

**ZONING BOARD OF APPEALS
MINUTES**

DATE: August 7th, 2019
TIME: 9:00 a.m.
PLACE: Council Chambers

PLANNING COMMISSION

Mayor Koziura called the meeting to order and asked for roll call.

Richard Klinar: Mr. Kramer?

Mr. Kramer: Present.

Richard Klinar: Mr. Patterson?

Mr. Patterson: Present.

Richard Klinar: Mr. Zellers?

Mr. Zellers: Present.

Richard Klinar: Chief Radman?

Chief Radman: Present.

Richard Klinar: Mayor Koziura?

Mayor Koziura: Present.

Richard Klinar: First item on the agenda is disposition of minutes from previous Planning Commission minutes.

Mayor Koziura: Dispense with the reading of the minutes.

Mr. Kramer: Second.

Mayor Koziura: All those in favor say aye?

All: Aye.

Mayor Koziura: Ayes have it. So ordered.

Richard Klinar: First item on the agenda review of lot split at Mercy Regional Medical Center corner of Route 6 and Kolbe Rd. PPN #02-03-001-103-046. B-3 Zoning Mercy Health Regional Medical, applicant.

Mayor Koziura: This is the lot split from the hospital for the fire station?

Richard Klinar: Correct.

Mayor Koziura: Any remarks or questions from the members of the planning commission? Any members of the audience of the public that would like to speak? Mr. Coco good to see you up at this time.

Ron Coco: Good morning. Ron Coco Clark and Post Architects 6125 South Broadway. The purpose for the lot split is to obtain the necessary parcels for the development of the new west side fire station (number 7) on West Erie Ave. That would be part of the negotiation with Mercy hospital splitting it off of their land along the north side.

Mayor Koziura: Any questions? Thank you Mr. Coco. Is anyone here from Engineering?

Jessica Potter: Yes. I reviewed the lot split as to the description and it was approved.

Mayor Koziura: Okay what is the pleasure of the planning commission? Beautiful are there any other matters pending in front of the planning commission?

Richard Klinar: That is the only item.

Mayor Koziura: Thank you Mr. Klinar and thank you members of planning commission. Always a pleasure. Motion to adjourn.

Mr. Patterson: Second.

Mayor Koziura: All in favor say aye?

All: Aye.

Mayor Koziura: Ayes have it so ordered. Thank you.

Mayor Koziura

ZONING BOARD OF APPEALS

Chairman Given: Mr. Klinar we will call the Zoning Board of Appeals meeting to order at 9:05.

Richard Klinar: Roll call. Mr. Kramer?

Mr. Kramer: Here.

Richard Klinar: Mr. Patterson?

Mr. Patterson: Present.

Richard Klinar: Mr. Zellers?

Mr. Zellers: Here.

Richard Klinar: Chief Radman?

Chief Radman: Present.

Richard Klinar: Mr. Given?

Chairman Given: Present.

Richard Klinar: First item on the agenda is B.A. #12-2019 2410 Garfield Blvd. Variance requested to increase size of apron width to eighty one feet. Section 1201.09 Maximum allowable width of driveway is twenty nine feet at walk and thirty five feet at curb. B-1 Zoning City of Lorain, applicant.

Chairman Given: Mr. Coco?

Ron Coco: Ron Coco Clark and Post Architects 6125 South Broadway. The purpose for the variance request is for the new east side fire station at Missouri and Garfield avenues. The fire department intends to locate a twenty two foot wheel base vehicle at this station and in order to get the vehicle into the rear entrance of the property particularly moving north ward on Missouri Ave. over the tracks and getting the proper turning radius needed as shown on the site plan which is included with the application. It is necessary for us to have the proper apron width at the street so we are requesting the variance to accommodate the vehicle for the fire department.

Chairman Given: Thank you Mr. Coco. Mr. Resar your opinions on whether I am able to participate in this?

Attorney Resar: I believe that you should abstain (inaudible) Chief Radman to abstain as well.

