 Pearl Road, PPN 397-01-025, zoned General Business (GB).

Mr. Evans – We will transition now into our public hearings for the evening. Number four on the agenda tonight is Clark Oil with Eli Mahler representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Mahler – Eli Mahler, 3947 West Ash Lane, Orange Village, 44122. I'm here representing Mr. Ali, who's unfortunately out of town. We're hoping to get your approval to be able to build a 2500 SF building. We're replacing the existing structure. We have as requested, shown an elevation. It'll be brick and sandstone, atomized aluminum bronze, and we're planning on repaving the entire lot as well. It is shown on the plan here. There's a couple of sections of landscaping as well. As far as the canopy is concerned, and I heard you during caucus, the owner plans on fixing up the existing canopy by reroofing and repainting it. This will be done at this time, and in the near future it would be replaced with a new canopy. He says he just can't do it at the same time as the construction of this new building.

Mr. Evans – Alright, Mr. Mahler, when we have in the past worked with Mr. Ali, one of our concerns is that sometimes things don't get done in the way that they are approved. Track records become sort of important. For us, we feel obviously that an improvement in that area would be welcome. There's no question in our minds about that. There's seven variances. There's a lot of variances. This is an existing situation. It is going to dramatically improve that. I'm sure if I were PNC, Altenheim, or any of the businesses across the street, I'd be very happy about seeing

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

**Mr. Evans continues** - improvement on the corner. I'm gathering that the gas pumps are not going to be moved then. They are going to remain in the same location, is that correct?

Mr. Mahler – They will remain in the same location.

Mr. Evans – One of the other questions I have is since at least two of his pumps are out of commission at all times, is he planning on replacing the pump unit? The actual one or is that going to be a situation that gets resolved at a later time too?

Mr. Mahler – The instruction that I got from Mr. Ali was that repairs will be made on the canopy and that the pumps will put in the order they should be. That's all I received from Mr. Ali. Unfortunately he's not here today, and it's been going on for so long I just wondered what your feelings are. I've heard some of the discussion that you're giving me, but this would be a great improvement for that area. The existing building will be torn down which is an eyesore. The propane tanks will be placed in a secure area where it will be protected by bollards to prevent any accidents. We're enclosing the trash area with wood on wood. There will be two nice landscaped areas. We've eliminated one driveway which will greatly help traffic. It would be a great improvement to the existing property, and hopefully a nice improvement for the City of Strongsville.

Mr. Evans – Gentlemen, do you have any questions?

Mr. Baldin – I hear what you're saying, and we've been through this with this gentlemen before, and personally before I think I'd ever make a vote on this I want to hear it from the gentleman's mouth himself. There's so many things he says he's going to do and will do, and we put them in our minutes. Then we'll see that the City can see that they do get done. I don't want to go through some of the stuff that's happened in the past. That's my only comment right now. An improvement it would be. It would be an absolutely fantastic improvement, and he's telling you that he's going to repair the canopy, and maybe I'll paint the pumps that don't work. I don't buy that. That's all I have to say.

Mr. Smeader – The painting of the canopy would just be a temporary panacea? I think we'd like to hear some specific time frame that we could expect those improvements to take place.

Mr. Mahler – The painting and the repairs on the canopy, and on the pumps will be done at the same time as the construction of the building. It's Mr. Ali's intention to replace that canopy, but I can't give you a timeframe. He's the only one who could give you that.

Mr. Smeader – Are we talking six weeks? Six months? Six years?

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

Mr. Mahler – The construction period for this type of project will probably be a six month period. He probably wants to have this in operation, and perhaps in a year or two. Again your comments about having Mr. Ali speak directly will probably be a wise decision. I'm hoping for a vote, but I have been here a couple times, and I'm sure Mr. Ali has been here more than that. They just want to get going. He wants to start construction. He wants to eliminate that existing building and improve the property. I don't know if you could make conditions on the approval as far as a timeframe for the canopy.

Mr. Kolick – Mr. Mahler, would Mr. Ali be here for our next meeting which would be May 10<sup>th</sup>? Would he be able to attend that meeting?

Mr. Mahler – Again, he's out of town right now, and I will be in touch with him. Probably the wisest thing I would have done today was just to postpone this meeting until he's in town.

