

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
April 10, 2024**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé, Richard Baldin

Administration: Assistant Law Director, Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) **BRIAN AND FAITH CHMIELEWSKI, OWNER**

Requesting a 2' Side Yard Setback variance from Zoning Code Section 1252.15, which requires a 5' Side Yard Setback and where a 3' Side Yard Setback is proposed for an existing 96 SF accessory structure (shed), property located at 19508 Cherry Stone Lane, PPN 397-25-079, zoned R1-75

Mr. Hayden – Item number one on the agenda is for 19508 Cherry Stone Lane. This is for a side yard setback variance for a shed and it has been there for about six years, it was constructed in 2018. Mr. Houlé, you had a chance to speak with the homeowner, can you share some of those thoughts?

Mr. Houlé – The home is on a cul-de-sac, dead end street and they are the second to last home. They have a letter from the neighbor who is immediately affected by it, as well as their Homeowners Association. Behind them is a gas company easement as well as the nursing home, which I would call common ground, it is unbuildable and heavily wooded and I have no problem with it.

Mr. Baldin – I went out to review the property and it is unfortunate because the gentleman did a nice job and he built it himself. He sent us a lot of information and followed the directions, which were 65 pages. It is unfortunate; however, things like this do happen and they have lived in the City a long time but, they did not realize they needed a permit and I do not see a problem with it. As Dave said, there is nothing behind them and they just put up a nice new 6' fence, there is nothing back there and it is like common grounds. We do not want to set a precedent here but, sometime things happen. He does have a lot of letters and also a letter from the Homeowners Association approving it.

Mr. Evans – Chairman, one of the things that I want to make clear, though I don't have a problem with it but, I do with setting precedent. Whenever we do things like this we do it out of the goodness of our hearts and it always seems to turn on us because people look at this like they can do this without a permit and then ask for forgiveness. While this one may not be a problem, the next one or the next several that we face could be a issue so, I want to make sure on record for the meeting that we delineate the fact that this has been there for six years, the homeowners association letter and, the letters from neighbors because I don't want to be trapped on the next one just because we are good guys here and have that turned against us.

Mr. Rusnov – It might be common place for a lot of residents because they don't know they need a permit, unless they are a contractor and they say okay and pocket the money and leave the resident hanging, then the contractor is gone. I agree with what Mr. Evans said regarding putting this on the record.

Mr. Baldin – I agree.

Mr. Hayden – Okay, we will address those things on the floor.

The Board members approved the minutes for March 20, 2024.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
April 10, 2024
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Baldin
Mr. Rusnov
Mr. Houlé
Mr. Evans
Mr. Hayden

Also Present:

Mr. Daniel Kolick, Assistant Law Director
Mr. Steve Molnar, Assistant Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this April 10, 2024 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT
	MR. HOULÉ	PRESENT
	MR. EVANS	PRESENT
	MR. HAYDEN	PRESENT

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on March 20, 2024. We discussed this in caucus and there were no corrections or changes and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) BRIAN AND FAITH CHMIELEWSKI, OWNER

Requesting a 2' Side Yard Setback variance from Zoning Code Section 1252.15, which requires a 5' Side Yard Setback and where a 3' Side Yard Setback is proposed for an existing 96 SF accessory structure (shed), property located at 19508 Cherry Stone Lane, PPN 397-25-079, zoned R1-75

Mr. Hayden – Item number one on our agenda this evening is for 19508 Cherry Stone Lane. If a representative could step up to the microphone and give us your name and address for the record.

Brian and Faith Chmielewski, 19508 Cherry Stone Lane, Strongsville, Ohio

Mr. Hayden – Please take us through the project, you did hear some of our comments in Caucus and if you could address those things, as well.

Mr. Chmielewski – Six years ago we decided to replace our small plastic shed with a permanent wooden structure. The shed was purchased as a kit from Home Depot and at that time we didn't realize that a permit was needed and I did all the work myself. I incorrectly thought that permits were necessary only if you were hiring someone to do the work. Also, we were unaware of the rules in Strongsville that the structure is required to be 5' away from the neighboring property and I apologize for that.

Mr. Rusnov - In other words Sir, you screwed up?

Mr. Chmielewski – Yes, I totally screwed up

Mr. Rusnov – You didn't know the rules and regulations and that is really a direct way of putting it but, it is not like you are the first person that we have ever seen do this. You are not a contractor so, what I am saying is that it is understandable and you heard our comments in Caucus and there are a few things that we are going to say on the record.

