

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

**Meeting of
March 28, 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: Michael Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) HANA AND JEREMY HALLEEN, OWNERS

Requesting an 8' Side Yard Setback variance from Zoning Code Section 1252.17, which requires a 16' Side Yard Setback from the right-of-way and where an 8' Side Yard Setback from the right-of-way is proposed in order to install a 6' high Wooden Privacy Fence; property located at 10029 Prospect Road, PPN 391-23-008, zoned R1-75.

The Board indicated that there were lots of shrubs and trees, including three large trees that would have to come down without the variance. Also the Board mentioned that the side of the house to the sidewalk only has about 20'. The Board discussed whether or not a CIPTED officer should come out and see if there is enough visual clearance when coming out of their driveway. They also considered asking the applicant to angle or lower the fence at least near the driveway to allow some visual clearance between drivers and pedestrians.

2) PSP DEVELOPMENT LLC, OWNER

Requesting a 361 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,361 SF Floor Area is proposed in order to construct two Attached Garages on a New Single Family Dwelling; property located at 12328 Arbor Creek Drive, PPN 398-27-053, zoned R1-100.

The Board recognized that this is a new development, and the reasoning behind this variance request is to have a 5 car instead of a 3 car garage. They noted that the new thing in luxury homes is have two split garages; one that holds 2 or 3 cars and another with 2 more cars. They discussed the possibility of someone trying to convert one of the garages into living space. Mr. Miller informed them that there is no weatherproofing membrane under the garage floor so they would be unable to heat it. They also noted that although there are no close by neighbors to inform about this variance request at this time, new people moving in will clearly see what these people have done before they decide to buy.

3) BRIAN JUNGBERG AND KELLY BECKER, OWNERS

Requesting a variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 1,350 SF Patio into the side yard; property located at 12525 Saddlebrook Lane, PPN 392-02-095, zoned R1-100.

The Board noted that this is new construction as well. They also mentioned having already received the HOA approval letter. The Board indicated that this is in a cul-de-sac with a pie shaped lot, and that they are wishing to put in a side yard patio. The Board discussed ways of disguising it such as shrubs or mounding the earth around it. They noted that the topography in the back makes it difficult to put a patio in anywhere else. They also mentioned that there are two or three similar patios in the development.

4) **DAVID AND DIJANA OUTCALT, OWNERS**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 40' Rear Yard Setback is proposed in order to construct a 430 SF Addition; property located at 19789 Kensington Court, PPN 397-28-068, zoned R1-75.

The Board noted that this is going to replace the patio and some minimal landscaping. They also noted that this will be completely invisible to others from the north side. The Board also mentioned that they are installing a swale, and that they need a french drain or something as well. They also indicated that they still need an HOA letter.

PUBLIC HEARINGS

There are no public hearings.

OTHER BUSINESS

5) **CHRISTOPHER WOZNICKI & TIFFANY EAKIN, OWNERS/Joe Lull of Joyce Factory Direct, Representative**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming structure and where the applicant is proposing a 196 SF Sunroom;
- b) Requesting an 18' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 196 SF Sunroom; property located at 17079 Partridge Drive, PPN 397-04-086, zoned R1-75.

The Board indicated no issue with these variances, and cited a significant change in the Zoning Code as their hardship and reasoning for this request.

1) HANA AND JEREMY HALLEEN, OWNERS, Cont'd

Ms. Halleen – Hana Halleen, 10029 Prospect Road.

Mr. Evans – Thank you. Hana, you are here to request a side yard variance. Can you tell us what you're asking for and why the variance is necessary? You heard us talking in caucus, so if there is anything you can respond to what we discussed that would be great.

Ms. Halleen – We're asking for an 8' variance for the side yard setback. We need 8' instead of 16' because of the way the trees are laid out as well as room to put in a sidewalk that leads from the patio around to the front of the house. The 16' required by Code would both impede on the new sidewalk as well as require us to take down three to four large, mature trees.

Mr. Evans – This is a corner lot.

Ms. Halleen – Correct.

Mr. Evans – We spoke in caucus about the safety of the situation, and decided we will ask the Police Department to take a look at it. We use them as our experts. They take a look at the way the existing sidewalk, the existing driveway, and the new fence would interact. The reason for this is because it would appear that if the fence comes up to the driveway, when you're backing out of the driveway, you may or may not have proper visibility. We certainly don't want someone getting hit on the sidewalk. So we'll ask our CIPTED officer to come out and render his opinion to us. It may be that we ask you to put the fence off the driveway by a certain amount, or bring the corners in at an angle, or to lower the fence near the driveway in order to make accommodations based on the Police Department's recommendation. Some of the members have been out to visit it. Gentlemen, do you have any comments or questions?

