

CITY OF TWINSBURG  
BOARD OF ZONING APPEALS MINUTES  
JUNE 12, 2019

*Mr. Kancler called the meeting to order at 6:30 pm.*

Present: Messrs.: Brown, Wilner, Griffith, Rodin and Kancler  
Absent: None

Also Present: Mr. Dale Steppenbacker, Building Department Representative  
Mr. Sam Scaffide, City Council Representative

The Board recited the Pledge of Allegiance.

<p style="text-align:center"><b>CITY OF TWINSBURG</b> <b>BOARD OF BUILDING AND ZONING CODE APPEALS</b> <b>WORK SESSION</b> <b>MAY 22, 2019</b></p>
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Mr. Kancler stated that there are two applications on the agenda tonight, he would like a motion to move from the work session directly to the regular portion of the meeting.

**MOTION:**

**MR. BROWN MOVED MR. WILNER SECONDED,  
UPON ROLL CALL MOTION PASSED  
UNANIMOUSLY.**

1. Appeal # 04-2019  
Variance 1143.09

A public hearing will be conducted at 6:30 pm on June 12, 2019; for the purpose of hearing an appeal for a variance from section 1143.09 of the Twinsburg Zoning and Development Regulations which requires a minimum rear yard depth of 50 feet. A proposed 12' x 20' deck constructed 43 feet from rear property line. This appeal is made by Akil Hameed of 8863 Gettysburg Drive.

- Specifically, a 7 foot rear setback variance is requested.

2. Appeal # 05-2019  
Variance 1143.09

A public hearing will be conducted at 6:30 pm on June 12, 2019; for the purpose of hearing an appeal for a variance from section 1143.09 of the Twinsburg Zoning and Development Regulations which requires a minimum side yard depth of 10 feet. A proposed 28' x 20' addition constructed 7.5 feet side rear property line. This appeal is made by Molly Ledinsky of 1642 Ridgewood Court.

- Specifically, a 2.5 foot rear setback variance is requested.

<p style="text-align:center"><b>CITY OF TWINSBURG</b> <b>BOARD OF BUILDING AND ZONING CODE APPEALS</b> <b>MEETING MINUTES</b> <b>MAY 22, 2019</b></p>
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**PUBLIC PARTICIPATION** –

Mr. Kancler asked if there were any members of the public present to speak for or against either of the agenda items.

Mr. Kancler explained to the residents present that the Board's jurisdiction is limited to considering whether the request is based on an unnecessary hardship or a practical difficulty; usually that means either one is created by the homeowner or owner of the property itself.

- He noted that, in both cases, it does not appear that the hardship or practical difficulty has been created in any way by the owner but by incredible lax government action.

CITY OF TWINSBURG  
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- Specifically, a 7 foot rear setback variance is requested.

Mr. Stepenbacker administered the Oath to Mr. Akil Hameed, 8863 Gettysburg Dr.

Mr. Hameed indicated that he purchased his property in 2005.

- They have 4 children in a 3 bedroom 1.5 bathroom home, they have decided to build a 500 square foot addition on the rear of the home as well as complete exterior upgrades and reposition the deck.
- The improvements have been approved by the Architectural Review Board and the applicant has already invested approximately \$80,000.00 in this project.
- They have a 12x10 foot gazebo, which was on their previous deck and is not able to fit on the current 6x6 foot deck; this is why they need the extra square footage.
  - This would be a TREX deck, and very nice quality.

Mr. Hameed noted that there is one patio on the condominium property which sits very close to the property line and faces his property, he believes that the lack of privacy is the concern of that resident.

- He had never spoken with any residents of the condominium complex until recently when the lady behind him approached and stated that his children are on the trampoline late at night and disturb the neighborhood.
- He told her that his children are very busy and do not spend much time on the trampoline at all and are not outside past dusk.
- She then made a comment about the new deck coming into her yard, stated that she was joking and she loves his family; yet she is now at the meeting to speak against his deck.

Mr. Kancler asked if each condominium has a patio which sits very close to the property line.

Mr. Hameed replied that they do.

Mr. Kancler asked that the record reflect that the Building Commissioner received, dated June 7, 2019, a letter from the Reserve Realty Company/Rolling Hills Condominium Association claiming opposition to the request for variance. It states that if the variance is granted, owners in building 1760, Units A, B, C and D feel they will experience additional noise and lose some privacy on their own patios. This would be unacceptable to the Association.

