

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
June 21, 2023**

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) JEFF SOBON, OWNER

Requesting a 3' Fence Height variance from Zoning Code Section 1252.17 (c), which permits a 6' Fence Height and whereas a 9' Fence Height is proposed in order to construct a 3' height addition onto an existing 6' high privacy fence, property located at 18648 Meadow Lane, PPN 396-07-031, zoned R1-75.

Mr. Hayden - Item number one is a request for a fence 3' height variance from the zoning code which allows 6' height. We were provided pictures which looks like it is not an extension of the plastic fence but some type of wire. We need some clarity on that, when I went out to visit the property no one was home. Did anyone have a chance to visit the site?

Mr. Houlé – I spoke with the owner and this is not a solid fence but some type of tubing look.

Mr. Rusnow – It looks like what is used in prisons but only no barbed wire.

Mr. Hayden – On the application it states that he wants to keep his dog from getting out of the yard. Do you know what type of dog this is?

Mr. Houlé – He is going to get a Wolfhound and does not currently have a dog. He claims that the dog can jump 7' high.

Mr. Rusnov – Would a pet fence 4' – 5' from the existing fence prevent the dog from jumping over it and would an invisible fence prevent that?

Mr. Evans – Invisible fence companies will tell you that it will but it will not.

Mr. Baldin – I don't think anything like this should be allowed in the neighborhood and from John's point of view this resembles a prison fence.

Mr. Rusnov – This will also create a precedent.

Mr. Baldin – The gentlemen did tell me that he has problems with the fence falling down; however, that is not our problem and we are not here to discuss that.

Mr. Hayden – I struggle with the height on this as well and I wonder if there is an option to come straight out into the yard rather than going up.

Mr. Rusnov – Build a ledge.

Mr. Hayden – That would be something that would not require a variance.

Mr. Rusnov – That is something he can discuss with the Building Department. It would be similar to a tublar shelf all the way around the perimeter.

Mr. Baldin – Let me ask Steve a question. Have you ever seen anything like this where they build a shelf for the fence?

Mr. Molnar – My only worry is that the shelf is giving the animal a way of getting on it to get over the 6' fence?

Mr. Hayden – We will wait to hear from the homeowner on the floor

2) **ERIK HUMENIK, OWNER**

Requesting a 180 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 300 SF Floor Area is proposed in order to install a Front Entrance Feature Patio; property located at 19694 Dell Drive, PPN 392-29-311, zoned RT-C.

Mr. Hayden - Item number two is a square foot floor area variance for a fenced in patio area located in the front yard.

Mr. Rusnov - Building the patio area will remove the tripping hazard. He is going to improve the property and has done some other work on it which will be beneficial to the neighborhood and to the property itself for use ability.

3) **JEFF THORNE, OWNER**

Requesting a 59 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 259 SF Floor Area is proposed in order to construct a Unenclosed Patio Roof over an existing concrete pad, property located at 11439 Shagbark Trail, PPN 392-10-069, zoned R1-75.

Mr. Hayden – The last item on the agenda is Mr. Thorne, he is requesting a over 59 SF floor area variance for an unenclosed patio roof cover over existing concrete pad.

Mr. Rusnov – We have approved these types of request before many times and I do not have an issue with this.

Mr. Baldin – This will give also give him some privacy where he can enjoy his yard.

Mr. Evans – He is installing a fire place. Are there any special concerns that we would need to address because of the proximity to the house?

Mr. Molnar - That item will be addressed when the plan review is done.

The Board members had no changes to the minutes of June 7, 2023.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 21, 2023

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

Present:

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

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Molnar, Assistant Building Commissioner
Ms. Anderson, Recording Secretary

Mr. Hayden – I would like to call this June 21, 2023 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. Before us we also have minutes to approve from our meeting on June 7, 2023. We discussed this in caucus and there were no other corrections or changes needed and we will file those accordingly. 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) JEFF SOBON, OWNER

Requesting a 3' Fence Height variance from Zoning Code Section 1252.17 (c), which permits a 6' Fence Height and whereas a 9' Fence Height is proposed in order to construct a 3' height addition onto an existing 6' high privacy fence, property located at 18648 Meadow Lane, PPN 396-07-031, zoned R1-75.

