

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

**Meeting of
September 27, 2017
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlié, Thomas 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) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep.

Requesting an 80 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,080 SF Floor Area is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.

The Board indicated no difficulties with this variance request. The Board noted that there is no Homeowners Association. They also mentioned that the plans include a second floor to the garage, but it's just for storage not for business or residential purposes.

2) ANDREW ABRAMOVICH, OWNER

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 31' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 332 SF Concrete Patio; property located at 17626 Hampton Place, PPN 397-20-088, zoned R1-75.

The Board indicated no difficulties with this variance request. The Board noted that High Point is the Homeowners Association, and they expect a letter by the end of the week.

3) COMMERCE PARK 200/Spencer Piszak of Premier Development., Representative

Requesting a variance from Zoning Code Section 1262.07 and 1270.13 (b), which prohibit loading docks in a front yard and facing a street, and where the applicant is proposing 25 Loading Docks facing north towards Commerce Parkway in order to construct an Office/Warehouse Building; property located at Commerce Parkway, PPN 394-03-001, zoned General Industrial (GI).

They noted that they want to expand on the southeast corner, and it's an industrial zoned area. They also specified that it's a loading dock added, and they will have landscaping around the finished project. They also discussed the enclosed trash area on the drawings.

PUBLIC HEARINGS

4) JIM AND KAREN PETERSON, OWNERS/Jeremy Salupo with JM Design Build, Representative

Requesting a 34 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,034 SF Floor Area is proposed in order to construct a New Single Family Attached Garage; property located at 12014 West 130 Street, PPN 398-24-006, zoned R1-75.

The Board indicated no difficulties with this variance request.

5) ALFRED KRIST, OWNER

- a) Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a 234 SF Three Season Room;
- b) Requesting a 4' Rear Yard Setback variance form Zoning Code Section 1252.16 (e), which requires a 16' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 600 SF Concrete Patio; property located at 22347 Olde Creek Trail, PPN 392-13-066, zoned R1-75.

The Board indicated no difficulties with this variance request. The Board noted that they have received a HOA letter.

6) JEFFREY AND JOYCE EVIN, OWNERS/Tom Jackson with American Natural Stone, Inc.

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where one 140 SF Accessory Structure exists and a 360 SF second Accessory Structure is proposed;
- b) Requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to permit an Accessory Structure; property located at 18206 Potomac Drive, PPN 396-19-060, zoned R1-75.

The Board indicated no difficulties with this variance request.

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative

Parcel A

- a) Requesting an 8,285 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,465 SF lot Area is proposed;
- b) Requesting a 13% Building Ground Coverage variance from Zoning Code Section 1252.5, which permits a 35% maximum Building Ground Coverage and where a 48% Building Ground Coverage is proposed;
- c) Requesting a 24' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 26' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;
- e) Requesting a 44' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on Buccaneer Trail, PPN 399-32-801C, 399-32-802C and 399-32-803C, zoned R1-75.

Parcel B

- a) Requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed;
- b) Requesting a 44.4' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 30.6' Lot Width is proposed;
- c) Requesting a 19.27' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 30.73' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;
- e) Requesting a 26' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 24' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on

Buccaneer Trail, PPN 399-32-801C, 399-32-802C and 399-32-803C, zoned R1-75.

Parcel C

- a) Requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed;
- b) Requesting a 2.18' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 72.82' Lot Width is proposed;
- c) Requesting a 38' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 12' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;
- e) Requesting a 21' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on 18600 Buccaneer Trail PPN 399-32-801C, 18602 Buccaneer Trail 399-32-802C and 18604 Buccaneer Trail 399-32-803C, zoned R1-75.

The Board indicated no difficulties with the master association of the development, but they hadn't heard anything from the cluster association. The Board noted that although it would be a complicated way around the problem, that they could form their own smaller association. They also stated that they don't like the precedent that this would set for the Board.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
September 27, 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 September 27th, 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. This evening we have minutes from our September 13th meeting. If there are no changes I will submit them as presented. During tonight's meeting, we will ask that each of the individuals presenting 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 tonight 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.

Mr. Evans – Thank you, our meetings are divided into two portions; first we'll hear our new applications, and then we'll move onto our public hearings.

NEW APPLICATIONS

1) **DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep.**

Requesting an 80 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,080 SF Floor Area is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.

Mr. Evans – First on the agenda tonight is Dennis Breno with Gene Klaus of Klaus Home Improvement. Please come up to the microphone and give us your name and address for the record.

Mr. Breno – My name is Dennis Breno, and I live at 19288 Hunt Road.

Mr. Klaus – Gene Klaus, 513 Westchester Drive, Brunswick.

Mr. Evans – Make sure you speak into the microphone please. You're here for a variance request for an 80 SF Floor Variance from the Zoning Code which allows 1000 SF on a garage. You would like 1080 SF. So tell us the reason for the extra square footage.

Mr. Breno – The reason is, being disabled, I have a 2.5 car garage now that was built in 1956 when the original house was built. I would like to replace it because it's falling down. I personally need the extra space so I don't have to move vehicles in and out to cut my lawn, blow the snow, etc. That was the reason for the extra bay.

