

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
June 18, 2014

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
June 18, 2014**

Present: Messrs: Gary Wilner, Neil Rubin, Brian Davis and Ed Kancler

Absent: Mr. Tom Brown

Also Present: Mr. Russ Rodic, Building Commissioner

- The Board recited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
June 18, 2014**

The board of Building and Zoning Code Appeals met in a public work session on Wednesday, June 18, 2014. The Chairman, Mr. Rubin, called the meeting to order at 6:30.

Mr. Rubin informed the Applicant that having four members present at the meeting allows the possibility of a tied vote which would mean that the application will not pass and would have to be taken to City council for consideration.

1. Appeal # 13-2014
Variance 1164.01 (7)
3201 Neille Ln.

No Work Session.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MEETING MINUTES
JUNE 18, 2014**

The Board of Building and Zoning Appeals met in a public work session on Wednesday, June 18, 2014.

1. Appeal # 13-2014
Variance 1164.01 (7)
3201 Neille Ln.

Mr. Rodic administered the Oath to Mr. Tucker, 3201 Neille Ln.

Mr. Rubin asked the applicant to explain his reason for the Application.

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
June 18, 2014

Mr. Tucker explained that he was originally told by the builder that there would not be neighbors behind his house, it would remain wooded.

- The zoning changed and now there are homes behind his.
- The applicant has added several trees for privacy.
- He has created a space for his family to relax and enjoy, which is being disturbed by the activities of the back yard neighbors.

Mr. Rubin asked what communication has been attempted to remedy the situation.

Mr. Tucker said that they have not addressed the problems with the neighbors because of fear of intimidating them.

Mr. Kancler stated that there is a difficulty in that the city cannot help because the property behind is located in Twinsburg Township.

Mr. Wilner asked if the Applicant will plant pine trees so as not to just see a white fence.

Mr. Tucker stated that they already have landscaping in place.

Mr. Rubin asked Mr. Tucker what unnecessary hardship will exist for him without the variance.

Mr. Tucker replied that they would have to remove and relocate the existing play area which was created for his grandchildren, and the car lights would still come through in the evening.

Mr. Rubin asked what exceptional circumstances or conditions apply to the property involved for the intended use.

Mr. Tucker replied that it is an exceptional circumstance to have people wandering near their lounge area, being a distraction and overhearing conversations. Also, there are children running through their property while they are outside entertaining.

Mr. Rubin asked how the variance would not be a substantial detriment to the public interest.

- He feels they can stipulate to that one.

MOTION: TO GRANT THE VARIANCE FOR THE FOLLOWING REASONS, AMONG OTHERS: THE PROPERTY IN QUESTION ABUTS TOWNSHIP PROPERTY OVER WHICH THE CITY HAS NO CONTROL. SECOND, THE ACTIVITY ON THE TOWNSHIP LOT IN QUESTION, BRIGHT LIGHTS, MULCH AND CLIPPINGS PILED UP, THE WANDERING OF A PERSON AND CHILDREN COMING THROUGH THE AREA CANNOT BE SOLVED WITH A BOARD ON BOARD FENCE BECAUSE LIGHT WILL GET THROUGH AND THE ACTIVITIES DESCRIBED WILL STILL BE VISIBLE. THREE, BECAUSE OF THE FOREGOING AND AS TESTIFIED TO, THE PRACTICAL DIFFICULTY EXISTS WHICH CAN BE RESOLVED WITH A SOLID FENCE AS OPPOSED TO A BOARD ON BOARD. FINALLY, THE GRANTING OF THE VARIANCE WILL NOT BE CONTRARY TO THE SPIRIT OF THE CODE, WILL NOT BE CONTRARY TO THE PUBLIC HEALTH, SAFETY AND WELFARE AND IN FACT, UNDER DIFFERENT CIRCUMSTANCES, WE HAVE GRANTED VARIANCES IN THE PAST FOR SOLID FENCES.

MR. KANCLER MOVED,

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
June 18, 2014

MR. DAVIS SECONDED, UPON ROLL CALL THE MOTION PASSED UNANIMOUSLY.

Mr. Rodic explained that the City Charter allows City Council a 30 day waiting period on BZA decisions. The Council Representative, Mr. Scaffide will make a Motion on June 24, to waive the 30 day requirement and if Council passes the Motion, the Building Department will process the permits on June 25 and work can start on the fence.

PUBLIC PARTICIPATION - NONE

COMMUNICATIONS-

Mr. Rodic informed the Board that there will be a July 2 meeting with four cases being presented.

Mr. Rodic will not be present at that meeting; he is not sure who the Building Dept. Representative will be.

Mr. Rubin mentioned the importance of having a Council Member present at that meeting as there are commercial properties involved.

There was a discussion regarding the pending applications.

EXCUSE ABSENT MEMBERS

MOTION: TO EXCUSE MR.BROWN

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

ADJOURNMENT-

The meeting adjourned at 6:48 p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner