

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

Meeting of
July 24, 2018
7:30 p.m.

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlé,
Tom Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) RYAN AND DEANNA SPISAK, OWNERS

Requesting a 7.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 21.5' encroachment into the Rear Yard Setback is proposed in order to construct a 462 SF Stamped Concrete Patio; property located at 17859 Brick Mill Run, PPN 397-27-124, zoned R1-75.

The Board noted that this variance is needed only due to the change in the Zoning Code which makes this yard nonconforming. They found no issue with the request. The board also commented that the applicant has already started the process of replacing it, and it looks ready for the new concrete pad to be poured. They also commented that the applicant had not gone before the High Point Architectural Review Board, and that when asked he said that he didn't know he had to do that. The Chairman, being on the High Point HOA, saw it on the agenda and made sure to tell the applicant to send the request letter to them. They were also advised that the applicants were not yet there to represent themselves.

PUBLIC HEARINGS

2) RUSSEL AND ALLISON FEDYK, OWNERS

Requesting a variance from Zoning Code Section 1274.06, which prohibits a change to a non-conforming lot and where the applicant is proposing a 220 SF Garage Addition; property located at 9580 North Bexley, PPN 395-21-036, zoned R1-75.

The Board noted that this variance is needed only due to the change in the Zoning Code which makes this yard nonconforming. They found no issue with the request. They were advised that there was no one in the audience at that point to represent this request.

3) **CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS**

Requesting a 19.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 33.5' encroachment into the Rear Yard Setback is proposed in order to construct a 240 SF Deck; property located at 12620 South Churchill Way, PPN 392-02-065, zoned R1-75.

The Board noted the variance request for a deck that is due to a topographical issue which is that the previous owner had the house built in the wrong direction. They also noted that they had neighbors write letters regarding this variance request.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
July 24, 2018

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Smeader
Mr. Houlé

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this July 24th, 2018 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who wishes to participate.

NEW APPLICATIONS

1) RYAN AND DEANNA SPISAK, OWNERS

Requesting a 7.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 21.5' encroachment into the Rear Yard Setback is proposed in order to construct a 462 SF Stamped Concrete Patio; property located at 17859 Brick Mill Run, PPN 397-27-124, zoned R1-75.

Mr. Evans – Our meetings are divided into two parts. The first part is new applications. Do we have anyone here for item number one, Spisaks? OK, if you'll come forward to the microphone please, and give us your name and address for the record.

1) **RYAN AND DEANNA SPISAK, OWNERS, Cont'd**

Mr. Spisak – Ryan Spisak, 17859 Brick Mill Run.

Mr. Evans – OK, you are asking for a variance, you've already taken out the old deck and you are putting in a stamped concrete patio. The dimensions are roughly the same. You're required to come before us because City Council changed the Zoning Code and it affects all of High Point. That's because now all of High Point is now considered a nonconforming area. The only question we had in caucus was whether you are using a contractor?

Mr. Spisak – Yes, I'm using a contractor.

Mr. Evans – OK. The Building Department is probably going to be in touch with them because they probably should've gotten you to the City and through the process a little bit sooner than at the back end of it. Unfortunately this is something that is happening all over the City, and so it's sort of a rubber stamp from us although it's not supposed to be characterized that way. Are there questions or comments from the Board?

Mr. Houlé – We have a letter from the HOA approving it.

Mr. Evans – If you want a copy Mr. Spisak you can have one because I don't think you've seen it. We had to submit one from the Homeowners Association on your behalf. Is there anything else?

Mr. Smeader – Has a permit been taken out on this project yet?

Mr. Rusnov – You probably don't know. I'd ask your contractor.

Mr. Spisak – I don't know that, the contractor is supposed to handle that.

Ms. Zamrzla – They can't come before the BZA without one. If the permit has been applied for and then denied they come before you.

Mr. Evans – OK.

Mr. Rusnov – That takes care of that.

Mr. Evans – OK. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on August 8th. I will have to recuse myself from it since I am a Trustee in High Point so therefore I'm unable to vote on it. We will also have another Board member missing

1) **RYAN AND DEANNA SPISAK, OWNERS, Cont'd**

Mr. Evans continues - that evening, so we will only have three Board members to vote on this request. It would require three to approve it so when we get to that point, if any of our illustrious members would be so inclined as to vote against it before we would get to that point you'd have the opportunity to delay the vote until we would have Mr. Houlé back at the next meeting. That delays it another two weeks. I'm going to tell my Board members right now, I think we all sort of agree that this is impacted by the City and the Zoning Code change.