Mr. Evans – OK. The questions we normally ask at this point is whether you're intending to run a business from your garage?

Mr. Breno – No. I'm retired.

Mr. Evans – And also are you planning on having any persons using it as a habitable residence?

Mr. Breno – No, not that I know!

Mr. Evans – We always ask those questions for the record.

Mr. Breno – OK.

Mr. Evans – Questions?

Mr. Rusnov – How about a hard surface driveway?

1) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd

Mr. Breno – Yes.

Mr. Rusnov – OK. We're done.

Mr. Breno – I do have a letter from a neighbor giving consent.

Mr. Evans – You don't necessarily present that, but if you want to that's fine. We'd be happy to add that to the record.

Mr. Baldin – You're going to put a second floor in there, but we already heard there's no habitat and no business intentions.

Mr. Breno – There is a second floor, but it's only for looks. I'm not putting in any drywall. That's not my thing. I have a hard time getting up the steps. I've been looking to build this for 10 years though.

Mr. Smeader – What is the height of the building going to be? I didn't see it on the plans.

Mr. Klaus – It's a story and a half, so that's 20'?

Mr. Smeader – I might be mistaken, but I think you're only allowed 15'.

Mr. Evans – That's correct.

Mr. Rusnov – You might need another variance.

Mr. Miller – If that building exceeds 15' from grade to ridge you're going to require an additional variance.

Mr. Evans – Yes.

Mr. Klaus – I don't have anything with me, but I'll check on it.

Mr. Miller – We need to know that tomorrow because the letters will be going out, and if you need an additional variance it has to be added to the notice.

Mr. Klaus – I'll find that out.

Mr. Miller – I only see a 9' height to your first floor, so it depends on how you're going to roof that. You don't have an overall height on the drawing. You have 9.2' to the top of the floor joist. You're going to be over 15'. I think you could be at 20'.

1) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd

Mr. Breno – Yes, it could be at 20'. So you need another variance on that? What do I need to do, come back again?

Mr. Miller – No, we just want to include it for the notice that goes out to the public, and so it's done before the public hearing so you can get all the variances you need so you don't have to come back.

Mr. Evans – The process is that in addition to your neighbor who submitted the letter, there is a notification that goes out to anyone who lives within 500' of your property. We need to be able to explain to them what your request for the variance is so they can be here if they would like to at the public hearing. Mr. Klaus, I guess my admonition to you is that in submitting the plans to the City it's always helping for you to take a look them and make sure you have the correct and all of the dimensions on it so it can be reviewed appropriately by the Board during meetings. For Mr. Breno, we want to make sure you don't have to come back a second time or anything. So as long as we can put all that needed info into the first notice, then we can appropriately address it all at once.

Mr. Baldin – You may find that it's the height that your neighbors balk about. We see that a lot so you need to take that into consideration.

Mr. Breno – Believe it or not, my neighbors have given my neighbors permission to put their little storage units on their property. The neighbor next door to him I gave a variance for him to run his septic system on my property. Believe me, they're not going to come back at me.

Mr. Baldin – You need to know what kind of trusses and what type of pitch you're going to put on there. That's all I have to say.

Mr. Breno – OK.

Mr. Miller – Mr. Klaus, we'll need that before noon tomorrow.

Mr. Klaus – You'll get it before noon tomorrow.

Mr. Evans – Call first thing.

Mr. Klaus – Call Kathy?

Mr. Evans – Yes.

Mr. Miller – You can just call and ask for me actually. Kathy will be out of the office.

1) **DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd**

Mr. Klaus – OK.

Mr. Evans – OK. So this is replacing the existing garage?

Mr. Breno – That's correct.

Mr. Evans – So the footprint is not going to change.

Mr. Breno – It'll expand outwards.

Mr. Evans – I wasn't sure if you needed to stake it differently.

Mr. Houlé – It's already staked out.

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, plus if we add the second variance request for the height. 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. The public hearing is on October 11th. 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. Breno – I have to get back to the dogs.

Mr. Evans – Thank you.

2) **ANDREW ABRAMOVICH, OWNER**

Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 31' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 332 SF Concrete Patio; property located at 17626 Hampton Place, PPN 397-20-088, zoned R1-75.

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

Mr. Abramovich – Andrew Abramovich, 17626 Hampton Place.

Mr. Evans – You're looking for a rear yard variance to add a patio. Tell us why you need the variance.

2) **ANDREW ABRAMOVICH, OWNER, Cont'd**

Mr. Abramovich – Where it's situated it'll be off the deck in the back of the house. It forms an L. We just want a continuation sitting area off what already exists. We hang out with a number of our neighbors, and my wife and I also have large families. When we want to sit outside on a nice summer night, our deck is not always large enough to seat everyone. We wanted to originally put in an in-ground fire pit, and then we rethought it. We decided it would be a safety hazard for the kids in the future. So we decided to just put in a flat stamped concrete patio.

Mr. Evans – Questions?

Mr. Houlé – Is it going to be on the west side of the house where the fire pit is now?

Mr. Abramovich – Yes.