Mr. Kolick – I think the Commission would feel much better if he were here on May 10<sup>th</sup>. We could go forward with the public hearing, but I think it is important to have Mr. Ali here. There's only so much you can do as his representative. We need to hear from him. I know part of the concerns of the City were safety concerns because at one time those metal posts holding up the canopy were rusted all around the bottom. I don't know how he's going to temporarily fix them if that's the case. That's why we need to speak with him about some of these items. My recommendation to the Board is to go through the public hearing. We'll do what we need to do tonight, but then we can table this for now, and have Mr. Ali here for the next meeting. Obviously he can approve things that you cannot because he's the owner of the premises. That way we know that they are going to get done. We want to see the property cleaned up too. I think overall the City Administration is happy to see a new building go in, but whatever gets done they want to see it is done in a safe manner as well for the public's safety, his customers, and for Mr. Ali. I don't want to see a new building go up and have the canopy fall down on top of it. So it's a concern with the City that we really need to look at it. I think we need Mr. Ali here though before we take a vote. We're well within our allowed time period, and we also want to see it get done as soon as possible. Maybe that would be the best way to proceed, Mr. Chairman, after the public hearing tonight.

Mr. Evans – Thank you, Mr. Kolick. Is there anything else that anyone would like to add? No? Alright. Mr. Mahler, if you could have a seat while we conduct the public hearing and then we will bring you back to the microphone. If that's amenable to you, then what we'll do is table it and try to get Mr. Ali here for the May 10<sup>th</sup> meeting so we can resolve those issues.

Mr. Mahler – Certainly. I will not be here if he's not here the next time.

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

Mr. Evans – OK. Alright then. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of 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 declare the public hearing closed. Mr. Mahler, if that is your wish to ask to table this, then please do so now.

Mr. Mahler – Since we won't be able to get a vote tonight, that's the only reasonable thing to do. May we table this for tonight please?

Mr. Evans – Yes. So you'll need to let the Building Department know whether or not Mr. Ali is able to come to our May 10<sup>th</sup> meeting, and we can get it on the agenda. If not we'll push it to the May 24<sup>th</sup> meeting instead.

Mr. Mahler – I will certainly not be here without him.

Mr. Evans – OK. Very good.

Mr. Kolick – Mr. Mahler, just let us know. If Mr. Ali can't make the May 10<sup>th</sup> meeting then just send us an email or something and we'll move it to the next meeting until he's able to come. We'll work with you time-wise. It's just important that we get him here.

Mr. Mahler – I realize that.

Mr. Kolick – OK. Thank you.

Mr. Evans – Thank you. Very good.

**5) 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 – Number five on our agenda is Chase Bank. Please come up to the microphone and give us your name and address for the record.

Mr. Wright – Terron Wright, 200 South Michigan Ave, Suite 1020, Chicago, IL 60604.



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

Mr. Evans – Mr. Wright, you're here asking for a variance for a subdivision. We talked about this at the last meeting. You know that this is subject to a number of conditions that have to do with the easements. Chase is very familiar with this stuff. At the last meeting you guys agreed that it was in process. So I'm assuming that you know it will need to be completed before the variance would actually take effect, but we'd vote on it this evening.

Mr. Wright – Yes sir. I received the easements in written format from the existing property owner's attorney late this afternoon. I forwarded it over to Dan. I apologize, but I only got it about an hour ago. Everything is in process though.

Mr. Evans – Excellent. That's what we like to hear. Gentlemen, do you have any questions?

Mr. Rusnov – No.

Mr. Evans – Alright. 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? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov - I make a motion to approve a request for 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). It is subject to cross-easements as approved by the Law Department.

Mr. Smeader – Second.

Mr. Kolick – It's to be approved by the Law Department because I haven't yet seen the document he has sent.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variance has been granted pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. In the meantime Mr. Kolick will be at work on those easements so we'll have those in process.

Mr. Wright – Thank you.

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

Mr. Kolick – In the meantime, your project can get before our Architectural Review Board. They can review it during the 20 day period. The Planning Commission will not be able to hear it before the 20 days runs down, and we approve the cross-easements.

Mr. Wright – We saw the ARB Board I want to say two meetings ago.

Mr. Kolick – OK. They approved it?

Mr. Wright – Yes sir. They approved it.