Mr. Rusnov – Without a doubt.

Mr. Evans – Therefore it is a nonissue so we don't have to delay them another period of time here. That's not something I can do, but I've just done because I'm in that kind of mood tonight. So that's the process you'll come back on August 8th, we'll vote on it then. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Spisak – Thank you.

PUBLIC HEARINGS

2) **RUSSEL AND ALLISON FEDYK, OWNERS**

Requesting a variance from Zoning Code Section 1274.06, which prohibits a change to a non-conforming lot and where the applicant is proposing a 220 SF Garage Addition; property located at 9580 North Bexley, PPN 395-21-036, zoned R1-75.

Mr. Evans – Then we move to public hearings. Item number two is Russel and Allison Fedyk. Please come up to the microphone and give us your name and address for the record.

Mr. Fedyk – It's Russ Fedyk, 9580 North Bexley.

Mr. Evans – When you were here last time you talked about a Zoning Code change which is for a garage addition. You're adding a third bay onto the existing one. We've all been out to look at it. Are there comments?

Mr. Houlé – I think it'll be a nice addition to not only his home, but also the neighborhood.

Mr. Rusnov – Wasn't this one affected by the Zoning change?

Mr. Evans – No.

Mr. Rusnov – Oh, it wasn't.

3) CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS, Cont'd

Mr. Neve – It is Chris Neve, 12620 South Churchill Way.

Mr. Evans – Alright, this is a variance for a backyard because the house was turned and we talked a bit about this in caucus. Can you give us a little bit of background on the deal here as to why the variance has been requested.

Mr. Neve – We bought the house through Drees, it was a spec house so it was completely constructed. I think they put it on the market in May and we didn't purchase it until the end of November. I know there were some issues in the cul-de-sac whenever they were digging out the foundation. They weren't very happy with Drees, but they said they supposedly went through the proper channels and got it approved by the City. We bought the house as is and we just wish to put a deck on the back. The back door is about 8' off the ground, and due to the backyard there's really nothing else we can do outside of putting on a deck. We're also going to continue to add landscaping to build more of a barrier between us and the immediate house right behind us.

Mr. Rusnov – In summary, you weren't aware of the possible nonconforming issue.

Mr. Neve – No.

Mr. Rusnov – You didn't know how the lay of the property was changed, and you're going to be putting up barriers in the back as best as you can with landscaping.

Mr. Neve – One of the things we're going to do immediately following this project is trying to put larger pine trees in.

Mr. Rusnov – To screen the neighbor.

Mr. Neve – Yes. We put in those green giant arborvitae. I think they grow like three feet a year so I plan on fertilizing them and keeping them going.

Mr. Evans – From looking at the house, I don't see any other place that you could really put on a deck since the house was designed for access to the backyard or deck. That's really the only place you can put one. Is that also your observation?

Mr. Neve – Yes.

Mr. Rusnov – It's a topographical issue.

Mr. Baldin – You heard us in caucus say that we had gotten a couple phone calls from your neighbors. You're looking at a 20' width, 12' by 20' correct?

3) CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS, Cont'd

Mr. Neve – 14' by 20'.

Mr. Baldin – I thought it was 12'.

Ms. Zamrzla – It is 12'.

Mr. Neve – It's because there's an overhang. It's 14' from our foundation. I'm sorry it is actually 12'. Our kitchen extends out, and there's a 2' bump out on the back of the house.

Mr. Baldin – The question I had was whether you'd consider cutting that down a couple feet?

Mr. Neve – This is really the only thing we plan to put in the backyard, so by the time you add a grill and some furniture I feel like already the space will be limited.

Mr. Baldin – 20' really isn't that large, I understand that.

Mr. Neve – No.

Mr. Baldin – I'm asking just because of the way it sits. That's why I'm asking that question.

Mr. Neve – We already cut it down. I actually wanted to go bigger. My wife cut it down. I know that space is going to be tight so I'd really prefer to leave it as it.

Mr. Baldin – Thank you.