Mr. Houlé – OK, and is it going to attach right up to the house then?

Mr. Abramovich – Yes, it's going to go right in the corner where the deck meets the house. The 14' wide that we're thinking goes to the edge of the house, and then straight back.

Mr. Houlé – Probably almost up to that island, is it then more in the center?

Mr. Abramovich – Yes, it's going to curve in front of the island. Some of that island may get removed down the road.

Mr. Evans – You do need to have a HOA letter, and you and I have already discussed that it has been applied for with the association. It will be delivered prior to the October 11th meeting. Is there anything else gentlemen?

Mr. Smeader – No questions.

Mr. Rusnov – No.

Mr. Evans - 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. The public hearing is on October 11th. 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. Abramovich – Thank you.

3) COMMERCE PARK 200/Spencer Piszak of Premier Development., Representative

Requesting a variance from Zoning Code Section 1262.07 and 1270.13 (b), which prohibit loading docks in a front yard and facing a street, and where the applicant is proposing 25 Loading Docks facing north towards Commerce Parkway in order to construct an Office/Warehouse Building; property located at Commerce Parkway, PPN 394-03-001, zoned General Industrial (GI).

Mr. Evans – Item number three on our agenda is Commerce Park 200 with Spencer Piszak of Premier Development. Please come up to the microphone and give us your name and address for the record.

Mr. Piszak – Spencer Piszak, 5301 Grant Ave, Suite 100, Cleveland, Ohio 44125.

Mr. Certo – Jeff Certo with Davison Smith Certo Architects 26031 Center Ridge Road, Westlake.

Mr. Evans – Thank you. If you would tell us about the request please. This is to have loading docks in the front yard. We talked in caucus about the rather large trash enclosure on the plans. Tell us more about this.

Mr. Certo – The business requires loading docks on two sides of the building because they have a cross-dock facility. So in addition to the current size of their building, they need 45000 SF of expansion. To get all of this on the property, we need to configure it facing the way we've indicated. That's what is creating the need for that variance. It's at the end of a cul-de-sac, so it's not exactly facing a public street. It'll be a private drive as well. We'll do a sufficient job of screening around the cul-de-sac. I have some landscape plans here that might help you.

Mr. Evans – Typically this would go to Planning. Landscaping is not one of the things we worry about. Planning gets to worry about that instead. Our decision is more focused on the loading docks, the amount of noise created, etc. So one of my questions is, is this a 24 hour operation?

Mr. Piszak – No, it's predominantly one shift. The company came into Strongsville about 20 years ago. They started in a 2000 SF facility. This will be their fourth building within the community so they've continued to grow. They're bringing additional jobs in from another location, and their payroll will be north of three million. What I would add to this layout is that this is an exact replica of the Pat Catans building on Darice Parkway. We built all the buildings at what's called Park 82, Darice Parkway, and this is the same building where you pull up to the cul-de-sac, it has a very nice presence with the office building, and then the docks are screened from view. Everything is facing the exact same way. I can show you an aerial if you'd like to see it.

Mr. Evans – Sure, if you'd like to. I'll pass this around to the Board members.

3) **COMMERCE PARK 200/Spencer Piszak of Premier Development., Representative,**
Cont'd

Mr. Kolick – If you have any drawings with the screening that would be helpful. Although we don't approve screening, they may want to know if there's screening that would hide the docks. That might have a bearing on the granting of the variance as well.

Mr. Piszak – We will definitely have a strong presence of trees. Not only at the cul-de-sac, but along the drive as well. So we built the other two buildings on Commerce Parkway. The building to the north to the other side of the cul-de-sac, as well as the one to the west.

Mr. Evans - I don't know if the other Board members are familiar with this, but I just happened to have been over at the Catans building on Darice Parkway juts the other day. It was and it still is a very impressive building. The landscaping, and the way that it's built, it has everything you'd want in a commercial industrial structure in terms of the way it looks and the way it functions. So that's obviously a good thing. You said the operation was primarily one shift. What is the reason for having the large contained trash area?

Mr. Piszak – There's two containers within there. As everyone is aware screening is required in Strongsville. One container is for recycling predominantly cardboard, and the other for trash.

Mr. Evans – Those two containers are surrounded by a huge circle on the drawings which indicated that it's a trash containment area.

Mr. Rusnov – The circle is the landscaped area.

Mr. Kolick – Just the highlighted square is the trash container.

Mr. Evans – OK. When we looked at it we all wondered.

Mr. Smeader – It looks like it's almost an acre.

Mr. Piszak – No.

Mr. Certo – There's two pairs of gates on the enclosure.

Mr. Evans – That's fine. I mean, that's what I initially thought, but then as I looked at the rest of the drawing, the way it's indicated you'd think that the entire circled area is the enclosure.

Mr. Piszak – We looked at turning the building the other way, but then all the docks would truly face Commerce Pkwy. This way, we've copied exactly what happened with the Catans build. It's well screened, and we appreciate the positive comments about the building. We feel the same way, and we're very proud of it. This will have great curb appeal just like that building does.

