

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

**Meeting of
March 23, 2016
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, John Rusnov, Tom Smeader, David Houlé, Kenneth Evans
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Mike Miller
Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) APRIL WELLS, OWNER

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where two Accessory Structures are proposed in order to construct a 48 SF Greenhouse;
- b) Requesting a 14' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 6' Setback from the Main Dwelling is proposed in order to construct a 48 SF Greenhouse; property located at 18131 Fawn Circle. PPN 397-02-050, zoned R1-75.

The Board saw no issue with these variance requests. The Board noted that they will specify that this structure is a greenhouse built with windows because that will make a difference in certain matters.

PUBLIC HEARINGS

2) THOMAS HEMMER, OWNER

- a) Requesting a 220 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,220 SF Floor Area is proposed in order to approve enlargement of an existing Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway and where no hard surface driveway is proposed; property located at 16526 Albion Road, PPN 395-25-002, zoned R1-75.

The Board noted that information was given about interlocking pavers to the applicant. They also mentioned that a) and b) could be voted on separately, but also noted that approving a) would include a stipulation that a hard surface driveway be installed.

3) ROB AND HEATHER SKOMSKI, OWNERS

- a) Requesting a 2.46' Side Yard Setback (South) variance and a 2.50 Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North and South) and where a 7.54' Side Yard Setback (South) and a 7.50' Side Yard Setback (North) is proposed in order to construct a New Single Family Dwelling;
- b) Requesting an 18 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where 1,018 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 14349 Bentley Lane, PPN 398-25-032, zoned R1-100.

The Board saw no issue with these variance requests. They noted though that there will be people in the audience who wish to speak tonight regarding these variances.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

March 23, 2016

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'd like to call this March 23, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you'd 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. Anyone in our audience this evening that wishes to speak 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.

Mr. Evans – Thank you, this evening we have minutes from our March 9th meeting. If there are no other corrections I will submit them as presented. Our meetings are divided into two portions; first is new applications and then the public hearings. We will ask that each of those 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.

NEW APPLICATIONS

1) APRIL WELLS, OWNER

- c) Requesting a variance from Zoning Code Section 1252.15, which permits one Accessory Structure and where two Accessory Structures are proposed in order to construct a 48 SF Greenhouse;
- d) Requesting a 14' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 6' Setback from the Main Dwelling is proposed in order to construct a 48 SF Greenhouse; property located at 18131 Fawn Circle. PPN 397-02-050, zoned R1-75.

Mr. Evans – We will first invite April Wells to come forward to the microphone. Give us your name and address please.

Ms. Wells – My name is April Wells, I live at 18131 Fawn Circle in Strongsville.

Mr. Evans – Thank you. You are here because you are requesting two variances in order to construct a greenhouse. So tell us a little about your requests regarding this greenhouse because you would like to keep your shed and add this as a second structure, and the other is for the proximity to the house.

Ms. Wells – First I'd like to qualify. It's not glass. It's Plexiglas.

Mr. Evans – Plexiglas. Excellent.

Ms. Wells – Where? It'll be about 6' from the side of the house adjacent to the back deck. Why there? It'll be best there because we have 34 trees on our lot to work around. I need to make sure it is where it will get sun. So that's it unless I put it in the middle of the front yard. I don't think anyone would like it in the front yard.

Mr. Evans – Do you run a garden shop out of your house? Is this a privately used greenhouse?

Ms. Wells – The greenhouse would be used just for our purposes. Everyone is trying to get healthier, and this is the closest I'm going to get to being on a farm again. I bought a dozen tomato plants, a dozen pepper plants, probably a whole bunch of petunias.

Mr. Evans – The shed that you currently have your intending on keeping that because you have equipment stored in that I'm guessing.

Ms. Wells – The shed that we have is in the back corner of the lot. It's in the middle of the trees and right now it has a lawn mower, a couple of bicycles, and a bunch of yard tools and machinery.

1) **APRIL WELLS, OWNER, Owner, Cont'd**

Mr. Evans – One of the reasons why the City of Strongsville requires sheds and buildings to be away from the houses is because people will often store combustible materials or things that may have an impact on the residents. You are not planning to store gasoline or anything that is combustible in the greenhouse that would make it harmful to have it that close correct?

Ms. Wells – The only thing that may be stored there over the winter is the flower pots that will be used through the summer to plant in, plastic and terra cotta that's all.

Mr. Evans – Board members do you have any questions?

Mr. Baldin – I have been out to look at the property already and I spoke with the gentleman sitting there. He agreed that the footers that he dug might be a little short, and he will move them back for the variance they requested. That's all, thank you.

Mr. Evans – Any others?

Mr. Houlé – Approximately how tall will the structure be? I know that it says the door is 67”.

Ms. Wells – At the top of the pitch it will be 7’.