Mr. Kolick – OK. Very good. Thank you.

Mr. Evans – You are good to go. Thank you.

Mr. Wright – Thank you.

**6) 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 six on our agenda is Settanni. Please have your representative come up to the microphone and give us your name and address for the record.

Mr. Colabianchi – Frank Colabianchi, 11005 Pearl Road, Suite 2, Strongsville.

Mr. Evans – Thank you.

Mr. Colabianchi – I think the Board knows the variance I'm trying to seek for my client. I just have a couple of key points if I may talk about it a little bit here.

Mr. Evans – Sure.

Mr. Colabianchi – My client has under a normal 75' wide lot, but they could have built a 60' wide house. They've sacrificed like 5.4' of width on the house to get us to conform to the side yards on the house part of things. 5.4' is a great deal of room to give up on the width of a house. Also they're willing to absorb the cost of pushing the house back as far as we possibly can so the houses don't line up and we get a little bit of a breaking point between the houses. We'll push it back so it doesn't look tight or anything like that. We're going to push it back as far as we can, and still

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

**Mr. Colabianchi continues** - be able to drain the sanitary sewer by gravity. We're going to bring the sanitary way up on the foundation wall. It's not going to be able to come in underneath the footer which means they're going to have to absorb the cost of a grinder pump and whatnot if they want to put a bathroom in the basement which I'm sure they'll want to. Also the Board asked me to set some stakes so you could take a look at how it'll lay out there. I don't know if the Board members were able to make it out there, but if you were you can see that the lot is a very low. It sits in between two houses. It's substantially below them. When it rains, and even when it doesn't rain there's all kinds of water sitting there. It's virtually a swamp in that case. By building this house, we'll be able to raise the grade, create swales to channel the water to the front ditch area. We can do whatever the City of Strongsville's Engineering Department wants us to do to control the water the way we need to. Also in this regard, the backyard is a low lying area, and I think by us building the house there we'll be able to help that out considerably too as well as for their neighbors. I guess what I'm trying to say is that we're just looking for some consideration with the court area in the back. We just want to try to keep it off that minimum side yard. There was some talk in caucus about pushing the court over. The problem with that is that the great room has a focal point. It's the focal point of the whole house. It's got two-story windows on that wall. The court right now covers probably a third if not a little bit more. If we push the court over to line it up with the structure, it's going to encompass more than half of the view. To be honest, and I'm only saying this because my client informed me of this, that if we're not granted the variance in that regard, the wife won't let him build the house there if it's going to cover up her whole view coming out of the family room. I'm just saying I'd just really appreciate some consideration from the Board on this area. Before they changed the Ordinances this would have all conformed anyway. We got sort of stuck in the middle there by the two houses on each side being so close to the property line. The one to the north is only 5.6' or something off the property line, and the one to the left is only under 4' from the property line. So we're still willing to absorb what we need to between the house and the neighbors, but we'd like a little consideration for the court area. That is way in the back of the property. I guess that's all I have to say. I just hope the Board shows us some consideration in this aspect.

Mr. Evans – Thank you, Mr. Colabianchi. What's the height of the portion of the building that will be the basketball court?

Mr. Colabianchi – The floor is going to be at the basement level, so it'll be 9' in the ground, and then it'll be 12' above ground. So the first floor on the house is going to be a 9' wall. The ceiling height will be a little higher than the first floor, but it is a two story house. It's going to have at least a 10/12 on a 12/12 pitch. So it's not going to go anywhere near as high as the house itself will be.

Mr. Evans – At this point, it'll be roughly 12' of wall that's going to be facing that neighbor then.

Mr. Colabianchi - That will be above the foundation. I guess that's the word I'm looking for. Yes.

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

Mr. Rusnov – Above grade.

Mr. Colabianchi – Yes.

Mr. Evans – Right, OK. Are there questions from Board members?

Mr. Rusnov – I think he's pretty much answered it that this project will not proceed if the property owner has over 50% of the view obstructed by the basketball court.

Mr. Colabianchi – That's correct. Yes.

Mr. Houlé – Is there any consideration regarding reducing the width of the basketball court from 30' down even 2'?

Mr. Colabianchi – I'm not a basketball player, but there's something to do with the three point line that you really need that 30' to make that work out. It's still nowhere near of a full-size basketball court. He just still wants to keep that 30' line. It's sort of important to have that width.