3) **COMMERCE PARK 200/Spencer Piszak of Premier Development., Representative,
Cont'd**

Mr. Evans – Questions from the Board?

Mr. Kolick – Spencer, are there any thoughts to carry that Commerce Pkwy roadway further east?

Mr. Piszak – No, there's no reason to do that. This will be it. The driveway, just like Park 82, the same situation exists where if we ever put a building in the back, then it'll look just like this.

Mr. Evans – OK. Fair enough. Are there other questions?

Mr. Baldin – No questions, I think it'll look very nice.

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. The public hearing is on October 7th. 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. Piszak – Thank you.

PUBLIC HEARINGS

4) **JIM AND KAREN PETERSON, OWNERS/Jeremy Salupo with JM Design Build,
Representative**

Requesting a 34 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,034 SF Floor Area is proposed in order to construct a New Single Family Attached Garage; property located at 12014 West 130 Street, PPN 398-24-006, zoned R1-75.

Mr. Evans – Ok, next we have our public hearings. First for the night is Jim and Karen Peterson. They have Jeremy Salupo with JM Design Build representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Salupo – Jeremy Salupo, 3702 Minster Court, Cleveland, Ohio 44105.

Mr. Evans – Thank you. We're looking here for a 34 SF floor area variance to a garage on a new construction. 34 SF is such a huge addition, it hardly warrants coming here but that's not our purview on that. We talked about it at the last meeting, and you had indicated on behalf of the owner that they will not be running a business or anything out of it. Also that the garage is attached to the house that is being built so that takes care of our occupancy question. Are there other questions from the Board? We've all been out to see the property.

4) **JIM AND KAREN PETERSON, OWNERS/Jeremy Salupo with JM Design Build, Representative, Cont'd**

Mr. Rusnov – None.

Mr. Smeader – No questions.

Mr. Kolick – One item I mentioned at the last meeting was whether they received the approval from the County Board of Health? They've given a lot of our people problems with issuing new permits.

Mr. Salupo – We're currently going back and forth with them. I met them on site on Friday with the septic engineer. They talked through some of the details of the design, so we're going back and forth with them right now.

Mr. Kolick – Regardless of what this Board does, be aware that we're not going to be in a position to issue that permit until they give you approval for it. So get what you can to get that resolved.

Mr. Salupo – Yes, we're working on that.

Mr. Kolick – Alright.

Mr. Evans – As I remember, we do not need to make our approval contingent on that because it's normal City processes.

Mr. Kolick – That's even outside our control. That's from the County. So we can only act on what we can do as a City. They have to do what they do at the County level.

Mr. Evans – It can't be built until then though.

Mr. Kolick – Correct. I don't want to hold them up with them not knowing what needs to be done before they can get their permit.

Mr. Evans – Anything else?

Mr. Rusnov – None.

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.

4) **JIM AND KAREN PETERSON, OWNERS/Jeremy Salupo with JM Design Build,
Representative, Cont'd**

Mr. Rusnov – I make a motion to approve a request for a 34 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,034 SF Floor Area is proposed in order to construct a New Single Family Attached Garage; property located at 12014 West 130 Street, PPN 398-24-006, zoned R1-75.

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 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. You are good to go. Thank you.

Mr. Salupo – Thank you very much. Have a good evening.

Mr. Evans – Thank you.

5) ALFRED KRIST, OWNER

- a) Requesting an 8' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a 234 SF Three Season Room;
- b) Requesting a 4' Rear Yard Setback variance form Zoning Code Section 1252.16 (e), which requires a 16' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 600 SF Concrete Patio; property located at 22347 Olde Creek Trail, PPN 392-13-066, zoned R1-75.

Mr. Evans – Alright, item number five on our agenda this evening is Alfred Krist. Please come up to the microphone and give us your name and address for the record.

Mr. Castellano – Justin Castellano, 5236 Quinton Court, Brunswick, 44212. I'm speaking on behalf of Mr. Krist.

Mr. Evans – Thank you Justin. He has asked for two variances. One is for a setback from a three season room and the other is for a concrete patio. We've all been out to take a look at it. I don't think there's a whole lot else that we need to ask. Are there any questions?

5) ALFRED KRIST, OWNER, Cont'd

Mr. Smeader – There was some consideration of reducing the size of the patio. Has that changed from what we were presented.

Mr. Castellano – We can do some give and take if that's what you'd like to see. If you'd like to shrink it by two feet or something. Whatever you'd like to see as far as that variance goes. The three-season room is really the only thing we can't shrink. It's only 234 SF as it is.

Mr. Smeader – I don't think we have a problem with that. It's the setback on the patio because it was closer to the property line and the green belt area.

Mr. Evans – Having looked at it, I've got to say that the 600 SF is not that big. I'm inclined to say that it's just about the right size.

Mr. Smeader – We're OK? I just wanted to make sure for the record that we have the right dimensions.

Mr. Evans – Yes.

Mr. Castellano – OK.

Mr. Evans – Is there anything else?

Mr. Houlé – We have a letter too from their Homeowners Association so we want that to be noted.

Mr. Evans – Is there anything else?

Mr. Rusnov – No.