Mr. Houlé – I also was out there and I agree that it's very heavily shaded and there isn't another logical place that you could put that and get any kind of sunshine.

Ms. Wells – The 14 deer that live in the thicket like to eat our stuff.

Mr. Houlé – I think they visit my yard too so I can understand.

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 April 13th. 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. Wells – He's going to be here on the 13th because I have to be in Vegas.

Mr. Evans – You have to be in Vegas, let the record show. Very good. Thank you April.

PUBLIC HEARINGS

2) THOMAS HEMMER, OWNER

- c) Requesting a 220 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,220 SF Floor Area is proposed in order to approve enlargement of an existing Accessory Structure;
- d) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway and where no hard surface driveway is proposed; property located at 16526 Albion Road, PPN 395-25-002, zoned R1-75.

Mr. Evans – We'll now get into our public hearings. We'll invite Thomas Hemmer up to the microphone to give us his name, address, and a short description of what the variance requests are about this evening.

Mr. Hemmer – Good evening, Thomas Hemmer, 16526 Albion Road.

Mr. Evans – Thank you. At the last meeting we talked about the circumstances of the way the addition was added onto the garage and that you are covering it in with walls so that requires a variance as an enclosed area. We also talked about the fact that there is a hard surface driveway required. I know that you came out and talked to Mr. Miller in the Building Department about the options that you have available to you. Please tell us what decision you've come to about complying or not with our requirements.

Mr. Hemmer – I want to play nice, I did price out the concrete for the driveway. Mike also pointed out some other options that are really expensive. I checked into them a little bit, and he's right. So if we do go with a solid poured concrete, I do need some sort of an extension because I can't pull \$6,000 in such a short time. I think you said it was 6 months. That's \$1,000 a month, I just can't squeeze that out right away. I did talk with a couple of contractors and they're willing to work with me and we could pour it in sections and I could pay them in sections. However we want to work this out. I don't want trouble and that's how it's always been.

Mr. Evans – OK. We did talk about the fact that you don't run a business or anything out of structure and that this is for private use. There is an existing shed, the concrete block one that you'll be cleaning that up as well.

Mr. Hemmer – Right that is the one that needs major roof repair and don't hold me to this, but it may need variances because of the way it's pitched. The one inspector came out and advised changing the pitch because of the way the weather comes into it. Like I told him, that's the way it was when I moved in 39 years ago. In that case, we'll probably meet again someday. I need to patch up the walls too. I was thinking of taking it down because the block wall is separating and

2) **THOMAS HEMMER, OWNER, Cont'd**

Mr. Hemmer continues - everything. I was advised not to, and to just leave it up and patch it up as best I can. He said to change the pitch of the walls and roof line and maybe that will help it.

Mr. Evans – Members of the Board, do you have any questions?

Mr. Baldin – Do I understand then that in time you'll probably be working on that old section?

Mr. Hemmer – Yes definitely.

Mr. Baldin – You wouldn't be the first person who's asked for a bit of an extension on pouring the driveway.

Mr. Hemmer – I'm asking for a lot of an extension.

Mr. Baldin – We can discuss that and give you some type of extension. I'm sure we'll have to discuss that today.

Mr. Evans – Yes.

Mr. Baldin – What could you work with timewise?

Mr. Hemmer – I don't know. I work very steadily at Clark Reliance right there across from the service center. I've been there for 10 years. My anniversary is this August so it's not like I'm going to skip out on anybody. I make pretty good money, but this is \$6,000 and that was just one of the bids. Do you know the Hudak family? He said he'd work with me.

Mr. Evans – Thank you Mr. Baldin, anyone else? OK. I think we should figure a timeline out before the public hearing portion of this. If we grant this, the normal time is 6 months. If we went ahead to an 18 month time frame, would that be something that you think would work for you?

Mr. Hemmer – I think so, like I said we budget our money pretty good. All the kids are grown and out of the house so that's big savings.

Mr. Evans – That would basically take you through next summer.

Mr. Hemmer – Hopefully it won't actually take that long, but that will be good.

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.

2) **THOMAS HEMMER, OWNER, Cont'd**

Mr. Rusnov – I make a motion to approve a request for a 220 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,220 SF Floor Area is proposed in order to approve enlargement of an existing Accessory Structure; and to have a hard surface concrete driveway installed within 18 months of this approval date; property located at 16526 Albion Road, PPN 395-25-002, zoned R1-75.

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

Mr. Kolick – Mr. Chairman, before you do that, Mr. Miller is your department going to be OK with that timeline?

Mr. Miller – The Commissioner will be willing to grant that.

Mr. Kolick – He will? OK thank you.

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Thank you. 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. You have introduced the topic of what needs to be done on that other building back there. You know that you need to contact the Building Department. If those things change and you need variances you need to come back here so we can get you taken care of rather than you doing the work and then coming here after the fact.

Mr. Hemmer – Right.

Mr. Evans – The 18 months gives you two building seasons so that by sometime that following fall then you would be cleaning that driveway. The reason is that it makes it work for everybody so we encourage you to work with whomever to do that. I suggest you always get several bids just because the nature of the work.

Mr. Hemmer – Definitely. I don't have to do anything with the brick building right away correct?

Mr. Evans – No.

Mr. Hemmer – OK.

Mr. Kolick – Mr. Hemmer before you leave here, you need to withdraw your request for item B since we're not going to go forward and act on that. You simply need to state that you've withdrawn that request.

2) **THOMAS HEMMER, OWNER, Cont'd**

Mr. Evans – Item B on the agenda you are withdrawing, is that correct? That's the variance for the hard surface driveway.

Mr. Kolick – We're asking you to withdraw that because the Board is granting you the first one, but indicates that you need to establish the hard surface driveway. They've given you extra time to do it, but they have not approved that it is not needed as requested in Item B.

Mr. Hemmer – OK. I withdraw request item B.

Mr. Kolick – Thank you.

Mr. Evans – Thank you Mr. Hemmer.

3) **ROB AND HEATHER SKOMSKI, OWNERS**

- c) Requesting a 2.46' Side Yard Setback (South) variance and a 2.50 Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North and South) and where a 7.54' Side Yard Setback (South) and a 7.50' Side Yard Setback (North) is proposed in order to construct a New Single Family Dwelling;
- d) Requesting an 18 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where 1,018 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 14349 Bentley Lane, PPN 398-25-032, zoned R1-100.

Mr. Evans – That takes us to item number three on our agenda this evening, Rob and Heather Skomski, owners. Please come up to the microphone and give us your name and address for the record.

Ms. Skomski – Good evening, Heather Skomski, 14349 Bentley Lane, Strongsville 44136.

Mr. Evans – Thank you. You're asking for two variances this is to construct a new home. Please briefly tell us what those two variances are and why you need them.

Ms. Skomski – The first variance is for the side yard on each side for the home to be built. Due to the topography of the land it is very challenging to build upon. In order for our home to be built the 2.5' variances are needed. We already had to shrink our plan a little bit. We hope we don't need to shrink it any further. The second one is the 18SF for the footprint of the garage. As you guys already mentioned that's a very small amount to ask for a variance. Knowing you can't have a shed in the development, a three car garage is pretty important.

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Evans – Thank you. Before we go to public hearing, let me indicate that we did receive one letter from the Cleveland Metroparks that basically says they have no problem with the variance requests. They ask that the builder be aware that they want storm water quality so on and so forth which is part of what the City requires in building it. We also have a letter from the Avery Walden Homeowners Association, they also had no objection. They did require certain things that are part of the Homeowners Association's restrictions in terms of building materials and things like that. We will offer you a copy of each Ms. Skomski for your records. Now we will ask the Board members if they have questions or comments for Ms. Skomski.

Mr. Baldin – No. questions.

Mr. Smeader – No questions.

Mr. Rusnov – If I heard correctly you have already downsized the structure to conform somewhat to this topography. The stakes that I saw when I went out there, that's the footprint?

Ms. Skomski – Yes we downsized the plan. Yes those were all the corners marked.

Mr. Rusnov – That's the only plateau and the rest is a slope this is about a 14' drop from one side to the other?

Ms. Skomski – It's somewhere between 12' and 14'. It's a lot.

Mr. Rusnov – OK.

Mr. Evans – Anything else? OK. The last thing I'll say so everyone understands is that this Board has in the past granted a number of variances for properties in the Avery Walden subdivision. Every one of those lots as we described in caucus is one that has special characteristics. Many of them have required variances for the type of home that people want to build. This group has worked carefully to mitigate variances and work with people. So that is the nature of what we've done in the past. Heather you can have a seat if you want. We'll go to public hearing. Is there anyone who would like to speak against the granting of this variance? OK. Please come up to the microphone and give us your name and address for the record.

Mr. Ventura – Michael Ventura, 14361 Castlereagh Lane, Strongsville. I'd like to start off by first correcting something Mr. Evans that you stated. In a letter from the President of our Homeowners Association that I have with me is a comment that he'd like me to share with you. The Design Review Committee approved the design of the home. The Homeowners Association did not approve the approval of the variance.

Mr. Evans – I did not say that they approved the variance, Sir.

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Ventura – What I thought you stated was that they were in approval of accepting this.

Mr. Evans – I stated that they did not object to the variance, Sir.

Mr. Ventura – They didn't even receive a request for the variance, Sir. The first issue is that they have not even gotten, because the back property is common property, information pertaining to this variance at all. It hasn't even been received.

