

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

**Meeting of
July 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) JONATHAN HAMMER AND MAEGAN PERRI, OWNER

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 576 SF Unenclosed Patio 7' into the side yard; property located at 16940 Howe Road, PPN 397-15-001, zoned R1-75.

The Board debated whether there was any hardship to warrant granting this variance. They noted it would not be visible to neighbors.

2) CLAUDIO GAGLIARDI, OWNER

- a) Requesting a 20' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Yard Building Setback adjacent to a Residential District and where a 10' Side Yard Building Setback adjacent to a Residential District is proposed;
- b) Requesting a 20' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Rear Yard Building Setback adjacent to a Residential District and where a 10' Rear Yard Building Setback adjacent to a Residential District is proposed;
- c) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stone driveway and where a gravel driveway is proposed;
- d) Requesting a variance from Zoning Code Section 1258.11 (b) (4), which requires that all areas which adjoin a Residential District be shielded with a solid masonry wall and where the applicant is proposing no masonry wall in order to construct a 1,500 SF Pole Barn; property located at 17043 Whitney Road, PPN 395-20-004, zoned General Business (GB).

The Board noted there is an existing auxiliary building on the property already. They also noted that it's near a lot of power lines. They also noted that this was brought to the City's attention from complaints from neighbors about the state of this property. They also mentioned that this is the applicant's attempt to clean up the property. They also noted they don't need a variance for multiple auxiliary buildings because the property is zoned General Business; that also changes the limitations that they have on the property in comparison to Residential zoning. The Board later mentioned that they will still need a hard surface driveway regardless of the zoning. They also noted that the rear side of the property butts up to an apartment complex, and acknowledged that Item (d) refers to putting up a required 6' tall barrier wall between the properties. The Board then discussed the location of the property and the power lines, and the state of the yard as it is. It was mentioned there wasn't a reason for the building specified on the plans anywhere.

PUBLIC HEARINGS

There are no Public Hearings

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
July 26, 2017

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

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 July 26th, 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 July 12th meeting, if there are no changes I will submit them as they have been presented. To our ladies and gentlemen in our audience, our meetings are normally divided into two portions. We have no new public hearings tonight, but if there is anyone here tonight that would like to speak during this meeting for any reason before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

NEW APPLICATIONS

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER

Requesting a 7' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 576 SF Unenclosed Patio 7' into the side yard; property located at 16940 Howe Road, PPN 397-15-001, zoned R1-75.

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

Mr. Evans – First on the agenda this evening is Jonathan Hammer and Maegan Perri. Please come up to the microphone and give us your name and address for the record.

Mr. Hammer – Thank you, my name is Jonathan Hammer and I live at 16940 Howe Road, 44136. We're just south of the mall.

Mr. Evans – Thank you Jonathan. You are here this evening because you want to do a patio in your backyard or side yard there. You're going to lay it out the way you've described it on what we got here tonight. You heard us talking in caucus tonight, so tell us why it needs to be in this particular location and extended beyond the house please.

Mr. Hammer – Sure. So there was one gentlemen that said he stopped over, Mr. Houlé I believe his name was.

Mr. Houlé – Yes.

Mr. Evans – We'll all be there before the next meeting.

Mr. Hammer – Right, sure. If you'd like, I did bring pictures of everything if everyone wants to take a look at it now. It'll save yourself the trip.

Mr. Evans- We all have to come out and see it in person. Also if we look at that, we'll have to take and keep your tablet that it's on for our files; we don't want to do that.

Mr. Hammer – That's OK.

Mr. Evans – Can you describe to us the reasons for doing it the way you want to?

Mr. Hammer – Sure, we want to extend it out 7' past the garage line. We have an existing pad there that was put down by the previous owners. It's cracked, it's got bolts in it and everything. It's gross looking. There is a small area on the side of it that we're planning on putting on that aligns with the existing pad as well that's not concrete, but they had pavers down and it was done all wrong. There's nothing but weeds, rocks, and everything. We want to put it where the preexisting pad is and then a little bit to the side where it would cover up the pad that they had there before.

Mr. Evans – Alright. Have you talked with your neighbors yet? In particular those that might be impacted by it being closer to their house.

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

Mr. Hammer – I have not talked to the one neighbor who is looking at where the pad would go. He could only see it from the two windows from the upstairs of his house. He hasn't been home. He's an older gentlemen that goes south for most of the year.

Mr. Evans – In caucus we mentioned the fact that the fence was locked and peering over it, or jumping over it was impossible. Is that the best way to see it?

Mr. Hammer – I can leave it unlocked for you guys. I don't like to though, but if you want it unlocked I can leave it unlocked for you.

Mr. Evans – I'll defer to the rest.

Mr. Rusnov – I'm not vertically challenged.