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 an 8' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 30' Rear Yard Setback and where a 22' Rear Yard Setback is proposed in order to construct a 234 SF Three Season Room; also to approve a request for a 4' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 16' Rear Yard Setback and where a 12' Rear Yard Setback is proposed in order to construct a 600 SF Concrete Patio; property located at 22347 Olde Creek Trail, PPN 392-13-066, zoned R1-75.

Mr. Smeader – Second.

5) **ALFRED KRIST, OWNER, Cont'd**

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Justin if you could let the Krist's know that their variances have been granted pending a 20 day waiting period during which time Council may review our decision. They will get a notice from the Building Department when that time has passed. You are good to go. Thank you.

Mr. Castellano – Thank you very much.

6) **JEFFREY AND JOYCE EVIN, OWNERS/Tom Jackson with American Natural Stone, Inc.**

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where one 140 SF Accessory Structure exists and a 360 SF second Accessory Structure is proposed;
- b) Requesting a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to permit an Accessory Structure; property located at 18206 Potomac Drive, PPN 396-19-060, zoned R1-75.

Mr. Evans – OK. Item number six on our agenda this evening is Jeffrey and Joyce Evin. Please come up to the microphone and give us your name and address for the record.

Mr. Jackson – Tom Jackson, 1004 Medina Road, Medina, Ohio 44256. I'm speaking on behalf of Jeffrey and Joyce Evin.

Mr. Evans – Thank you, Mr. Jackson. The variance is for a second structure and also for the setback. We spoke about it in caucus. Gentlemen, do you have questions or comments?

Mr. Baldin – I think it'll look nice back there.

Mr. Rusnov – No.

Mr. Evans – We spoke about this at the last meeting that it meets the setback to the house and everything because of the way it is. If there are no other questions or comments...

Mr. Smeader – Is this one that we needed a Homeowners Association letter from?

6) **JEFFREY AND JOYCE EVIN, OWNERS/Tom Jackson with American Natural Stone, Inc. , Cont'd**

Mr. Evans – We have an email from them. Do we know if they were successful at getting a letter from them?

Mr. Jackson – The first email was kind of vague between the President and Mr. Evin so we sent a second email. It's a little more formal. They might have letterhead, but it was not on the email. It's more formal than the first that he sent. I have 9 or 10 copies of it if you'd like it.

Mr. Evans – That would be great. Bring that forward, and we'll put it in the record. Thank you. 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 1252.15, which permits one Accessory Structure and where one 140 SF Accessory Structure exists and a 360 SF second Accessory Structure is proposed; and also approve a request for a 28' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where an 8' Rear Yard Setback is proposed in order to permit an Accessory Structure; property located at 18206 Potomac Drive, PPN 396-19-060, zoned R1-75.

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 again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Jackson – In the meantime, can we move forward with the actual building permit and then on day 20 we can start building on it?

Mr. Evans – What happens is that you can get us all the information and everything like that, but they won't issue the permit until the 20 days has passed.

Mr. Jackson – Right, OK. That’s all I needed to know. Thanks.

Mr. Evans – Thank you.

7) **BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative**

Parcel A

- a) Requesting an 8,285 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,465 SF lot Area is proposed;
- b) Requesting a 13% Building Ground Coverage variance from Zoning Code Section 1252.5, which permits a 35% maximum Building Ground Coverage and where a 48% Building Ground Coverage is proposed;
- c) Requesting a 24' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 26' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;
- e) Requesting a 44' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on Buccaneer Trail, PPN 399-32-801C, 399-32-802C and 399-32-803C, zoned R1-75.

Parcel B

- a) Requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed;
- b) Requesting a 44.4' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 30.6' Lot Width is proposed;
- c) Requesting a 19.27' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 30.73' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

- e) Requesting a 26' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 24' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on Buccaneer Trail, PPN 399-32-801C, 399-32-802C and 399-32-803C, zoned R1-75.

Parcel C

- a) Requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed;
- b) Requesting a 2.18' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 72.82' Lot Width is proposed;
- c) Requesting a 38' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 12' Front Yard Setback is proposed;
- d) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed;
- e) Requesting a 21' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on 18600 Buccaneer Trail PPN 399-32-801C, 18602 Buccaneer Trail 399-32-802C and 18604 Buccaneer Trail 399-32-803C, zoned R1-75.

Mr. Evans – Item number seven on the agenda is Buccaneer Trail lot split. Erick Nevin is the representative. Please come up to the microphone and give us your name and address for the record.

Mr. Nevin – Erick Nevin, 11221 Pearl Road, Strongsville. I'm here on behalf of Linda Moore of 18604 Buccaneer Trail.

Mr. Evans – Thank you. We spoke at the last meeting, and went through a lot of different pieces of information related to this. We do have a letter from the Homeowners Association from Spy Glass that indicates they have no objection to this. We also talked about at the last meeting and in caucus again about the circumstances. Some of the Board members had indicated was that this is a precedent that we don't want to set. I don't know if you have additional information or if you

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Mr. Evans continues - want to reiterate some of the information that you gave at the last meeting. You can if that is your prerogative. It's your option to more carefully define the request for the variance.