Mr. Hayden - Item number one on the agenda is Mr. Jeff Sobon. May we have representatives come forward to the microphone and state your name and address for the record.

Mr. Sobon – Jeff Sobon, 18648 Meadow Lane, Strongsville, Ohio

Mr. Hayden – Thank you, Sir. If you could take us through your request and the need for the variance.

Mr. Sobon – I already have a white plastic vinyl fence and I heard you say you are aware that in high winds the fence blows down. I just moved in a few years ago and the fence was there when I purchased the house. I can fix the fence which will not bother any of your codes but what I wanted to do is get a dog. The type of dog I want to get is a highly active dog and can jump up to 8'. I overheard you talking about making it level and the dog could jump over that easily. The other dog I am considering getting is a Belgian Malinois; which, is a high energy dog and can travel up the side of a building if it has to. I don't want it to get over the fence, that is why I want to put it up there. It will not be attached to my fence until I brace my fence to the poles, it just leans into my property. The pole that comes into my property with a wire that goes through it and all of it matches my white fence and the fence is in my back yard which is buried behind trees.

Mr. Hayden – We all have been out to view the property. You were here for caucus so you heard some of the comments made by the Board Members. There are some concerns of the height setting a precedent and that is one of our biggest concerns.

Mr. Evans – Mr. Sobon, I was hesitant about saying no because I thought if you already had a dog, it is part of the family and that would be a tough situation. However, our problem is that the visual impact is going to resemble a prison area.

Mr. Sobon – It should not.

Mr. Evans - If you look at the picture you provided with the materials, I tried to visualize what that would look like for the neighbors and I understand that this is in the back yard. When Mr. Hayden talks about setting a precedent somebody else may or may not do it the same way.

Mr. Sobon – There are people with 10’ fences now.

Mr. Evans – Yes, absolutely but our problem is that it isn’t solid like the fence that you have now. Fences that are constructed that way are completely without any gaps are known to blow down. Our problem is once we say 9’ is okay to you with using wires on it, the next one will be a 9’ brick fence and the next one will be 10’ after that. What we don’t want to do is create a situation, like some suburbs have, where the backyard is completely walled in and it looks like a compound.

Mr. Baldin – I concur with Mr. Evans and there is no hardship here. We have four precedents on why we give variances for us to consider a hardship. I don’t see any of those four that would pertain to a reason for having that.

Mr. Rusnov - That is our only purview for granting something like this which is if one of those applied to the four criteria for a variance and none of them apply.

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.

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

Ms. Stephanie Belovich, 18872 Meadow Lane, Strongsville, Ohio 44136

Ms. Belovich - I have lived there since 1963 and my house is next to the carwash and for most people 6’ is more than adequate. I agree that I don’t want to set a precedent where some can have a fence that is 9’, 10’ and then brick. I don’t want our neighborhood, which it is a fabulous neighborhood, to have the appearance that it is a prison or that it is unsafe. That is why I am against allowing a variance for a higher fence.

Mr. Rusnov – Mr. Chairman, requesting a 3’ Fence Height variance from Zoning Code Section 1252.17 (c), which permits a 6’ Fence Height and where as a 9’ Fence Height is proposed in order to construct a 3’ height addition onto an existing 6’ high privacy fence, property located at 18648 Meadow Lane, PPN 396-07-031, zoned R1-75.

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Mr. Evans - Second

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

ROLL CALL:

MR. RUSNOV	NO
MR. HOULÉ	NO
MR. EVANS	NO
MR. HAYDEN	NO
MR. BALDIN	NO

MOTION DENIED

2) **ERIK HUMENIK, OWNER**

Requesting a 180 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 300 SF Floor Area is proposed in order to install a Front Entrance Feature Patio; property located at 19694 Dell Drive, PPN 392-29-311, zoned RT-C.