Mr. Houlé – Thanks.

Mr. Baldin – Is this just for recreation purposes or is he a coach or a pro or something?

Mr. Colabianchi – He's a cement finisher, God bless him. He just wants to be able to relax and enjoy something when he gets home from work. No it has nothing to do with that. He just had a son, and he used to play basketball. He just wants to have the court there for their use.

Mr. Baldin – Thank you.

Mr. Evans – One of the problems so we're clear on it is that many times we have reasons within the four in the Code that allow us to grant variances. The sightline and visibility, and having less than 50% of the view, those aren't the reasons we're given to make those sort of choices. Cleaning up the drainage begins to approach one of those reasons perhaps, but not really in a definitive manner. So then our problem is that just because someone wants that, because they feel it's the right thing for them, doesn't grant us the ability to grant variances. Giving consideration is something we do all the time as we've talked about with heights and setbacks and all those types of things. We've had people ask for the world, and we try to grant something close to it. I understand that this is the lot that is being built in between two that are existing. That's a circumstance that they didn't create, but again that's not something that gives us a reason to be able to grant the variance either. It becomes difficult to find a reason to be able to do it within what the Code allows.

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

Mr. Colabianchi – I understand, but if I may, under normal circumstances it would have been 7.5' on each property just to get the total 15' between them. Now because those two houses were allowed to get so close to the property line, at least if one were 5' and the other was 10' off that would have made all the difference in the world to get us that 60' wide on the house itself. So in that regard, that lot has been sort of damaged because you're really limited on the width now.

Mr. Evans – The reason you say that it's damaged though is because they want to put a very large basketball court in there. That's the bottom line.

Mr. Colabianchi – I'm not trying to get around that, but what I am saying is that house is one we've built before here in the City of Strongsville probably two or three times, and it was 60' wide. We had to cut more than 5' out of the width to make it work. That's a considerable amount to give up. In their defense, that's what I'm saying, is that it's a lot of square footage to give up. I think that it'll be a great thing for the neighborhood; not only for the drainage issues, but it'll clear up a lot that is right now just an overgrown, low, swampy area. Hopefully the neighbors would appreciate that. Even the type of house we're going to build is a really nice house for the area that's for sure. Any consideration I'd appreciate it.

Mr. Evans – Are there any further questions?

Mr. Kolick – I just have a comment. You can consider the topography even with the other houses because they are built. They're not going anywhere. So as far as the reasons for granting variances, and of course it's within your discretion, but you could consider the topography being limited due to the nature of the surrounding properties in this particular incidence. Just so you're aware of that standard under the Code.

Mr. Evans – OK. 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.

Ms. Zamrzla – He's not sworn in.

Mr. Evans – Yes, I know. I'll wait till he gets to the microphone. So before I can ask you to address us we need to have you sworn in. Is there anyone else that came in late that needs to be sworn in or wants to make a comment on any of the items on the agenda this evening? OK. Mr. Kolick if you would be so kind.

Mr. Kolick stated the oath to those standing.

Mr. Evans – OK. Then I need your name and address for the record.

Mr. Vasek – Josef Vasek, 10678 W. 130<sup>th</sup> St., Strongsville. I'm at the 2<sup>nd</sup> house from the existing property.

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

Mr. Evans – OK.

Mr. Vasek – I built the house over there 15 years ago. I have a basement, and I asked the City of Strongsville, the basement gravel where I dug it out I spread it on the back land. Then they told me I couldn't do that. 20' from the house there is no way you can change the land. There's people coming through. There's trees on the right side, I don't know the road, there's a BP gas station there, and the river is about 30 or 45' wide draining through the property. They're going to go change the level and raise the property?

Mr. Kolick – Mr. Chairman, if the variance were to be granted, our Engineering Department would then have to approve a topographical plan for this particular lot. They'd have to ensure our Engineering Department that there wouldn't be any worse drainage after this project than there is now; and, in fact, they usually see if they can help clear up some of the drainage that's there already. That's not within this Board province though. It would be the province of our Engineering Department. If there is a river, creek, or something else draining through there, they would make sure that this project would not in any way interfere with that creek. Will that absolutely ensure that your backyard will never get flooded? No it won't. Hopefully it'll help relieve some of the problems that there may be now being two lots down. That would be the Engineering Department that would approve the topographic grade for the lot all the way up from the street to the rear of the lot, and certainly would cover anywhere that they would be dumping any dirt from the excavation of the house itself. Our Engineering Department will look at that.