Mrs. Chmielewski – We apologize.

Mr. Rusnov – No reason to apologize and we don't take this as a personal offense.

Mr. Hayden – Thank you Mr. Rusnov, Mr. Evans I know there are a couple things that you wanted to capture on the record.

Mr. Evans – Our situation as a Board is that when we grant variances and we do so often times we set precedents. Every time we set a precedent than someone looks at it and says, you wanted 8' than the next person wants 10' or 12' so for our purposes when we have a situation where someone has done something without applying for a permit, when we grant a variance for something that is already existing it amounts to saying well anybody can do that. Our problem is the reason the City has codes or codified ordinances that talk about what we can and can't do is to protect people. In your case you did the work yourself, which appears from looking at it that it was done well; however, the next person that comes along and says, I didn't know I needed a building permit and I need it inspected, it may be that it is not constructed that well, it may be that it is much closer to the neighbor who doesn't want it close to them. Then we are in a situation where they may say you did that for the Chmielewski's so, why wouldn't you do that for me. Part of our reason for doing this tonight is that you did get permission from the Homeowners Association, after the fact, but you did and you have letters from a couple of neighbors that indicate that they don't have a problem with it. This is not an egregious variance, the building was built the right way and you gave us the instructions that you used to build it so, for our purposes there are mitigating circumstances that we might not see for another one. I wanted to be sure that our record does contain that information so that when the next person comes to us and says ignorance is my excuse, we don't necessarily have to go along with that. In your particular situation there are reasons that we do but, that is not something that we do as a normal course.

Mr. Rusnov – We hear all kinds of things, especially with restaurants and sign people and my favorite has been the 22' red chicken, in front of the chicken place. They lasted six months and they went down, had we granted that 20' variance that would have come back on us. We are not trying to be mean but, we are trying to state the facts and we don't take it as a personal offense, we understand.

Mr. Kolick – Steve, there is a financial penalty for them building this without a permit.

Mr. Molnar – That is correct.

Mr. Kolick – That will be applied in this case as well?

Mr. Molnar - Yes.

Mr. Hayden – You can contact the Building Department for that information.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mrs. Wilson – I would like to address another issue.

Mr. Hayden – Please give us your name and address for the record.

Laura Beck Wilson, 20060 Abigail Lane, Strongsville, Ohio 44149

Ms. Wilson – My daughter lives on Meadows Drive and I am here on her behalf. There is a lot of concern that we have with privacy in regards to the playground that you are currently building.

Mr. Kolick – Is this in regards to this application or something separate?

Ms. Wilson – Something separate.

Mr. Kolick – If you can take a seat for a second while we finish this applicant and then we can bring you back up.

Mr. Hayden – We did declare the public hearing closed so we will need a motion.

Mr. Rusnov – Mr. Chairman, I make a motion to approve the request for a 2' Side Yard Setback variance from Zoning Code Section 1252.15, which requires a 5' Side Yard Setback and where a 3' Side Yard Setback is proposed for an existing 96 SF accessory structure (shed), property located at 19508 Cherry Stone Lane, PPN 397-25-079, zoned R1-75

Mr. Evans – Second.

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans for the second. May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Hayden – This variance has been approved by this Board and you will need to get in touch with the Building Department regarding the cost for starting work without a permit.

Mr. Hayden – Ms. Beck Wilson you can come up to the microphone.

Ms. Wilson – I have some photos, if I can approach.

Mr. Rusnov – What is this concerning?

Ms. Wilson – My daughters back yard and the City of Strongsville's playground structure.

Mr. Rusnov – This is the Board of Zoning Appeals; however, I would advise you to contact your Councilman and the Mayor.

Ms. Wilson - I have contacted and called City Hall about this matter and at this point and time they still have not returned my call. So, I have come to this meeting in regards to it.

Mr. Baldin – What is your issue and problem?

Mr. Hayden – What playground are you referring to?

Mr. Kolick – Are you talking about the new construction going on?

Ms. Wilson – Yes.

Mr. Kolick - Let's close out the meeting because this is not in our jurisdiction but, we can talk with her afterwards.

Mr. Hayden – If there is no further business to come before this Board, this meeting is adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date