

Note: These minutes were compiled by extracting certain facts the essence of testimony from an audiotape made of this meeting. Complete detail and verbatim statements can be heard and transcribed from the tape. The tape is available in the office of the Department of Planning and Zoning for a nominal fee.

STREETSBORO BOARD OF BUILDING AND ZONING APPEALS

**HEARING
May 25, 2021
7 PM**

Call to Order – Chairperson Bross called the meeting to order at 7:15 pm.
This meeting is the Regular Hearing of May 18, 2021 re-scheduled to May 25, 2021.

Pledge of Allegiance and Invocation

Roll Call: Anthony Madden, Bill Uehlinger, Marvin Woods, Aaron Hatzo, Todd Cooper and Matt Bross were present.

Also present: John H. Cieszkowski, Jr. AICP Planning and Zoning Director; and Bridget Pavlick, Clerk.

Doug Liebler was absent.

Mr. Madden made a motion to excuse Mr. Liebler, seconded by Mr. Woods. Upon voice vote, motion carried.

Disposition of Minutes:	August 18, 2020	February 16, 2021
	September 22, 2020	March 16, 2021
	October 20, 2020	April 20, 2021
	November 17, 2020	

Old Business- none

Sign Review- Chapter 1159 - none

New Business –

9324 Gerald Drive-Lampa-Jones

Requesting a 4-foot variance from Section 1127.04 (c) to permit a 6-foot side yard setback. Code requires a minimum 10-foot side yard setback.

Michael Lampa 1189 Apache Pass, Streetsboro was sworn in. Mr. Lampa states that this is his sister's home. It is a duplex and she owns her half. The other side is a rental. The way the home is laid out, she cannot get access to a deck if it is on the rear of the home. There are no doors out the rear and there are utility connections that she could not put a deck over. There is access to the outside of the home on the side of the home. There are

some health and mobility concerns that she is facing as well. She would like to have a 10-foot-wide deck but given the space at the side of the home, a variance is being requested. In addition, she would still be able to access the rear yard and her lawncare equipment. Mr. Cieszkowski thanked Mr. Lampa for the presentation of this request. He indicated that he met with Mr. Lampa to work on requesting the smallest variance or be able to eliminate the need altogether. Mr. Cieszkowski stated he was comfortable that this was the minimum necessary to get the deck built. It is an odd situation with a non-conforming structure and only having direct access out the side of the house. Board members joined the discussion with questions centering on the ability to place the deck in the rear with a walk-way from the side entrance to the deck in the rear. The applicant stated that there are sewer lines in the rear and they cannot build over them.

Motion: Mr. Madden: I hereby move on this 25th day of May 2021, the Streetsboro Board of Zoning and Building Appeals grant a variance for 9324 Gerald Drive – Lampa-Jones, From Section 1127.04(c) to allow a 6' side yard setback. Code requires a 10' side yard setback. Variance is for 4'. Per drawings received 4-26-2021. Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable. Seconded by Mr. Uehlinger. Roll Call: Yes-6, No-0.

Mr. Madden: I vote yes. You are asking for the minimum necessary which we are always required to ask our applicants that they do. Mr. C did say it in his own words that in working with you that is exactly what the two of you achieved. You are designing this for an unfortunate future that we hope does not happen but it's still the minimum necessary and with that in mind, thank you for your presentation. I say yes.

Mr. Uehlinger: Based on everything I see here, everything is laid out in such a way that it makes the most sense for enjoyment of the property as well as makes the most sense for the actual use of the property. In that regard, I vote yes.

Mr. Cooper: I vote yes. I feel that this is a unique condition and the variance being requested is the minimum necessary to satisfy the need and the spirit and intent of the zoning code is being upheld.

Mr. Hanzo: I vote yes.

Mr. Woods: I vote yes. I believe that you meet all the city requirements in asking for this variance and in that case, you cooperated with the City and I vote yes.

Mr. Bross: I am just a little uncomfortable with it being on the side of the unit but there is nothing obviously, you can do about that. For all the reasons stated and Mr. Lampa's testimony, it will be perfectly fine. So, I vote yes. Given that, your request has been unanimously approved.

1777 Miller Parkway-Waltco

- 1). Varying wetland setbacks from Section 1191.11(c) to permit varying resulting wetland setbacks (largest variance being sought is 15 feet) from a designated EPA Category 1 wetland, where Code requires a minimum 25-foot wetland setback from Category 1 wetlands; and
- 2). Varying wetland setbacks from Section 1191.11(b) to permit varying resulting wetland setbacks (largest variance being sought is 60 feet) from a designated EPA Category 2 wetland, where Code requires a minimum 75-foot wetland setback from Category 2 wetlands.

Applicant: Chris Westbrook, 3131 Warrington Road, Shaker Heights, Ohio.