Mr. Vasek – Yes because all the water from Albion go up the one, two, three, four, five, six, seven, eight properties right here.

Mr. Evans – Again the Engineering Department would be the one to make the final decision on grade. Putting one house there isn't going to change the amount of water going through there. That water is coming from somewhere else. What the builder has said is that they are going to clear up the water problems on that lot which are possibly currently affecting the lots around them. At that point, it'll alleviate some of the flooding because it's going to take the water where it's supposed to go. It's not going to change the flow of where that water is going though.

Mr. Vasek – OK.

Mr. Evans – OK.

Mr. Vasek – I just hope I don't get water in my basement.

Mr. Evans – Understood. Is there anyone else who would like to speak for the granting of the variance? Please come up to the microphone and give us your name and address for the record.

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

Mr. Hofmann – My name is Ray Hofmann, I live at 10798 W. 130<sup>th</sup>. I live to the south of the property that you're talking about. I have a few major concerns. One of which is the water. That lot is lower than my property. I have a garage in my backyard that I store a boat in. I don't want to have to come out and see my boat floating in my garage. I'm afraid what they're going to do is going to change the water levels and make problems for me. The second issue is that this house wants to get closer to my house. I have intentions of putting an addition on the rear of my house, which if they build theirs they're going to make it so I can't build onto my property as I've planned to for years. Also my bedrooms are on the side of the house that they're wanting to get closer to my house. I'm going to lose all my privacy.

Mr. Evans – First off, Mr. Hofmann, I had asked for people who wanted to speak for the granting of the variance, so I'm guessing that you are not in favor.

Mr. Hofmann – I'm sorry, I misunderstood.

Mr. Evans – OK. So if this house is built, the Engineering Department is going to require that the house sit at a point where the topography and grading around it will run the water away from the house. In theory that should go into swales, and the swales should take it to a creek, a ditch, or whatever in order to run the water appropriately away from the houses. So it should not have an impact on your lot. Again, Engineering has to look at that. They'll look at what your topographical situation is, and they'll look at what the proposed is, and they'll make a determination from there. They're obviously not going to build this one four feet higher than yours because that would run all the water off into your property. The swales will have to be in place, there will have to be a place to take the water, so that in theory should not change. Have you seen the plans of where this house is proposed?

Mr. Hofmann – I saw where they staked it out. Again I believe it'll make it so the addition I'd like to build on my house will be too close so I will not be able to do that like I've wanted to.

Mr. Evans – As your looking at your house now, are you intending on going closer to the lot line with the addition?

Mr. Hofmann – I'm looking to go off the center of the rear of the house toward the backyard. I'd like to add probably a 25 SF room.

Mr. Evans – But you're not coming any closer to the lot line than what your house is already?

Mr. Hofmann – Not getting closer to the lot line.

Mr. Evans – So you would have no problem doing the addition. There'd be no reason why you couldn't add on back there.

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

Mr. Hofmann – Well, I don't know, and I wanted to make sure. I don't want to be limited because he's built this house.

Mr. Evans – As long as you're not going any closer to the lot line, you'll be fine. The last thing is that this basketball court is not going to have windows on it. You talked about privacy for your bedrooms on that side?

Mr. Hofmann – Yes.

Mr. Evans – The court building which is at the back there would be a solid wall. They may have windows above, but there's not going to be anything at ground level or anything like that with a window. So that will probably won't have any influence on your privacy then.

Mr. Hofmann – Like I said, the major concern is that the bedrooms are on that side of the house, and I don't want another house looking right into my bedroom window.

Mr. Evans – Understood.

Mr. Kolick – The only thing I'd add though is that we don't know what his setback is from his side lot line now. If he were to be 4' or something off that line, he might not necessarily be able to build straight back from where the house is. Just so you're aware, I don't want to tell him that he is OK to add an addition. We'd have to see where he's at on the lot line to be able to build back. He may have complied at one time, but maybe not now. So just be aware of that, that's all.

Mr. Evans – Alright. Thank you. Is there anything else Mr. Hofmann?