Mr. Roenigk – Just so the Board knows, these numbers on the variance request are not correct for this setback. I was given the measurements of 12' from the foundation. So if there is a two foot bump out then we need to bump that out 2' closer to the rear property line.

Mr. Rusnov – So what should it be?

Mr. Evans – The actual deck though is 12' by 20', correct?

Mr. Roenigk – Yes, there's a two foot bump out of the house.

Mr. Evans – But I'm not sure that the drawing that we have already includes that two foot bump out.

Mr. Roenigk – Correct. So it would be actually 14'. Will the deck be 14' from the foundation?

Mr. Evans – I'm looking at 35' building line on here and so if it's 12' then that means that it's 23'.

3) **CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS, Cont'd**

Mr. Smeader – Is the 12' from the foundation or from the overhang?

Mr. Neve – I thought it was from the overhang, but they may be drawing it from the foundation.

Mr. Rusnov – It should actually be from the overhang.

Mr. Roenigk – So that would be 14' from the foundation, correct?

Mr. Neve – Yes.

Mr. Roenigk – Then that would change the numbers.

Mr. Rusnov – What should it be then?

Mr. Kolick – You have to add two feet onto that variance.

Mr. Rusnov – On what, the 17'?

Mr. Kolick – It'll be 19.5'.

Mr. Roenigk – Correct.

Mr. Baldin – So the encroachment would also change then.

Mr. Kolick – To 33.5'.

Mr. Baldin – Right.

Mr. Smeader – Is there an approximate 8' drop from that door down to the ground? Is that what you said?

Mr. Neve – Yes.

Mr. Smeader – So without having something there with a staircase, your door is functionally obsolete and a potential safety hazard if there's nowhere to go. You're not going to open the door and step out 8'.

Mr. Neve – Exactly yes. I have a 3 year old and a 10 month old.

Mr. Kolick – He's permitted to come 14' into the rear yard setback?

3) **CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS, Cont'd**

Mr. Evans – Yes.

Mr. Smeader – So the question is not what, but how big? You need to have something there.

Mr. Baldin – You can go 14' into a backyard so he really doesn't need that much period.

Mr. Evans – Right, he needs a two foot.

Mr. Roenigk – No, because he doesn't have the required rear yard setback for the house.

Mr. Kolick – Remember that the house is nonconforming.

Mr. Roenigk – Right, he doesn't have the required 50' yard. He's nonconforming plus he has no rear setback because of the way the house is turned.

Mr. Smeader – There's only 31' on that side.

Mr. Kolick – So has 19' and 14' so he's 33' short.

Mr. Roenigk – Correct.

Mr. Baldin – Otherwise, if he had the 50', he'd only need a couple foot variance.

Mr. Roenigk – You're correct.

Mr. Rusnov – But because his house was turned sideways and doesn't comply with the current rear yard setback it is non-conforming

Mr. Roenigk – The builder put you in a terrible situation.

Mr. Neve – We changed our address as we were going through the closing process. We were filing it as 12620 South Churchill, but then the title company had us change it to 12623 South Calumet because that's originally how they were going to put the house on the lot. Then after we moved we might have spoken to the Building Department and they were able to change our address through the City to South Churchill because the driveway and the mailbox are facing South Churchill.

Mr. Baldin – Well I'm glad I brought up this can of worms so we got that all settled.

3) CHRISTOPHER NEVE AND NICHOLE DESIMONE- NEVE, OWNERS, Cont'd

Mr. Neve – Personally I think it would have been much nicer to have the house facing the other way. Now we have 2 big side yards with a small front and back. My guess is that when you're driving up South Churchill then the rear of the house faces the street so they probably would have gotten a lot of car headlights coming through the windows.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none I declare the public hearing closed, and I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 19.5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 33.5' encroachment into the Rear Yard Setback is proposed in order to construct a 240 SF Deck; property located at 12620 South Churchill Way, PPN 392-02-065, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – Thank you Mr. Rusnov and Mr. Smeader for the second. May I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variance had been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed then you can move forward with your project.

Mr. Neve – Excellent. Thank you.

Mr. Evans – OK. Thank you very much. Alright. Is there anything else to come before the Board this evening? Then we will stand adjourned.

Mr. Evans, Chairman

Kathryn A. Zamrzla, Sec'y

Approval Date

Aug 8, 2018