- Is anyone present to speak for the Association?
- Mr. Kancler spoke with the representative (representative was off mike/inaudible).

The letter from Reserve Realty will be entered into the record.

**MOTION:**

**I MAKE A MOTION THAT WE AGREE  
TO PASSING APPEAL #04-2019 FOR  
VARIANCE 1143.09.**

CITY OF TWINSBURG  
BOARD OF ZONING APPEALS MINUTES  
JUNE 12, 2019

Mr. Kancler added to the motion that the basis for granting the variance was that there is a practical difficulty not created by the applicant in terms of the size and shape of the lot. The adjoining properties, which have patios that go right up to the property of the applicant.

Mr. Steppenbacker administered the Oath to Mr. William A. Wargo Jr., Property Manager for Rolling Hills Condominium Association.

Mr. Wargo stated that if a deck is placed closer to the property line on the opposite side, it is likely to create more noise and less privacy as the new deck property is at a higher elevation than the condominium property.

- The patios sit 10-15 feet from the property line.

Mr. Griffith asked if Mr. Wargo has official drawings showing the exact property lines and distance from the patios to the property lines or if he is giving an estimated distance.

Mr. Wargo stated that he is estimating based on drawings he has seen and from other people marking their property.

- The drawings he has in his office are very old and not very accurate.

Mr. Kancler asked what noise Mr. Wargo has heard.

Mr. Wargo replied that he is expressing the concern of the residents for the future because there will be people closer to their actual living space.

Mr. Kancler pointed out that is an assumption.

Mr. Brown noted that 4 out of 5 properties adjacent to the condominiums have pools, which must create noise as well.

Mr. Wargo explained that the question that the condominium owners have is that the City has a rule that states that the structure can only go back a certain distance and they are, as citizens and taxpayers, saying that the City is telling them that they will allow the neighbor to build 7 feet closer than the rule states; that is their objection.

**MR. WILNER MOVED MR. RODIN  
SECONDED. UPON ROLL CALL MOTION  
PASSED UNANIMOUSLY.**

Mr. Scaffide explained that City Council will meet on June 25 and he will make a motion to confirm the variance at that time.

2. Appeal # 05-2019  
Variance 1143.09

A public hearing will be conducted at 6:30 pm on June 12, 2019; for the purpose of hearing an appeal for a variance from section 1143.09 of the Twinsburg Zoning and Development Regulations which requires a minimum side yard depth of 10 feet. A proposed 28' x 20' addition constructed 7.5 feet side rear property line. This appeal is made by Molly Ledinsky of 1642 Ridgewood Court.

- Specifically, a 2.5 foot rear setback variance is requested.

Mr. Steppenbacker administered the Oath to Ms. Molly Ledinsky, 1642 Ridgewood Ct.

Mr. Kancler asked if her house sits 6 feet from the property line.

CITY OF TWINSBURG  
BOARD OF ZONING APPEALS MINUTES  
JUNE 12, 2019

Ms. Ledinsky replied that is the garage which was built many years ago.

Mr. Kancler clarified that her lot is a triangular shape with the point in the back; he did some research and is not pleased that this subdivision was approved with the lots as they are. There was no consideration given to the people purchasing these homes and how they would choose to live in them.

- Sometimes hardships and practical difficulties are not created by the owners.

Ms. Ledinsky explained that she would like to add a family room onto the kitchen in the back as well as a second bathroom and laundry room in order to have better use of space in the house.

- The addition that she has planned will put her 7 feet off of the property line with the required distance being 10 feet.

Mr. Kancler asked if there are any members of the public present to speak for or against the variance request.

There were none.

Mr. Kancler asked the applicant if she is aware of any harm that will come to the neighbor due to the 2.5 foot variance being granted.

Ms. Ledinsky replied “no”.

**MOTION:**

**I MAKE A MOTION THAT WE APPROVE APPEAL #05-2019 AS REQUESTED WITH A 2.5 FOOT SETBACK VARIANCE.**

**MR. BROWN MOVED MR. GRIFFITH SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

COMMUNICATIONS- NONE

APPROVAL OF MINUTES – Dated May 22, 2019.

**MOTION: TO APPROVE THE MINUTES DATED MAY 22, 2019.**

**MR. RODIN MOVED MR. BROWN SECONDED. UPON ROLL CALL MOTION PASSED UNANIMOUSLY.**

EXCUSE ABSENT – None

ADJOURNMENT- The meeting was adjourned at 6:31.

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Ed Kancler, Chairman

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Russ Rodic, Building Commissioner