Mr. Nevin – There's nothing earth shattering; a lot of it is the same. I have an additional update that the offer that was on the table when we last spoke was withdrawn. Another sale fell through and the listing price is going to have to be further reduced. Tonight are two of the owners and some neighbor's and other concerned residents, and no one here as far as I'm aware objects to this. The owners are quite disheartened if this request doesn't go through. I stand before you earnestly believing that it satisfies all four of the requirements. I believe this Board has the authority to grant the variance so that substantial justice can be performed. If the Board is confident that substantial justice is performed by denying the variance then so be it. At the same time, I believe these owners deserve to have their concerns considered as they are unique to them. The fear of merely setting a bad precedent should not be the sole reason to deny the variances in this case. Repeatedly throughout this process I spoke with officials from the City who were very helpful. They've spoken about the uniqueness of the application, and that how something like this is so unusual. When we look at the circumstances, you're not going to find a lot of expandable condominiums that are intended to be large subdivisions, but then only end up being four units. I understand the ability of them to form their own four member Condominium Association, and in fact that was what was in place up to 2002. I also in my practice, 90% of my work is with Condominium and Homeowners Associations, to have an operating association you have to have three Board of Directors. We have four units here. It just doesn't work out. It's impractical and unfeasible. I have Associations that have 100 units and they struggle to fill three-member Boards. I will gladly answer any additional questions. I sincerely believe the four factors are met in this case, and substantially encourage the granting of these variances. A 25% reduction of fair-market value of this property is an unreasonable restriction on the transferability of the property that the comprehensive Zoning Plan does not intend. If there's fear of setting bad precedent, that fear could be limited or removed by narrowly granting a variance for the purposes or circumstances unique to this unit or these owners.

Mr. Evans – Before I ask Mr. Rusnov to speak about his research on this, I also did some research on banks making loans. At this point, the only circumstance where that enters into it is when they are a GSE backed loan. So a portfolio loan by a lender would not have an objection to that situation, or at least there's no grounds for an objection from a lending institution unless they're going to sell it on a secondary market. That's the only circumstance where there should be a problem with it. The second thing that I'll tell you that I alluded to earlier is that I'm aware because in the High Point Homeowners Association, Parkview Corporation built three new clusters. They chose not to add them into an existing condominium development. There's 12 cluster developments in High Point, they added a thirteenth with only three units. The reason they did that was because they didn't want to burden the new homeowners with existing condominium problems or situations from maintenance or anything like that. It was relatively easy to do, and in

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Mr. Evans continues - this case these homeowners could do the same thing which would give them a measure of protection. I understand what you've said about condominium associations often times having a hard time finding officers. I will tell you that in High Point those condominium associations that have fewer members seem to have more of an ability to find people to be officers of an association. Even though you have to have three in order to make it work, you do have units that could provide that as are the three units that just moved into High Point are doing. Again, when we talk about precedent setting, this Board reacts on behalf of the City. The precedents that we set, even though each circumstance is always unique, when we set a precedent of expanding a garage from what is allowed in this community, there are people who see it and they say that "if they can have it so can I". Unfortunately for us to live with the number of condominium and cluster associations that we have in this community, setting a precedent like this in my thinking is that this is a dangerous precedent. Regardless of these unique circumstances, there is a mitigation which would be forming a cluster association. You stated that there was one up to 2002. I didn't honestly know that. I just know that they could form one now with those existing ones. Even though that means they'd have to do something different, get together, and agree about what they want to do, it is something that they could do. It's easier to do in a building situation than it is in an existing situation, but it can be done. Mr. Rusnov, you had some information you wanted to share with us.

Mr. Rusnov – 18602 is that the one you're alluding to that the offer was withdrawn?

Mr. Nevin – Yes.

Mr. Rusnov – OK. That was listed at \$188 K, and it was originally on there for \$230 K. I'm looking at the listing sheet. Trust me, it's correct. It says that it's contingent on inspections at the top, not financing, but inspection. 18604 Unit 3 was purchased in 2016 for \$180 K. That's part of this group. Mr. Evans, does this meet any of our criteria for granting a variance?

Mr. Evans – It does in the sense that anyone can ask for a variance. Our four criteria are set by what the City has given us as requirements. The first of them is where the application of the Code would be an unnecessary hardship. In this case the Code existed when these were built. The builder went under and it was not completed. At this point, that's a circumstance that the City didn't generate. It was not a change in Code so it would be hard to justify based on that.

Mr. Rusnov – There's been ample time to find another alternative. Plus, what you said about checking with the financing then that issue goes off the table anyway. OK, I'm done.

Mr. Evans – Are there other questions?

Mr. Baldin – I don't think so.

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Mr. Evans – Alright. 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 else who would like to speak that hasn't been sworn in because this is your opportunity right now?

Mr. Kolick then stated the oath to those standing since people who were not originally sworn in now stated that they wished to speak.