Chairman Given: Okay very good. Okay both myself and Chief Radman if he agrees will abstain from voting on the matter. Are there any questions on the matter? No. Any questions from the audience on the matter? Members of the Board?

Mr. Zellers: I will make a motion to approve.

Chairman Given: Motion to approve.

Mr. Patterson: Second.

Chairman Given: Motion has been made by Mr. Zellers and has been seconded by Mr. Patterson. All those in favor signify by saying aye?

All: Aye.

Chairman Given: Those against? Ayes have it with two abstentions. Thank you.

Richard Klinar: Next item on the agenda is B.A. #14-2019 3330 East Erie Ave. Variance requested to increase size of garage by 1276 square feet, and increase height over 12 feet. Section 1129.05 (A) No accessory structure shall exceed 12 foot in height at mid point. Section 1129.05 (D-1) Maximum allowable accessory use is 780 square feet. R-1 Zoning Brian Poyle, applicant.

Chairman Given: Is Mr. Poyle here today? Please state your name and address for the record.

Brian Poyle: Brian Poyle Builders 1130 Leavitt Rd. Lorain.

Chairman Given: Please explain.

Brian Poyle: Customer would like to add on to his existing garage. It kind of looks like we are doing a big commercial building but all he is looking to do is add on and keep the existing roof line. The present garage has a height of sixteen feet and he would like to keep that and make it look like it belongs in the neighborhood.

Chairman Given: My only question is do we have any correspondence or has there been any discussion with the neighbor I believe that is on Day Dr.?

Brian Poyle: I believe they were sent notices.

Richard Klinar: They were all sent notices. I did receive one phone call from some woman – she didn't say – I believe it was across the street and she is against it.

Mr. Kramer: You said across the street?

Richard Klinar: Yes.

Mr. Zellers: What is at the rear of the building?

Brian Poyle: Right now..

Mr. Kramer: Does that butt up to the Senior Center?

Brian Poyle: No there is a house on Day Drive behind him. He has a one hundred and sixty foot by three hundred foot parcel of property. He is not a small lot there.

Chairman Given: Yeah when I pulled it up on google map as well as Lorain County Auditor website and it seems like the resident on Day drive is going to be impacted the most by this proposal and I wonder what their thoughts were because they will be looking at it everyday. Members of the Board any other questions?

Mr. Zellers: What is the purpose?

Brian Poyle: He has been renting space at other buildings for his cars and he wants to bring it all home.

Mr. Zellers: Is that going to change the driveway?

Brian Poyle: Not, we are going to have to add on to it to access part of this addition so we will be adding some driveway but the existing driveway will stay as is.

Chairman Given: Obviously the concern is that the standard garage is four hundred square feet and you are talking about putting an addition on three times the size of a standard garage and you already have a garage there. I am kind of uncomfortable voting on it right now not knowing what the resident on Day Dr. and how they are going to be impacted myself – looking at it from the area that I looked at it from. Board what are your thoughts?

Mr. Zellers: So the property is pretty well surrounded by rather high bushes. So the bush line and is there a fence on the back of the property?

Brian Poyle: Yes there is a six foot fence.

Mr. Zellers: Are there bushes in front of the fence as well?

Brian Poyle: No, just the fence. The bushes are on Day Dr. That whole by the sidewalk..We will still be more than twenty four feet off of the back property line as well.

Chairman Given: Are there any comments from the audience on this matter? No. Members of the Board what says you?

Mr. Kramer: Motion to support.

Chairman Given: Made a motion to support. Is there a second?

Mr. Patterson: Second.

Chairman Given: Motion has been made and seconded. All those in favor signify by saying aye?

All: Aye.

Chairman Given: Those against? Motion carries. Next item?

Richard Klinar: Next item is #15-2019 1014 Hawthorne Ave. Variance requested to erect fence in front yard and within 20 feet of right of way in side yard. Section 1125.04 (D) No fence shall be erected closer to the front lot line than the front building line, and Section 1125.04 (E) No fence shall be erected closer than 20 feet to the public right of way on corner lot. R-1 Zoning Ridwan Al-Fuad, applicant.