Mr. Hofmann – That's it.

Mr. Evans – We appreciate you coming in. Is there anyone else who wishes to speak for the granting of the variance? Is there anyone else who would like to speak against the granting of the variance? Hearing none and seeing none, I will close the public hearing. Mr. Colabianchi, would you like to come back up to the microphone?

Mr. Colabianchi – Thank you very much. For Mr. Hofmann, to reassure him a little bit, on either side of the house we've eliminated the windows on the new house. So there will be no problem with anyone looking into any windows. As I stated before we're trying to push this house back as far as we can so that hopefully wouldn't be an issue for him.

Mr. Evans – When I went out to look at it, we only asked you to stake the basketball room in the back. Was the rest of the house staked?

Mr. Colabianchi – We staked the left side, not the right. Just the corner in the back.



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

Mr. Evans – That's what I thought. So really this wouldn't be in conflict with Mr. Hofmann's house because you are setting it back. The basketball area will be behind the house so it's not really in the proximity.

Mr. Colabianchi – Correct. The sanitary sewer is unfortunately dictating how far back we can go. If we could go further back we would.

Mr. Evans – Right. Are there any other questions?

Mr. Rusnov – No.

Mr. Baldin – No questions.

Mr. Evans – OK. So we have the public hearing all done so I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for 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. Smeader – Second.

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

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

Mr. Evans – The variance has been granted. It's 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 I don't think there's anything else.

Mr. Kolick – No he doesn't need to go anywhere else.

Mr. Evans – So you're all set.

Mr. Colabianchi – Thank you very much.

Mr. Evans – Thank you.

**7) TESTOIL, Mike Meyer, Representative**

- a) Requesting a .03 acre Lot Area variance from Zoning Code Section 1262.06, which requires a 2 acre Lot Area and where a 1.97 acre Lot Area 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).

Mr. Evans – Item number seven on our agenda is Testoil. Please come up to the microphone and give us your name and address for the record. Now that we have the wonderful, new easel over here you're welcome to set it on that too.

Mr. Meyer – I didn't know that was a new one.

Mr. Evans – It's a new one, yes. It's been tested and certified as being functional.

Mr. Meyer – My name is Mike Meyer. I'm the architect for the project. My office is at 4918 Cleveland Road East in Huron, Ohio. I'm here to talk about the public hearing for the proposed expansion of the Testoil at 20338 Progress Drive.

Mr. Evans – Yes. We talked about it in caucus. This is really the only place they can go, it's an industrial area. It does back up within about 500' to a couple of residences. Our secretary said that they came into the Building Department, and they were not opposed to what was being planned. This is going to keep them in the City for a while. Is there anything else you need to add?

Mr. Meyer – I don't think so. We talked a bit at the last meeting. We're mostly here to just answer any comments or concerns. We'd just like to move the project forward.

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? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a .03 acre Lot Area variance from Zoning Code Section 1262.06, which requires a 2 acre Lot Area and where a 1.97 acre Lot Area is proposed in order to construct a 5,500 SF Addition; and also approve a request for 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

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

**Mr. Rusnov continues** - SF Addition; property located at 20338 Progress Drive, PPN 392-18-003, zoned General Industrial (GI).

Mr. Smeader – Second.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Mr. Kolick I assume they can go forward?

Mr. Kolick – No, you need to get back before the ARB if you haven't been. After the 20 days you'll get up before the Planning Commission.

Mr. Meyer – So unless Council does something differently, our business with the BZA is concluded?

Mr. Evans – Your business with us is concluded and we wish you well. We're glad you're adding on, and we hope everything works out for you.

Mr. Rusnov – Are you happy to get rid of us? We'll bring popcorn.

Mr. Baldin – You can have these prints, Mr. Meyer, if you want them.

Mr. Evans – Thank you.

8) CAMP BOW WOW/Roxanne Janeski, Representative

**Requesting an extension of the May 11, 2016 determination of the Board of Zoning and Building Code Appeals:**

Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming Dog Boarding and Day Care Business and where the applicant is proposing to add a 3,640 SF Building Addition, Relocate and Expand a Parking Lot, Alter an Entrance Feature and Relocate Dog Kennels at an existing non-conforming Dog Boarding and Day Care Business; property located at 14411 Foltz Parkway, PPN 393-03-009, zoned General Industrial (GI).