Mr. Evans – That would be interesting Mr. Ventura because our letter that we received indicates knowledge of the variance. So if you want to dispute that then I have to ask if you are a representative of the Homeowners Association.

Mr. Ventura – I'm not in any way. I've gotten this directly from the President of the Homeowners Association. We've met multiple times and he sent me this today. Here the quote that I'll share with you.

Mr. Evans – At this point though I'm going to say that this is all hearsay because I don't have the person here, and they are not under oath. While you are under oath I don't believe that you are in a position to do so. Mr. Kolick you can certainly answer whether Mr. Ventura is in a position to speak for someone based on an email they received when our letter clearly indicates that they were aware of the variance being requested.

Mr. Kolick – The letter certainly indicated, Mr. Ventura, that they've received an initial plan for it. So they did review some type of plan. '

Mr. Ventura – For the property, yes.

Mr. Kolick – Because their plan indicates that they have some concerns about the front of the house and the type of material being used. So they have received some plan, but understand that we courteously contact every Homeowners Association to see where they stand. We don't need their approval or disapproval for granting variances.

Mr. Ventura – Well we own the property, so it's a common property. I understand that variances are granted regardless. I believe the law is to inform everyone as you mentioned before within 500' of that property.

Mr. Evans – Mr. Ventura, you are not the Homeowners Association, and I'm not going to take issue with you, but you cannot speak for them. I've already indicated that.

3) **ROB AND HEATHER SKOMSKI, OWNERS, Cont'd**

Mr. Ventura – I'm not speaking for them, but if all residents have informed me that they haven't gotten the letter that is first and foremost an issue. Because what you received was information pertaining to the design of the home not pertaining to the variance. Just the design of the home itself. Let's move forward from there. Regarding Strongsville Code 1248.08 Reasons for Granting Variances, the variance for this property is a little different than other variances that may have been granted post-building within Avery Walden.

Mr. Evans – The only variances that we have granted are pre-building Sir.

Mr. Ventura – OK. That is not the information that I have. So regardless the variance request that is being made is different and unique than any other zoning variance that has been granted. This zoning variance pertains to the side of the house to the back of homes. There is not another lot or plot of land within the Association that has that same circumstance. So that is a different request. My understanding is that 1248.08 talks about the fact that there has to be some exceptional circumstances or conditions for instance topographical or geographical conditions that would create a hardship for a zoning variance to be granted. If you take a look at that zoning land, that was pre-existing, so it's a pre-existing hardship. So based on purchasing that property this is a pre-existing hardship.

Mr. Evans – Mr. Ventura, if you would like to go and read the minutes of previous meetings you will find that this Board has considered variances in Avery Walden due to the topographical nature of the lots. We've considered side yard, back yard and front yard dimensions.

Mr. Ventura – OK. There's no backyard or side yard in the rest of the Association anywhere that backs up to a backyard anywhere. There's not a single home that has that so there couldn't be a variance that would be similar to that that has been granted. I have pictures of that, if the Board would like to see, of what that actually looks like. I don't know if everyone has been out to see the property or not been out to see the property.

Mr. Evans – We all have.

Mr. Baldin – We'll take the pictures.

Mr. Evans – Sure.

Mr. Ventura – Let me state too that we have no problem with the Skomski's obviously building on a piece of land that they have purchased. They've had no discussions with any of us with regards to this. Not that they have to, but I know that you guys recommend that. The actual area goes down into the swale or valley that you talk about. So where the plot already is, is there. We'd have no problem with them moving that entire plot that direction, but once you start to come into this other area to the north side now you've created additional problems for water drainage, and

3) **ROB AND HEATHER SKOMSKI, OWNERS, Cont'd**

Mr. Ventura continues - created potentially additional challenges around access to that area. Because like I said, while you may have granted other variances within Avery Walden there are none that run along the side and back of the home. It's very different. If I just go back to whether you grant them or not, your Code 1248.08 speaks directly to that. It says there has to be some exceptional circumstance. If you look at what I've done, and looked at some research around this, you also have to be able to have four Codes to show undue hardship. Undue hardship has to include things like the applicant's land can't yield a reasonable return without variance, this one can and has. The need for a variance due to unique circumstances of property, and not the general conditions of the neighborhood. This is the general conditions you mentioned; there are some unique lots.

Mr. Evans – You are quoting from what now? Because that is not the Strongsville Codified Ordinances.

Mr. Ventura – No, this is general zoning coding.

Mr. Evans – General Zoning Coding from where?

Mr. Ventura – Zoning variances should be the exception and not the rule. This is looking at a multiple of cases for example case law.

Mr. Evans – So you are an attorney?

Mr. Ventura – I don't need to be an attorney to cite case law.

Mr. Evans – You're not an Engineer. So claiming about the water drainage and everything?

Mr. Ventura – I've spoken to attorneys, engineers, architects, and builders all with regards to this. Even this morning one of the people who was involved in our DRC said that there is no reason why this can't and shouldn't be moved additionally to the south. It would then completely avoid this whole issue. There has to be an undue hardship shown, and a unique circumstance. It can't be a self-created hardship, and an example of a self-created hardship is when you buy a piece a property that you are going to struggle to put a house on. If you have the ability to shrink the house to conform to wherever you're trying to build, then you don't have an undue hardship. I've got here as well a petition from 25 homeowners. Again we have no personal issue with the Skomski's building anything in Avery Walden whatsoever. It's just a matter of whether or not this type of variance which would be unique to this property, based on its setting, should be granted. As Mr. Kolick said in caucus, it doesn't become a legal piece of property to build on until you grant the zoning variance. We have no problem with them getting a legal piece of property to build on. All we're saying is since it's already down in that swale this structure should, because it can be, shifted that additional footage that's needed without having to grant a variance. It's my understanding if

3) **ROB AND HEATHER SKOMSKI, OWNERS, Cont'd**

Mr. Venture continues - they were to then try and build a fence, because I believe they do have dogs; you'd have to grant an additional variance which then puts them right up against this common property. It gives you no leeway for anything.

Mr. Evans – Is there anything else, Mr. Ventura?

Mr. Ventura – No.

Mr. Evans – Thank you very much.

Mr. Ventura - Thank you.

Mr. Evans – Anyone else who would like to speak against the granting of the variance? If you'd please come forward then. Please come up to the microphone and give us your name and address for the record.

Ms. Mott – Robin Mott 14373 Castlereagh Lane, Strongsville. I wanted to just concur with everything that Mr. Ventura said. I do believe that the letter you received from the Board is not signed. I'm on the Board. We did not vote on this variance. So that was from the DRC the Design Review Committee. I was given an email that also states that from our Management Company.

Mr. Evans – The letter is written on letterhead that says Avery Walden Homeowners Association. That's what we received.

Ms. Mott – I'm telling you what I know, and we did not vote on it for the record.

Mr. Evans – OK.

Ms. Mott – There's nothing I can say that Mr. Ventura hasn't said already. Other than the fact that I want you to be aware that I was here a few years ago. You gentlemen granted a variance on the property next to me that allowed them to shoehorn a huge house into that little piece of property. I asked that you do something about the water that is in my yard that I have to deal with because of this, and it was never done. So I know this has nothing to do with this particular parcel, but I'm very leery about the granting of any variances in Avery Walden because of that. 2.5' doesn't seem like a whole lot, but when you're talking 10' it's a lot. I hope you gentlemen go back and take a good look. Also that you actually get out of your car and walk around that property. I live right there, and I saw no one walking that property for the past week. I've been sick so I've been home every day. Please just double-check with that before you make any final decisions.

Mr. Kolick – You are a member of the DRC?

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Ms. Mott – No, I am not on the Design Review Committee. They are the ones that sent the approval. I'm on the Homeowners Association.

Mr. Kolick – Does the Homeowners Association retain this Associated Property Management as its agent? So is Lisa Frisch an agent for the Homeowners Associations?

Ms. Mott – Yes.

Mr. Kolick – Because she's the one who signed and sent the letter.

Ms. Mott – I understand that, and she explained to me that it was for the DRC. Apparently she didn't specify. I'm going to let her know that you assumed it was from the Homeowners Association and not the DRC.

Mr. Kolick – She signs it as the Property Management Co. If you are a property management company you're not hired by the DRC, you'd be a property management company hired by the Homeowners Association.

Ms. Mott – Correct.

Mr. Kolick – So it's the Homeowners Association that hired her. You may need to speak to your agent, but that is at least what we received. OK. Let me ask you one other thing. You are correct about this, it is not signed. Is it your understanding that she sent this though?

Ms. Mott – Yes.

Mr. Kolick – So she did send this.

Ms. Mott – She did send it. Thank you.

Mr. Evans – Thank you. Is there anyone else who wishes to speak? Please come up to the microphone and give us your name and address for the record.

Mr. Sharma – My name is Rakesh Sharma. 14353 Castlereagh Lane, Strongsville. This property is right behind my house. I'm just here to agree with what Mr. Mike Ventura said. It's a very good neighborhood. We welcome our neighbors, but the variance is a little disturbing for where my property is. I just want to make sure that it's done correctly. I want to make sure it's not taking the property value down. The house is coming too close to my property. I'm also a Homeowners Association Board member. I support that we haven't voted on this issue. We did not approve the variance. I know that there is a mistake somewhere and I'm willing to go back and talk with Lisa. That's all I want to say.

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Evans – OK. Thank you very much Mr. Sharma. Is there anyone else who wishes to speak against the granting of the variance? Please come up to the microphone and give us your name and address for the record.

Ms. Lehman – Stephanie Lehman, 14361 Castlereagh Lane, Strongsville 44136. I did have the opportunity in the last couple of days to talk to many homeowners within Avery Walden in regards to the request for variances on both the north end and south end of the property as well as the additional square footage in the garage. The concern of many of the homeowners is not that they don't want someone to build there. We're very inviting, and want people to continue to move to the neighborhood, and we all appreciate that it is a very unique neighborhood. The upsetting thing to the homeowners is that this is a piece of property that has continued to be listed for a long period of time, and in fact I reached out to the agent and tried to purchase the property the day this went under contract. I spoke specifically with the agent in regards to us not being in agreement and in fact being against any variances for the lot that they would be requesting. We offered to move forward and it was already pending so we did not have that opportunity. In saying that, in the neighborhood we were very disappointed that the owners that have purchased the property had never taken time to speak individually to each person that would be touching this property. I feel that at this point we wouldn't all be opposed to it if we had been given an understanding of what was going to happen. Another huge concern amongst the neighborhood is home values. People come to Avery Walden because of the neighborhood. They want to live here because it is very unique. We're already seeing a lot of turnover in the neighborhood. We have business professionals, coaches, and athletes that are in and out of the neighborhood. The biggest concern is that we feel potential homes on Castlereagh that line up to the property could depreciate in value. In fact, our neighbors Katlin and Corey McKenzie have spoken to many real estate agents in regards to what would potentially happen in regards to selling these properties if there is a home that has a 7.5' variance granted in between the property line. There is nothing favorably showing that this will provide any type of benefit to any of these homeowners. In fact, it's all unfavorable. The biggest thing is that they knew when they purchased this piece of property that it had been listed for many years. That it had changed hands. The price was originally listed at \$150,000, and it was then changed to \$140,000, then \$139,000, and then purchased for \$125,000. They knew when they purchased that it was a unique piece of property, and that there were going to be challenges. This is probably one of the few properties still existing in the neighborhood due to the hardship of trying to build something on it. They purchased this property knowing what they were going into, and that it wasn't going to be easy to put a home on this lot. In building homes myself, you pick your home, and then you decide on the lot. It's very difficult to go purchase a lot and then to try to downsize a home and make it fit. It wasn't a secret, this plot history goes all the way back in 1995, and you can see all the different changes. Initially it was my understanding that every setback in this neighborhood at one point had a 20' requirement and then due to economic decline was changed to 10'. There were many people upset in the neighborhood when that happened. Now we're again, even though it's only asking for an additional 2.5', it's now going to put variances at 7.5' between property lines. Also people weren't all too excited that it this

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Ms. Lehman continues - public hearing tonight was on holy week, as well as Spring Break, so not all neighbors could attend. The petition that was signed then has everyone's names, address and phone numbers. They also asked that if anyone had any questions to please reach out and contact them or come to their home. The other big thing is that everyone in the neighborhood saw all the traffic down in the cul-de-sac of Bentley, but not one person saw anyone walking the lot. Some of the homeowners came out and walked the lot and saw the stakes. They saw where the Skomski's home is actually going to go. They said they were able to get a better understanding of it all when they actually walked the lot than they could from the street. They then had a better understanding of why there were so many people upset. If you did drive out there, and you saw the lot, I do encourage you before granting this variance that you please get out of your vehicles and walk the entire lot. That's all I have to say. Do you have any questions?

Mr. Rusnov – I have a comment.

Ms. Lehman – Perfect.

Mr. Rusnov – I was the appraiser who originally did the assemblage. I walked this entire property with Mr. Stradtman. I was aware of what his plans were for this area. I was there on a Sunday morning, and I could see from the street. I was going in two directions. I didn't need to get out and walk it. If you really want me to go and walk it, I will be more than happy to. The second portion of this is moving the house to the south, I'm looking at the topo, that 7.5' to the property line. How are you going to move the property to the south? You could move it to the west, but you're side line setbacks would be the same, and then you're moving it into that ravine and the swale is 14'.

Ms. Lehman – Sir, it's not my property.

Mr. Rusnov – I'm not saying that it is.

Ms. Lehman – I'm not trying to say to do that. I'm saying that there's other things that can be looked at, and I just stated that it would have been nice to have talked with the homeowners. So I'd maybe have a better understanding because I believe if that would have happened from the beginning, we wouldn't be in this situation.

(Someone inaudibly speaking from the audience)

Mr. Rusnov – I can see that, I'll talk to you afterwards. I'll show you. If you want to take a look at it, I've got the topo in front of me. I can show you with this.