Ms. Moore – My name is Toni Moore and my current address is 9880 Country Club Circle, Twinsburg, Ohio. I'm the owner of the unit at 18602. Our house has been on the market for over a year. We've had three offers which have all fallen through because the buyers couldn't secure loans. If you do know of institutions that will make a loan in our circumstance, I'd like to have the names. I am at a loss to understand why this one simple thing has caused so much trouble. We've been at this for a year. All we want to do is sell our house. We don't want to cause the City any angst. We don't want to create problems down the road for all of you. We just want to get our house sold. In favor of making this request, we'll be able to change our deed so it reads "single family home attached" instead of a member of Buccaneer which doesn't exist. It's been that way since the homes were built. The association was formally dissolved in 2002, and the issue was totally unknown to us until we went to sell the house. We've only had a year to agonize over this.

Mr. Evans – Thank you, Ms. Moore. The answer to your first question was that Third Federal Savings, First Federal of Lakewood, and a host of other local lending institutions do not sell their mortgages on a secondary market. So Fanny Mae, Freddie Mack, and all of those that are government institutions that buy loans on a secondary market, those are the reasons that they're getting precluded. There isn't a set of Covenants and Restrictions that protect them as a lender for a cluster association. If the loan is kept in portfolio, then that does not apply. There's 30 or 40 local lending institutions. Third Federal is the biggest. First Federal of Lakewood is another one, but there are many, many, many more. Most people don't go to local lending institutions, they'll go to JP Morgan, Chase or they'll go to City, or US Bank, and all of those sell the mortgages on the secondary market so that's part of the problem. I believe that Mr. Rusnov indicated that when you started to sell the house it was listed at \$230 K. It stayed that way for 120 days. That would be part of that process because as Mr. Rusnov also said there was a unit that sold for \$180 K so I can't tell you whether or not your realtor may have looked at comparable units that may have been priced too high or something to price it originally at \$230 K. That may have been another problem. I can tell you as a Homeowner Association Trustee that once someone sets the wrong price for a house to sell, it takes a while for it to get through the market and for everyone to look at it again. Then they see it's been priced better later on.

Mr. Rusnov – It might have become shop-worn. Just as a suggestion, when you talk to your realtor ask them to have a list for the next person who would be portfolio lenders. Then if they have a list of potentials, then the issue goes off the table.

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Ms. Moore – Right. We lowered the price to \$195 K, and we had an offer at full price, then we lowered it to \$188 K, and got another offer of \$175 K, and none of those went through.

Mr. Rusnov – Sounds like their going through the wrong lenders.

Ms. Moore – I agree.

Mr. Rusnov – That's where some guidance from the realtor might be of tremendous assistance.

Ms. Moore – I completely agree with you, and I'll talk with her about what you've mentioned.

Mr. Evans – The last thing I want to answer is your concern over not wanting to impact the City. Unfortunately this Board when we make a decision about a variance we have to live with the consequences. Even though yours is a rather unique situation of these clusters, I can tell you there's other clusters around this community who would probably become aware of this one way or the other, and they might have similar situations that even if they're not exactly the same they'd make the case that it is. That's the reason why this Board is often times presented with things that we may not see an issue with a particular circumstance, but we have to live with our consequences. That is too often something we find out the hard way.

Ms. Moore – You are seeing the big picture. I'm only seeing a simple, little change. I appreciate your time.

Mr. Rusnov – There's a couple of streets in Ledgewood that opted out of the recreational facilities and I think the Homeowners Association, I don't know what the impact has been there though.

Ms. Moore – Are they free standing homes?

Mr. Rusnov – They're attached clusters. The best aid you're going to have is your realtor. If you give a list of the lenders that would work for this situation, then it would help greatly. It'll aim them in the right direction. The rates are all pretty close.

Ms. Moore – Yes, that's definitely all I really care about.

Mr. Evans – Thank you. Is there anyone else here who would like to speak for the granting of the variance?

Mr. Basten – Paul Basten, I'm in unit 18603. I understand that granting this variance then might cause someone else to come in and do it or to ask for a similar variance, but why can't you just deny them based on grounds of that particular case? By granting this variance for them, it makes their lives so much easier and they can sell this house. They've had several realtors try to do it, and one of the owners of the corner property is actually a realtor, and he's tried as well without

7) **BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd**

Mr. Basten continues - result. I don't know why you can't just say yes to this so they can get on with their life. They're so weighted down by this. I'm telling you from a personal standpoint, not by legal or anything. They personally need to get out from under this house.

Mr. Rusnov – It seems as though the financing was the major consideration. We've figured it out, so maybe you can give some assistance to the realtors who are doing this so they give the right lenders a push. Also with it listed at \$230 K it might be shop-worn at this point.

Mr. Basten – I understand that.

Mr. Rusnov – Maybe you want to consider taking it off the market, let it freshen up, and then start all over again. Have a list at the front door of potential lenders that would be willing to go with this. So then that issue goes right off the table.

Mr. Basten – Well, thank you.