**8) CAMP BOW WOW/Roxanne Janeski, Representative, Cont'd**

Mr. Evans – Alright, item number eight on our agenda is Camp Bow Wow. If you will come forward please and give us your name and address for the record.

Ms. Jancsik – Roxanne Jancsik, 6980 W. Law Rd., Valley City, Ohio.

Mr. Evans – Is it Jancsik or Janeski?

Ms. Jancsik – It's actually Jancsik. It's J A N C S I K.

Mr. Evans – OK. Excellent. I just figured we'd get that cleared up. So you're back before us because on May 11<sup>th</sup> of last year we granted a variance, but you have not yet moved forward on the project. My question is, has anything changed or are all the drawings you submitted last year still the intended plan?

Ms. Jancsik – Yes. Everything is the same, we're just waiting for the very slow SBA loan which we just closed on last week. We are now ready to go.

Mr. Evans – How wonderful. We're glad to hear that. Alright. Are there questions from the Board? No? OK. This is pretty cut and dry so 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 variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming Dog Boarding and Day Care Business and where the applicant is proposing to add a 3,640 SF Building Addition, Relocate and Expand a Parking Lot, Alter an Entrance Feature and Relocate Dog Kennels at an existing non-conforming Dog Boarding and Day Care Business; property located at 14411 Foltz Parkway, PPN 393-03-009, zoned General Industrial (GI).

Mr. Smeader – This is an extension of the May 11, 2016 determination of the Board of Zoning and Building Code Appeals. I second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variance has been granted pending a 20 day waiting period even during this reaffirmation during which time Council may review our decision. In the meantime you can move forward with whatever you need to do with ARB and whatever else. Then you'll be all set. You are good to go. Thank you.

**8) CAMP BOW WOW/Roxanne Janeski, Representative, Cont'd**

Ms. Jancsik – Thank you.

**Other business to come before the Board**

**9) 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 6” Height variance from Zoning Code Section 1252.04 (g), which permits a 15’ Height and where a 15’ 6” Height is proposed in order to replace a Garage; property located at 20572 Boston Road, PPN 394-28-009, zoned R1-75.

Mr. Evans – Item number nine on our agenda is Fijalkovich on Boston Road. You’re still here? How wonderful! How patient of you to wait for us.

Mr. Fijalkovich – Thank you.

Mr. Evans – Alright. So we’ll need your name and address again for the record.

Mr. Fijalkovich – David Fijalkovich, my address is 20572 Boston Road, Strongsville.

Mr. Evans – Thank you, we’re glad to have you back. We’ve already done the public hearing. So what would you like to tell us about how we’ve beaten you up, and you’ve acquiesced and decided to make the changes that we encouraged you to do?

Mr. Fijalkovich – I’d like to point out a few things. I know the Board has granted for other people with car collections and motorhomes, etc. etc. people like myself who own too many toys. You’ll see in your packet that my most affected neighbor emailed Kathy and said they are all for it. You’ll see in my drawings that I’ve got the height down as low as I possibly can without voiding roofing warranties. I also found out that I have a 400 SF allowance for an accessory building on my lot so I’d just like to use that square footage all in one building rather than building two separate buildings and get more square footage, but I’d like to have just one nice building. I’d like that 330 SF extra. I did drop the square footage also. I think that replacing the garage, the driveway, and everything will be a nice improvement to the property and the neighborhood.

Mr. Evans – You are doing the hard surface driveway because we determined that at the last meeting.

Mr. Baldin – No questions. I think it’ll look beautiful.

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

Mr. Evans – We appreciate you doing that.

Mr. Rusnov – Thank you.

Mr. Evans – I'll entertain a motion.

Mr. Rusnov - I make a motion to approve a request for 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; and also approve a request for a 6" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 15' 6" Height is proposed in order to replace a Garage; property located at 20572 Boston Road, PPN 394-28-009, zoned R1-75. Subject to a hard surface driveway.

Mr. Smeader – Second.

Mr. Rusnov – We can't thank you enough on this one.

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

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variance has been granted 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. We appreciate you working with us, and wish you luck with the new garage. You are good to go. Thank you.

Mr. Fijalkovich – Thank you very much.

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