(More inaudible talk from an audience member)

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Kolick – We cannot get comments from the floor because they don't get picked up by the microphone. Is there anything else from this individual that you would like to continue with?

Mr. Evans – No. Other than Ms. Lehman, I can tell you that the concern about the price of the property and whomever may have been involved in contracts and everything, unfortunately that's not something that this Board can review. If you had concerns about the sale's process or anything like that there would be other venues. This Board is not in a position to hear that.

Ms. Lehman – I'm just sharing with you what the homeowners, based on signing the petition, shared with me since they are not present tonight to do it themselves.

Mr. Evans – Thank you.

Mr. Baldin – Excuse me, I'd like to make one other comment. I did go out to that property approximately three weeks ago. I got out of my car, I walked off the sidewalk, and I walked onto the property. I did not walk all around the property because I saw no necessity to since I had the plans and the topo and so forth, just as Mr. Rusnov referred to. I saw everything that I needed to.

Ms. Lehman – OK. I'm just sharing with you what I was asked to by the homeowners.

Mr. Baldin – You said no one looked at it, and I did look at it. That's enough.

Mr. Evans – I think we all did, thank you Mr. Baldin.

Mr. Baldin – Thank you.

Mr. Evans – Thank you, is there anyone else who wishes to speak against the granting of the variance? Is there anyone who wishes to speak in favor of the granting of this variance? Yes, we'll bring you back up. Please come up to the microphone and give us your name and address for the record.

Ms. Skomski – I just wanted to mention a couple of things, one is in that email that I had sent. I see the logistics letter with the Avery Walden letterhead was sent. In addition to that there was another document that showed that the plot plans submitted was OK'ed by the DRC. It says City to approve required sidelines and setbacks. They look at each piece of your plan, not just the floor plan. So the plot being the home on the topography. They did approve. So I wanted to make sure that was noted. I can understand where it does look a little vague in the letter. There was an additional piece that was sent and showed that specifically because the box is checked.

Mr. Evans – That was supposedly from the DRC?

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Ms. Skomski – Correct. Then also I believe and I hope you know this information and you can confirm this, that it was December of 2014 when the zoning was changed in Avery Walden from regular single family homes to cluster homes and prior to the current zoning, it was a 7.5' sideline variance for each property line. Isn't that correct? I don't know, Mr. Miller, do you have that information?

Mr. Miller – The residential aspect in the yard setbacks was amended in 2014.

Mr. Evans – To 10' from 7.5'?

Mr. Miller – I would have to go back and what the old...

Mr. Kolick – It was never 7.5', but it was changed to 10'.

Mr. Baldin – From 20' to 10'.

Ms. Skomski – No, I think it was the front and back changed. They changed it from R75 to R100.

Mr. Evans – Right front setback was changed. Yes.

Ms. Skomski – It changed the side yards significantly because the Engineers and the Home Designer that we've worked with they assumed 7.5' when they did our plan because they have already worked with previous people building in that development. They were both very surprised when they went and plotted it and found out from the Engineers from the City of Strongsville that 10' was required. Everybody knows that we're not going for a 7.5' variance, we're going for a 2.5' variance, which is about that much.

Mr. Evans – Mr. Kolick is taking a look here to see if he can determine exactly what was changed.

Mr. Kolick – I'm not sure what time it was changed, but obviously they've got to comply with the existing current law. If council changes it they change it for a reason so, if they changed it to 10', its 10'.

Ms. Skomski – Yes, and what my point is that many of the homes were built before December of 2014, and they were allowed to have that 7.5' verses 10'.

Mr. Evans – Thank you, is there anything else?

Ms. Skomski – No. Thank you.

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Evans – Is there anything else from Board Members? Mr. Miller, I have one question I'd like to ask. We have granted variances on the front yard setbacks on a number of homes in Avery Walden, is it possible to move this home closer to the street? Where the 18' on the garage is not an issue here as far as setbacks, we do have two variances of 2.5' that are. If the house were moved 2' closer to Castlereagh...

Mr. Miller – It would probably shrink the distance on the south property line from the side yard setback. Because we have the pie shape of the lot coming in.

Mr. Evans – Topographically that could be done?

Mr. Miller – You would be closer to the south side lot line than it is now.

Mr. Kolick – May help with one, but it makes the other variance greater.

Mr. Miller - It would make the one shorter, but it would still require another variance.

Mr. Evans – Are there any other ideas?

Mr. Rusnov – If I'm understanding correctly, if you're standing and looking right at the corner of the house here, here's the cul-de-sac, as you're looking north if you slid the house to the right, which would be east, I don't see any difference. You have 7.5' on the north side, and 7.54' distance to the property line on the south side, by simply sliding the house over, I can't see how that would change anything because those lines appear to be parallel.