Mr. Evans – Yes, but I believe Mr. Houlé was there and couldn't see it. Do we need to have it unlocked?

Mr. Baldin – I would like to have it unlocked. Do you have equipment or toys that you're afraid will get stolen or something?

Mr. Hammer – I just have nice patio furniture, and I have a TV mounted out there that I would rather not have taken.

Mr. Baldin – Are you people home during the day?

Mr. Hammer – Well that depends on when you'd see us. My schedule is very flexible so if someone wants to call me on their way, I could be there in 10 minutes usually to let you in there and show you around.

Mr. Evans – Normally as a rule it's not like we come as a group or anything like that. As we find time to get around to see things we will do that. My guess would be that the appropriate way would be for Mr. Baldin or anyone else that wants to get into it just call you in advance and have it unlocked. We can do that, otherwise we'll just make due with looking through the fence slats. Are there questions from our Board members?

Mr. Houlé – Yes, I have a question. So you're planning to remove the existing pad then?

Mr. Hammer – Correct.

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

Mr. Houlé – Your lot is over 200' long. Why do you need to come out 7' just because the old one was there? You certainly have length on the lot to go toward the back of the lot. So what is the advantage of going 7' out from the garage on the side?

Mr. Hammer – If you look at the way my back patio is structured I have an overhang with a patio door on my left. I'm trying to visualize it for you. Going out the way that we're planning would come straight out from the patio line, and I think it would like look better. We want it out in front of the awning, and have our grill there, and our picnic table and such. Going along the house, you're covering up a lot with the sun, and we're not going to get the same sunlight that we get there. We have the house, and a giant tree in the backyard that shade a lot of it. I just don't think it would be as visually appealing. Besides that, that's it.

Mr. Houlé – OK. Are you set on the 7'? Is there room to make it shorter, but still yet go out further to the backyard so you get equal or a bit more square footage?

Mr. Hammer – No just because the line that we picked it goes right before where our water meter is, and we didn't want to mess with that. We didn't want to put any concrete around the water meter outside. Also the 7' out is exactly where the pad is now so we didn't want to worry about patching in any grass, etc.

Mr. Baldin – But there's no real hardship. Correct?

Mr. Hammer – What's that?

Mr. Baldin - One of our criteria is a hardship when you're looking for a variance. There's three criteria. Mr. Kolick would you like to let this gentleman know what those are for us please.

Mr. Kolick – Topographical hardship, geological hardship, if it's affecting any neighbors or lots in a negative manner, or if it complies with the intent of the code for residential districts. Those are the four criteria that the Board considers. Just so you understand.

Mr. Hammer – OK. Sure.

Mr. Baldin – You're putting it there only because there was an existing pad. You just want to replace it and make it look nicer etc., etc., etc.

Mr. Hammer – Sure.

Mr. Baldin – But there's no particular hardship that says that you couldn't go back any further. You said that you have a water meter. Is the water meter attached to the house?

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

Mr. Hammer – Yes.

Mr. Baldin – Just one little square meter?

Mr. Hammer – No, it's the big, large, box meter on the outside. It's about this high, and it comes out of the house.

Mr. Baldin – Oh, OK.

Mr. Evans – Alright.

Mr. Baldin – Your phone number on here is the number I can call to get you to come so I can see your yard?

Mr. Hammer – Is the phone number listed on here?

Mr. Baldin – Yes.

Mr. Hammer – That's correct.

Mr. Baldin – Thank you.

Mr. Evans – OK. Anyone 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. 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. As Mr. Kolick said, those are the reasons we have to grant variances so in the future if you would make yourself aware of this in advance, it would save everyone some time. It would be good for you to understand those, so you can frame your request that way. It makes it much easier. There's a City website online that has all that information for you to access.

Ms. Zamrzla – Mr. Chairman, the applicant received that information with their packet.

Mr. Evans – With the application? So you do have that information with what you got from the City.

Mr. Hammer – OK. Sure.

1) JONATHAN HAMMER AND MAEGAN PERRI, OWNER, Cont'd

Mr. Evans - The public hearing is on August 9th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Don't forget to use the reasons we have for granting variances to find an argument for you to frame your request around for us. Thank you.

Mr. Hammer – Alright, thank you.

2) CLAUDIO GAGLIARDI, OWNER

- a) Requesting a 20' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Yard Building Setback adjacent to a Residential District and where a 10' Side Yard Building Setback adjacent to a Residential District is proposed;
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Mr. Evans – Next on the agenda is Claudio Gagliardi. Please come up to the microphone and give us your name and address for the record.

Mr. Gagliardi – Claudio Gagliardi, 6735 Canterbury Drive, Middleburg Heights.

Mr. Evans – Thank you. You have a number of variances here. We discussed in caucus some of the things that you may have heard about concerns that we have about this project. Obviously this is a general business zoned property that is sort of in a residential apartment-type area there. What is it exactly that you currently use the property for since you said you live in Middleburg Heights?