Mr. Hayden - Item number two on the agenda is Mr. Humenik. Please come forward to the microphone and state your name and address for the record.

Mr. Humenik - Eric Humenik, 19694 Dell Drive, Strongsville, Ohio

Mr. Hayden – Thank you, Mr. Humenik. If you could take us through your project and the need for the variance.

Mr. Humenik – I purchased the property last February and there were a couple of decks that were on the property, which were removed because they were dilapidated. I would like to do an approximately 300 SF stamped concrete patio. Also, I have removed the trees that were there and now there are termites and roots which are a potential trip hazard and I would like to clean up the property.

Mr. Rusnov – You would like to level the property and make it safer. This is located in the front of the property and is a dead end street where there are woods around it and no one can see it anyway. You are eliminating a lot of issues like the rotted deck and improving the property.

Mr. Humenik – Absolutely and it will be graded and leveled.

Mr. Baldin – I think it will look nice and don't see any problems.

Mr. Hayden – We do have homeowner association approval.

Mr. Evans – It does meet our qualifications for topographical reasons for the way the property is laid out. This would be the area that would be most likely for the use of a patio area.

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 would declare the public hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, requesting a 180 SF Floor Area variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Floor Area and where a 300 SF Floor Area is proposed in order to install a Front Entrance Feature Patio; property located at 19694 Dell Drive, PPN 392-29-311, zoned RT-C.

Mr. Rusnov - Second

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

ROLL CALL:

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

MOTION APPROVED

Mr. Hayden – Mr. Humenik, your variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

3) JEFF THORNE, OWNER

Requesting a 59 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 259 SF Floor Area is proposed in order to construct a Unenclosed Patio Roof over an existing concrete pad, property located at 11439 Shagbark Trail, PPN 392-10-069, zoned R1-75.

Mr. Hayden – The last item on our agenda is Mr. Thorne. May we have your representative come up to the microphone and state your name and address for the record.

Mr. Thorne – Jeff Thorne, 11439 Shagbark Trail, Strongsville, Ohio

Mr. Hayden – Thank you, Mr. Thorne. If you could take us through your project and the need for the variance.

Mr. Thorne – This is a roof that comes off of my roof and there is no electricity and I would like to build an outside space. We purchased this house to retire in and my mom will be moving in soon and she likes and outdoor space also, it will have a wood burning fireplace.

Mr. Rusnov - As we discussed in previous variances similar to this, people are spending more time at home because of COVID and they are improving their properties and are focusing on the exterior of the house.

Mr. Houlé – The homeowner association has also given written approval regarding this so, I have no problem with this.

Mr. Rusnov – The size of this variance is small.

Mr. Baldin – What corner of the house will the fireplace be located?

Mr. Thorne – It will be level with outside of the roof.

Mr. Rusnov, Mr. Baldin, If your concerns are creating a fire hazard that is something the Building Department and other city personnel will review because that is not our purview.

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 would declare the public hearing closed and entertain a motion.

Mr. Baldin– Mr. Chairman, requesting a 59 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 259 SF Floor Area is proposed in order to construct an Unenclosed Patio Roof an over existing concrete pad, property located at 11439 Shagbark Trail, PPN 392-10-069, zoned R1-75.

Mr. Houlé - Second

Mr. Hayden – Thank you, Mr. Baldin for the motion and Mr Houlé. the second. May we have roll call please?

ROLL CALL:

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

MOTION GRANTED

Mr. Hayden – Mr. Thorne, your variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

Mr. Kolick– Mr. Chairman, I will draw up the Finding Fact and Conclusions of Law as usual for the item denied tonight on the agenda.

Mr. Hayden – If there is no other business to come before this Board, we are adjourned.

Mr. Hayden, Chairman

Mitzi Anderson, Secretary

Approval Date