Mr. Evans – Mr. Basten the answer to your other question is that we do consider each variance request on its own merits. The problem is that when we stick our foot out into virgin territory, which this one is, it sets a precedent. We have often found that when we grant variances we've come to be smarter after the fact because we realize that something we did wasn't totally encompassing. For instance like allowing a 2 story garage, and not being absolutely certain that there will be no habitation in the upper story, and then it became an apartment. Those are things we find out after the fact. So our problem is that with the number of clusters we have, I understand that it might make it a whole lot easier for Ms. Moore, but it would also open the barn door to what we believe would be something that others in the same situation will want to take advantage of. Unfortunately if we do that, then it's a precedent that we set that we have to live with.

Mr. Basten – Is this property configuration not something that is different than other clusters? It's built so differently. I can't imagine that anyone else would have this type of configuration.

Mr. Evans – There are configurations like this in Strongsville. Not where the developer went under during the process. All of those units that are in similar clusters were all completed. Again, the problem is that it doesn't differentiate. We can't make that a ground for setting a precedent that is different in this case.

Mr. Basten – OK. Thank you.

Mr. Evans – Is there anyone else who wishes to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Are there any additional questions from the Board?

Mr. Rusnov – No.

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Mr. Smeader — No.

Mr. Evans – Then I declare the public hearing closed, and I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for Parcel A for an 8,285 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,465 SF lot Area is proposed; and also a motion to approve a request for a 13% Building Ground Coverage variance from Zoning Code Section 1252.5, which permits a 35% maximum Building Ground Coverage and where a 48% Building Ground Coverage is proposed; and also a motion to approve a request for a 24' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 26' Front Yard Setback is proposed; and also a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed; and also a motion to approve a request for a 44' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 6' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on 18600 Buccaneer Trail PPN 399-32-801C, 18602 Buccaneer Trail 399-32-802C and 18604 Buccaneer Trail 399-32-803C, zoned R1-75.

Mr. Kolick – If you'll each be reading a parcel, then let's just vote on each separately for simplicity sake.

Mr. Smeader – Second.

Mr. Evans – Thank you. May we have a roll call on Parcel A please?

ROLL CALL:

ALL NAYS

MOTION DENIED

Mr. Evans – Parcel A we've then denied. Now I'll entertain a motion for Parcel B.

Mr. Smeader - I make a motion to approve a request for Parcel B requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed; and also a motion to approve a request for a 44.4' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 30.6' Lot Width is proposed; and also a motion to approve a request for a 19.27' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 30.73' Front Yard Setback is proposed; and also a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed; and also a motion to approve a request for a 26' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 24' Rear Yard Setback is proposed

7) BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd

Mr. Smeader continues - in order to approve a Parcel Split; property located on Buccaneer Trail, PPN 399-32-801C, 399-32-802C and 399-32-803C, zoned R1-75.

Mr. Rusnov – Second.

Mr. Evans – Thank you. May we have a roll call on Parcel B please?

ROLL CALL: ALL NAYS MOTION DENIED

Mr. Evans – Parcel B we've then denied as well. Now I'll entertain a motion for Parcel C.

Mr. Houlé– I make a motion to approve a request for Parcel C requesting a 7,801 SF Lot Area variance from Zoning Code Section 1252.05, which requires a 12,750 SF Minimum Lot Area and where a 4,949 SF lot Area is proposed; and also a motion to approve a request for a 2.18' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' minimum Lot Width and where a 72.82' Lot Width is proposed; and also a motion to approve a request for a 38' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Front Yard Setback and where a 12' Front Yard Setback is proposed; and also a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 5' Side Yard Setback and where a 0' Side Yard Setback is proposed; and also a motion to approve a request for a 21' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a minimum 50' Rear Yard Setback and where a 29' Rear Yard Setback is proposed in order to approve a Parcel Split; property located on 18600 Buccaneer Trail PPN 399-32-801C, 18602 Buccaneer Trail 399-32-802C and 18604 Buccaneer Trail 399-32-803C, zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL: ALL NAYES MOTION DENIED

Mr. Evans – Ms. Moore, and the other applicants, I apologize that we had to do that three times. It's the process we have to go through. We have denied the variances so that does not change anything from what it is currently. It simply turns down the application for the separation variances. I believe that things we've said here tonight should be helpful to you in your sale. Our intent is not to put you in a difficult position and keep you from selling your house. I believe you should be able to do that in the right direction. I've been in financial services for 35 years. The processes and procedures that are on the real estate side, the banking side, and everything else are confusing. They are sometimes seemingly insurmountable. Somehow the job gets done, and our mayor who is in financial services understands that often times it takes a lot of work to get around things, but I believe that it can be accomplished. The alternative of course would be to form a

7) **BUCCANEER TRAIL LOT SPLIT/Erick Nevin, Representative, Cont'd**

Mr. Evans continues - Homeowners Association which could be done with the units. I recognize that's not an easy task, but it can be done and might mitigate the circumstances. I hope, as Mr. Rusnov suggested, that maybe working with the Realtor that is amenable and after you've waited a little while just so the market freshens then you'll be able to sell it. Hopefully it'll work out for you. I apologize for us having to turn it down, but that's the decision of the Board tonight. Mr. Kolick, we'll need Findings of Fact and Conclusions of Law. Then gentlemen, is there anything else gentlemen?

Mr. Smeader – No.

Mr. Evans - Then with that we'll stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>October 11, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date