2) **CLAUDIO GAGLIARDI, OWNER, Cont'd**

Mr. Gagliardi – I've had this property for 12 or 13 years. I run a concrete business out of there named Concrete Flatwork. So I have an excavator, small skids, and a couple of dump trucks. I also have a stone pile, and just a form truck, but they're all the commercial vehicles there. I think when you went back there and saw the non-commercial vehicles there it was because those were my workers vehicles. They report in each Monday-Saturday with their own cars sitting there. Every vehicle there has a current sticker on it. There's no abandoned vehicles sitting over there. Also every trailer has a current sticker on it, and they are all being used. So basically I'm looking to get some dry storage to keep equipment in not only for the winter but throughout the summertime as well for maintenance.

Mr. Evans – OK. So one of the questions we talked about in caucus was given the layout of the property, could you not locate the building you're proposing in such a way that you wouldn't have to have variances on setbacks?

Mr. Gagliardi – To the left if you are looking at the property is the substation for First Energy. I lease property from them. So I can shove over close to the property line without any issue. To the back, if I move it forward it gives me much less room to loop around with the trucks and trailers for that turn. We need to be able to back into those spots, so if I move the building forward 30' setback plus 30', that goes to the middle of the yard. That reduces my turning radius for pulling in with a truck and trailer.

Mr. Evans – OK. Questions about the wall or the driveway?

Mr. Kolick – You have a residence in front that you rent out, correct?

Mr. Hammer – Yes.

Mr. Kolick – What's in the other building that's on the property?

Mr. Hammer – The other building on the left is the old office trailer.

Mr. Houlé – There's three, yes?

Mr. Hammer – The others are garages that are housing stamps because we do stamped concrete. There's small saws, tampers, there's small power equipment, there's power buggies. There's anything that needs to stay inside that will rot out if it's outside. The plan is that when I get a bigger building, I'm going to create more space and probably get rid of at least one of the buildings, and also the office trailer that is housing supplies like plastic, expansion, cans of sealer, stuff that we use in this business. So that will definitely go. The old trailer is a 50' office trailer that I got from Brooklyn Cinder when they went out of business. It's just dry storage temporarily. Once I get a bigger building, I'll design it so I have plenty of shelves to store everything.

2) **CLAUDIO GAGLIARDI, OWNER, Cont'd**

Mr. Kolick – What is the height of the pole barn?

Mr. Hammer – I think its 14' because I need a 12' overhead door to get the biggest truck in there to store. So the height of the wall is 14'. I can't remember what it is at the truss. It might be another 4' or 5' tall. So you're looking at a total of 19'? Somewhere around there, I'm not exactly sure.

Mr. Kolick – Just looking at this and listening and speaking only for myself, and also from the administrative reports from the Planning Commission, they are not as concerned about the setback to the CEI station because that will probably never change. There was concern and we got complaints from the apartment complex to the rear. It just appears from eyeballing what you did here that you'd have plenty of room even if you met the 30' rear yard setback, you'd still have plenty of room from a turning radius of a truck and trailer between those buildings.

Mr. Hammer – Yes, but the 30' setback is also a lot of wasted space behind the building. If I put the building closer to that lot, then it shields the apartments and they won't see or hear as much activity. I don't think that anyone or maybe one person is concerned. If you look back there, you can't even see the apartments because there's a line of trees that hides the entire apartment complex. There's also a 6' privacy fence that blocks off the apartment.

Mr. Kolick – Well if the idea is to hide all these things in a building, then you shouldn't need anything behind the building. In fact the apartments I know is a concern because you're asking the City to waive the brick wall. The purpose of the brick wall is to shield the apartments. If they waive that, it would make sense to at least meet the 30' rear yard setback. Not even necessarily the side yard one, but the rear yard setback would appear to make more sense. That way you're pulling further away from the apartments. I would think normally with these types of things the BZA conditions these on all that storage that gets inside the building. That's the idea. We don't want to see storage behind the building or vehicles or anything else.

Mr. Hammer – So if I met the 30' setback in the rear you'd waive the wall?

Mr. Kolick – Well, I'm not saying they're going to do anything. That is up to the Board. I think it would be easier to look at waiving that requirement if you at least met that rear yard setback.

Mr. Hammer – OK. We could do that.

Mr. Kolick – So that way you're getting some distance at least.

2) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Evans – Or on the other hand, an alternative might be to have it back and then putting the wall back behind there as well. So those would be perhaps two alternatives that you could take a look at to determine which the right way is. Mr. Kolick is obviously correct that if you don't need the variance then we'd only be looking at waiving the variance for the wall since you'd then be 30' away from the back. That would help. It might be a better choice that you have the building back where you're proposing it, and put the wall back there. It depends on where that space is more valuable to you and what the cost of the wall would be.

Mr. Hammer – I'd have to see about that. Would that wall have to be the entire length of the property, 90'?

Mr. Kolick – Yes, it would be across the entire rear. Actually the Code also requires it on the side, but again that's for the Commission. We're not as concerned about the others, but we are concerned about the residential property behind you because you are affecting them directly.

Mr. Hammer – Right.

Mr. Kolick – Something to think about.

Mr. Evans – Those are suggestions for options to think about. One of the things we try to do is work with everyone. We appreciate the fact that you have a business in our City. It's in an unusual area, but nonetheless you are still a business.

Mr. Hammer – I do a lot in this City also.

Mr. Houlé – Could you turn your barn to the side, and then you'd have 60' to come in with the trucks? Would that give you enough room and still have the 10' on the side?

Mr. Hammer – That's not going to work out door-wise with the structure because I'd like to turn around and then back in to the width of it. Its 30' long, and it'll take the big truck and some other spaces for smaller trucks.

Mr. Houlé – OK.

Mr. Baldin – The other variance here is for a hard surface driveway. You would like to not put in a solid driveway, is that correct?

2) CLAUDIO GAGLIARDI, OWNER, Cont'd

Mr. Hammer – There's always been a gravel driveway going back there. There is a section of concrete that's back there, but it's not really a driveway. Actually the driveway coming from the road is asphalt. I was thinking about doing 6" concrete from the road up to the road up to where the action starts to accommodate the weight of the trucks and equipment coming in, but as far as going all the way back, I don't think it makes a lot of sense to do that. I'd have to basically pave the whole parking lot.

Mr. Evans – Yes.

Mr. Hammer – It's a lot further back there. I have different long term plans for that property, so the pole barn may not be a permanent thing. My neighbor is looking to sell to me. If he sells to me then it gives me 220' in frontage by the whole depth, and I was thinking about putting mini-storage garages in the future. I'd just put strips of garages back there, and maybe go that route.

Mr. Smeader – Is the neighbor's property also zoned general business?

Mr. Hammer – He's my only neighbor and then you have Cherry Tree Apartments next to him so it's just those two homes.

Mr. Smeader – OK.

Mr. Baldin – I haven't been out there yet to see your property, but if you're coming in off of Whitney Road and it's gravel from the road to how far back?

Mr. Hammer – Probably almost half or a third of the way until you hit pavement in front of that first garage. The back of the house starts pavement.

Mr. Baldin – OK. So about half of it or 60% is paved already?

Mr. Hammer – Not really, the asphalt is really non-existent. It's torn up and almost gravel now.

Mr. Rusnov – It's old.

Mr. Hammer – Right.

Mr. Baldin – Thank you.

Mr. Smeader – Going back to the rear line setback, if the variance were to be granted, would most or all of the trees need to be removed?

Mr. Hammer – Zero.

2) **CLAUDIO GAGLIARDI, OWNER, Cont'd**

Mr. Smeader – None of them?

Mr. Hammer – All the trees are on the other property.

Mr. Smeader – OK. They looked like they were on the back of your lot when I was out there.

Mr. Hammer – There's some bamboo stuff that's really thin and tall, but those are more like big weeds.

Mr. Kolick – Just so you understand, if you're looking even in the future for mini-storage, this is zoned general business and you'd have to get it rezoned over to industrial.

Mr. Hammer – OK. My neighbor is Gary Starr at my home, and we talked about that. I told him about my possible future plans.

Mr. Baldin – The mayor, is that what you're saying?

Mr. Evans – Anything else gentlemen? 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. Think about these alternatives before the next meeting so you can present that at our next meeting. That may save everyone some time and the trouble. The public hearing is on August 9th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Hammer – I doubt anyone will show up. Not even my current neighbor.

Mr. Evans – OK. We'll see you then.

Mr. Hammer – 7:30?

Mr. Evans – 7:30 is usually caucus, but sometimes it's pushed to 7:45. It depends on how much is on the agenda, but 8:00 is when the meeting starts.

Mr. Hammer – OK. Thank you.

Mr. Evans – Thank you. Anything else gentlemen?

Mr. Baldin – I would like to make a note that our secretary had a birthday this week.

Ms. Zamrzla – Thank you, how did you know that?

2) **CLAUDIO GAGLIARDI, OWNER, Cont'd**

Mr. Rusnov – Lead us in song.

Baldin – Happy Birthday to you...

Mr. Evans – Good lord.

Mr. Smeader – Happy Birthday.

Mr. Evans – OK. Then our meeting is adjourned.

PUBLIC HEARINGS

There are no Public Hearings

<u>Signature on File</u>	<u>Signature on File</u>	<u>August 9, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date