Chairman Given: Mr. Al-Fuad? Please state your name and address for the record.

Ridwan Al-Fuad: My name is Ridwan Al-Fuad I am at 1014 Hawthorne Ave. The only thing is I talked to the fencing people and the PVC is not available so now it would be a metal fence.

Chairman Given: What is the purpose of this?

Ridwan Al-Fuad: As I said in my statement I have been terrorized by a black boy since I moved into the house which is about two years now. He has damaged the fence which is on the property line right now. I got pictures of the fence with the damaged it is about twelve to fourteen foot fence. My door bell is totally damaged. He is now throwing stones at my windows where I live at. I probably have to buy a whole new window now. Safety Directors and swat team and other individuals have told me that the only way that I can get a proper for them to assist is to get a video camera out there to get him coming up the sidewalk and damaging it and going away. At the present time I have a flood light which is taken as a camera but isn't a camera. The idea of the fence is to show him he can't come on my property. Also last Thanksgiving some time in 2017 he moved out of public housing but every summer he comes to live at grandma's house. I finally saw what grandma looks like a couple days ago at Wal-Mart now I have an idea of what she looks like. The question right now and what I am requesting from the committee right now is where I can put the fence up. For the purpose that he can't come on my property and damage it. On the other side where I asked for the four foot I am hoping to fix that place up so I can sit outside and relax outside in all weather right now but I can't. There is a wooden fence up there right now which I want to remove and where I put the metal fence a little further down because I want to move my bushes down and put more better bushes area on the other side by the grass already.

Chairman Given: It would probably be a lot cheaper to put up a surveillance camera than it is to put up an entire fence around the structure.

Ridwan Al-Fuad: I know, but right now I would like to show him that he can't come on my property anymore. Also my doorbell has to be replaced because he totally damaged the doorbell. So the question right now is if I can put up a fence for some sense of safety. Because right now I am seventy years of age and as I said as you probably don't know I belong to a veteran's as chapter twenty. I belong (inaudible) and I also belong to Italian War Veterans. Now I never owned a house before until I finally got my benefits. I am one hundred percent disabled. So in 2016 I bought that house figured I am okay and that following year he came and started vandalizing my house.

Chairman Given: Did you come here to talk to the police department?

Ridwan Al-Fuad: I complained to the police department about multiple times. I had a problem with the night crew so I got a number to call 2100 number. Otherwise that is all I can do.

Chairman Given: Okay.

Ridwan Al-Fuad: I do have – the problem is that I had a fencing company come out and gave me an estimate of what it is going to cost me. Also the only problem the planning never fit the size of my building so I have to have that person come out again one more time and do a proper drawing to accept and give the price.

Chairman Given: You know historically that the City does not grant fencing for front yards.

Ridwan Al-Fuad: Yeah I know, but right now I do have a fence on the corner of Hawthorne and West Erie right now.

Chairman Given: Members of the Board any questions? Any comments from the audience on the matter? No comments from the audience. Sir I feel for you with regards to your comments and your plight and the problems you may have with an individual in your neighborhood and that is a police matter and I would recommend a camera myself. Personally myself I cannot support putting a fence in the front yard. I just don't think that it is proper.

Ridwan Al-Fuad: What about what they call the rear of the property where I have a wood fence in there now – can I put a metal fence in there?

Chairman Given: I don't see a problem with that. Mr. Klinar is there a problem with the fence in the rear of his property?

Richard Klinar: Not as long he has the proper setback.

Chairman Given: Yeah. I would recommend that you go to the fifth floor and talk to them about your layout and they will tell you what is acceptable to the code and what is not acceptable to the code. I am only one person though – members of the Board can comment on this or..

Mr. Zellers: I would like to thank you for your service. Number two the wood fence that you have there today – you are talking about taking that down and replacing it with a metal fence.