Mr. Evans – My theory was that if you moved the garage closer to the street, and angled the house which I believe the topography would support...

Mr. Rusnov – In other words, twist it?

Mr. Miller – You only have 10.7' from the northeast corner of the garage to the property line. It's only .7' before you get to the required setback from the northeast corner of the garage.

Mr. Evans – OK.

Mr. Rusnov – Twisting it to the left, into the ravine wouldn't work because of the topography.

Mr. Evans – Right.

Mr. Smeader – The house would not be facing the cul-de-sac either.

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Evans – Not directly facing, no.

Mr. Baldin – Can I request that the Board get together and have a little caucus?

Mr. Evans – You may.

Mr. Evans – OK, our Board members talked about this to see if we could come up with alternatives, options, or solutions. Ms. Skomski could you come back up to the microphone? One of the things that we discussed as an option would be for tabling this for tonight, and having you go back to your builder and talk with them about options that you might be able to move walls or cut corners in order to alleviate the requirement for the variances. So maybe you can still have the house you're proposing, but making adjustments on the outside walls so you can fit within the requirements of the Code as it is now. That would mean that you would not need a variance for anything other than the 18SF in the garage which we don't see that as something that has been objected to tonight.

Ms. Skomski – We have, because we're working on our plan now since October, looked at many alternatives. We prefer that the back of our home face the Metroparks. They weren't able to make any changes based on the way that the little side piece of the land, you have that pie piece and that angle on the side. Because of that, it was really the only place where they could put the garage and the house has to be angled like this. Unless we significantly change our floor plan...

Mr. Evans – We're not necessarily suggesting that, but what we want to be sure of is that you have looked at all of the alternatives and all of the options. Even though they may have said before that they didn't think they could do anything, we feel that it was a prudent course to take. Because not only would this Board have to vote on it, but then Council has the opportunity of reviewing the decision.

Ms. Skomski – What does that mean, Council?

Mr. Evans – When this Board grants a variance, City Council has the opportunity to review all the variances that we grant within a 20 day period and they have the option of overturning the variance that we might grant. So what we're trying to do is to look at the right way of approaching this because you heard the discussion of the residents and those that have signed a petition, and if we were to grant a variance it would still be subject to review by City Council. What we're suggesting is that by tabling it, and going back to your builder and again looking at it, and determine whether there is another alternative or an option that might not require a variance other than the square footage of the garage, that it might be a shorter course to take. That would also be one that would guarantee that you would get what you wanted. I'm not saying that the builder is going to be able to do that, I understand that you've already done that and have been working on it since October. But we are all pragmatist on this Board. We understand that even if we grant a variance, that

3) ROB AND HEATHER SKOMSKI, OWNERS, Cont'd

Mr. Evans continues - because City Council has the opportunity to review this, they have an option to overturn the variance even if we grant it. I'm thinking that rather than it being turned down either here or by Council that if you go back and work with the Builder that you may be able to find an alternative. You may be able to find a solution that will work for you that would not require those variances, and the garage size variance would still stand as a request. Again, we've not taking a vote, we've simply discussed it, we talked about what the options might be, and what option is available to you, and our considered opinion was that it would be a good choice. It would assure yourself that you have looked at all the options and alternatives, and in the meantime what we're going to do is research as well the timing and what has changed as far as setbacks although that would not necessarily change anything. You're required to build according to whatever the Code is now. So whatever it may have been in the past, but it is something that might be a variance because this Board looks at past history and it may influence our discussion process.

Ms. Skomski – I can agree to table it.

Mr. Evans – That would mean that on April 13th we would consider this. What I'm going to do then based on your request to table it, is that I'm going to close the public hearing and that would mean that we would not go through another public hearing process. We believe that with the petitions and comments and at the moment it would suffice this matter. I understand that Ms. Lehman talked about the fact that we scheduled this at an inappropriate time. That was not done purposefully. This was scheduled on normal course. We had the public hearing, and comments, and petitions and we believe that represents an adequate ability for the public to make their comments. So if you are amenable to tabling then we will do that, and consider on April 13th. We hope that you will talk to your builder in the meantime and you'll be ready for that discussion.

Mr. Rusnov – Is it permissible for us to show the lady and gentlemen what we were talking about?

Mr. Evans – Yes, but we can do that after we close the meeting and your expertise would be valuable.

Mr. Kolick – One more thing for the applicant. If your builder does come up with an alternative plan, please bring it up to the Building Department so we have an opportunity to review it. It's a public record so anyone in the audience can stop up and review it before the next meeting. Thank you.

Mr. Evans – We'll see you back on April 13th then. If there anything else to come before the Board this evening? Then this meeting stands adjourned.

Signature on file
Mr. Evans, Chairman

Signature on file
Kathryn A. Zamrzla, Sec'y

April 13, 2016
Approval Date