Mr. Westbrook is a Sr. Project Engineer with Langan Engineering. Applicant explained the scope of the project. Waltco has recently moved into this industrial building and is seeking setback variances to accommodate paved outdoor storage areas. Applicant also noted that Waltco will be adding back to the buffer on the property. The size and shape of the wetlands makes some unique issues for the property.

Mr. Cieszkowski indicated that meetings were held with the building owner and the applicant prior to their submission to iron out the size of the variance and to delineate the categories of wetlands that are on the property. He stated that the owner could have chosen to go directly to the EPA to petition to fill in the wetland, but they chose to work with the city's code and keep as much of the wetland as possible. This property was developed in 1993 and in 2009 the city adopted wetland/riparian regulations.

Mr. Uehlinger: asked for clarification on what is currently asphalt and what is not.

Mr. Cooper: information in our packet about the use of impervious pavement to limit the runoff from the impervious pavement. Could you talk a little bit about the decision not to do that? The applicant stated that they are still going to make sure flooding is not going to be an issue. There is a standard of care that must be followed so when the final engineering review process is conducted, the water will be controlled on site.

Motion: Mr. Madden: I hereby move on this 25th day of May 2021, the Streetsboro Board of Zoning and Building Appeals grant a variance for 1777 Miller Parkway from Section 1191.11(c) to permit varying resulting wetland setbacks (largest variance being sought is 15 feet) from a designated EPA Category 1 wetland, where Code requires a minimum 25-foot wetland setback from Category 1 wetlands per drawings received 4-27-2021.

As a condition of approval: 22,709 sq. ft. of additional wetland buffer area is added to the site, as noted on the Wetland Setback Figure, Sheet WB101, dated 4/26/21. This added buffer should also be reflected on improvement plans submitted for the project.

Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable. Seconded by Mr. Woods. Roll Call: Yes-6, No-0.

Mr. Madden: Yes. It is always sad to give back any wetlands. You are seeking a very minimal amount and the fact that you are adding some back in to net zero makes it a no-brainer on my behalf. I vote yes.

Mr. Uehlinger: I vote yes on this. The fact that you're being a good citizen as a new business in Streetsboro really shows your corporate culture, which is very nice to see. I feel bad for Tallmadge, their loss is our gain, so I do vote yes.

Mr. Cooper: I vote yes. I think the intent of the code to protect the wetlands, the spirit of that is still here and we are getting the added benefit of some additional protection

Mr. Hanzo: I vote yes

Mr. Woods: I vote yes as well. I appreciate the wetlands.

Mr. Bross: I vote yes as well on this first part. It's not encroaching, there is no negative environmental impacts and it is better than the alternative. I find no harm in this and it serves its purpose so I vote yes. This first portion has been unanimously approved.

Motion: Mr. Madden: I hereby move on this 25th day of May 2021, the Streetsboro Board of Zoning and Building Appeals grant a variance for 1777 Miller Parkway from Section 1191.11(b) to permit varying resulting wetland setbacks (largest variance being sought is 60 feet) from a designated EPA Category 2 wetland, where Code requires a minimum 75-foot wetland setback from Category 2 wetlands per drawings received 4-27-2021.

As a condition of approval: 22,709 sq. ft. of additional wetland buffer area is added to the site, as noted on the Wetland Setback Figure, Sheet WB101, dated 4/26/21. This added buffer should also be reflected on improvement plans submitted for the project.

Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable. Seconded by Mr. Woods. Roll Call: Yes-6, No-0.

Mr. Madden: I vote yes for the same reasons I stated for the first variance.

Mr. Uehlinger: For the same reasons stated for the first variance, I once again vote yes for this variance.

Mr. Cooper: I vote yes.

Mr. Hanzo: I vote yes.

Mr. Woods: I vote yes.

Mr. Bross: Likewise myself, for the very same reasons I approved the first part, I also vote yes for the second portion. Given that, your entire application has been unanimously approved.

Zoning Text Amendment – None

Reports, Communications and Correspondence

Citizens' Comments-None

Commission Member Comments-

Mr. Bross welcomed the newest members of the Board, Mr. Cooper and Mr. Hanzo. Mr. Bross asked if there were any applicants for the June 15, 2021 meeting as the deadline is today. There are no applicants for the June meeting. The next meeting will be July 20, 2021.

Announcements: The next Regular Planning and Zoning Commission meeting will be held Tuesday, July 20, 2021 at 7PM at the Streetsboro Municipal Building (555 Frost Road).

Adjournment

There being no further business before this Commission a motion to adjourn was made by Mr. Madden and seconded by Mr. Woods and the meeting was adjourned at 7:52 pm.

Attest:



Bridget Pavlick, Clerk



Matt Bross, Chairperson