Ridwan Al-Fuad: You're welcome. Yeah. The one that he said the rear of the house next to my neighbor who is on Hawthorne Ave. there is a wood fence surrounding next to my garage door okay?

Mr. Zellers: Right. That wood fence (today) is in the front yard correct?

Ridwan Al-Fuad: No it's not. It is on the side of the house – what he called the rear of the house.

Mr. Zellers: The rear of the house you have -

Richard Klinar: The rear of his house is the south side.

Ridwan Al-Fuad: That is what he told me now.

Mr. Zellers: Where is the front of his house?

Richard Klinar: On West Erie.

Mr. Zellers: Got it. Even though the address..

Richard Klinar: It doesn't matter; on a corner lot whichever is the less of the two frontages is considered the front of yard.

Ridwan Al-Fuad: What about the white fence that I have up there – is that illegal do I have to remove that?

Richard Klinar: That doesn't enclose the yard – that is more of landscaping.

Ridwan Al-Fuad: Okay so how long is landscaping if I can put a metal fence I would like to know how much I can put in there.

Richard Klinar: You cannot enclose that front yard.

Ridwan Al-Fuad: Oh I can't close it all. How about the neighbor on West Erie Street can I enclose where my bedroom area is and I can get back in that area again?

Richard Klinar: I don't know where your bedroom area is.

Ridwan Al-Fuad: It's where by on the first drawing there that there is a fence its area number one as "A" and that was one foot off the border – it's where my porch is at. Can I enclose that so he can't go back in there and do damage there or not?

Richard Klinar: Coming off the corner off your porch and going west?

Ridwan Al-Fuad: Yes going west.

Richard Klinar: That you can do.

Ridwan Al-Fuad: Okay.

Mr. Kramer: I would recommend that you get one of those security door bells or whatever it is called. "Ring".

Ridwan Al-Fuad: I have head "Ring" is very expensive.

Mr. Kramer: Do you know who the individual is so that the police can go talk to him?

Ridwan Al-Fuad: The only problem is he only comes June, July and August and like I said he comes Thanksgiving and Easter time. Last Thanksgiving he went after all my bird things and knocked them over because he thinks the flood lights are cameras.

Mr. Kramer: I would let the police department take care of this. Have you talked to the grandmother?

Ridwan Al-Fuad: Well the problem right now is that I was told not to approach the kid in public. If I see the grandma don't approach her. They told me don't do that. They told me that they don't want still pictures – they want motion pictures. Where he is coming up the sidewalk coming onto my property and disappearing.

Mr. Kramer: Invest in one of those “Rings”.

Chairman Given: Board members? Motion to deny. Is there support?

Mr. Kramer: Second.

Chairman Given: A motion has been made and seconded. All those in favor..

Ridwan Al-Fuad: So you are denying where I put the fence in the front part but the wood part I can do that can't I?

Chairman Given: We are just voting on what you have applied for right here. So that is – hold on a second. A motion has been made and seconded. All those in favor signify by saying aye.

All: Aye.

Chairman Given: Those against? Ayes have it. Sir what you requested here was denied. To enclose your front yard and everything else. I would recommend that you map it out on another diagram like this as to where you want to put and meet with the Building Department and they will tell you what is allowable and what is not allowable. I don't want to interpret something improper verbally here – have the sketch made up and they will tell you what is proper and what isn't. Then you will have to get a permit for the fence.

Ridwan Al-Fuad: Do I have to come back here?

Chairman Given: If you are following the code you don't have to come back here. They will tell you what works. Mr. Klinar anything else?

Richard Klinar: That is it.

Chairman Given: Okay. That being said I will make the motion to adjourn.

Mr. Zellers: Second.

Chairman Given: Motion has been made and seconded. All those in favor signify by saying aye?

All: Aye.

Chairman Given: Those against? Motion carries meeting adjourned. Thank you everybody.

Richard Klinar, Acting Secretary

Daniel Given, Chairman