Mr. Houlé – Yes, I have a question. Have you considered starting the fence at the driveway instead of up by the house where your air conditioner unit is and then going back? Are you going to have a gate?

Ms. Halleen – Yes, we're going to have a gate. The reason we like it is because we have a dog so our back door is where we let the dog out. So this allows her to get out into the backyard at any point. That's where our patio is as well, so that's where we'd like to have some privacy as well.

Mr. Baldin – So your gate is going to go across the driveway.

Ms. Halleen – Correct.

Mr. Baldin – The reason is because of the dogs.

Ms. Halleen – Correct.

1) **HANA AND JEREMY HALLEEN, OWNERS, Cont'd**

Mr. Baldin – OK. I wondered about that. Thank you.

Mr. Evans – Is there anything else?

Mr. Kolick – For the applicant, does your gate open out toward the street? Do they open in? Do they slide across? What will you have?

Ms. Halleen – Going inward.

Mr. Kolick – Opening in, OK.

Mr. Evans – Is there anything else? 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 April 11th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Kolick – It may be appropriate to have them stake out certainly close to the driveway as to where the corners of the fence will be.

Ms. Halleen – So you can see where it'll be? OK.

Mr. Kolick – So when the Police officer comes out he can see where it's at.

Mr. Rusnov – The question I have is how common is it to have the entire yard fenced including the driveway with a gate? I don't remember any.

Mr. Evans – I don't think we've done that before.

Mr. Kolick – I don't know of any prohibition against doing it if that's what they want.

Mr. Rusnov – That's what I'm alluding to.

Mr. Kolick – As long as the gate isn't coming down or over the sidewalk. If it's opening in though, I don't see any issues.

Mr. Evans – The only place I can think of is the Strongsville Horticultural on Pearl Road where their gates open in. That would be a similar situation.

1) **HANA AND JEREMY HALLEEN, OWNERS, Cont'd**

Mr. Baldin – Mr. Miller, do you have any answer for this?

Mr. Miller – No I do not.

Mr. Rusnov – That's short and to the point.

Mr. Kolick – I guess the other thing is to make sure there's enough room for a car to get up there so it doesn't have to stop in the middle of the road for someone to get out, get to the fence, then open it, then pull up.

Mr. Baldin – You've got a point there.

Mr. Kolick – That's an issue we should look at with the Police Department too. There may be sufficient room between the apron and the gate, but it's something we should look at.

Mr. Baldin – The car to the gate might be overlapping the sidewalk.

Mr. Miller – It would overlap onto the sidewalk for sure because they're only 8' off. It wouldn't be in the street though. It's probably close to 20' from the edge of the street.

Mr. Kolick – That's something for them to consider when they go out to look at it.

Mr. Evans – Kathy, if you'll take care of getting that request into the CIPTED Officer please. So we'll get it all looked at and we'll see you back here again on April 11th. You're free to go.

2) **PSP DEVELOPMENT LLC, OWNER**

Requesting a 361 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,361 SF Floor Area is proposed in order to construct two Attached Garages on a New Single Family Dwelling; property located at 12328 Arbor Creek Drive, PPN 398-27-053, zoned R1-100.

Mr. Evans – Item number two on our agenda is PSP Development LLC for the property located at 12328 Arbor Creek. Please have your representative come up to the microphone and give us your name and address for the record.

Mr. Moore – Steve Moore for the property located at 12328 Arbor Creek Drive.

Mr. Evans – Do we need his address? OK. So you are asking for a variance for the size of the garage.

2) **PSP DEVELOPMENT LLC, OWNER, Cont'd**

Mr. Moore – Correct.

Mr. Evans – This is a new property that is being built. Is there a reason why the applicant needs that large of a garage?

Mr. Moore – He's a car collector, plain and simple.

Mr. Evans – You're not the actual owner of the property, correct? You're with PSP?

Mr. Moore – Oh no, I'm the Project Manager for PSP Development.

Mr. Evans – That's what I thought, OK. Are there questions from Board members?

Mr. Rusnov – This design of this home is a luxury class home.

Mr. Moore – Correct.

Mr. Rusnov – Correct me if I'm wrong, but the other cities and places where they build this type of home usually split the garage space. They'll put two cars here and two or three in another one on the other side.

Mr. Moore – Correct.

Mr. Rusnov – OK.

Mr. Moore – We've done that before. We've actually done this one in Medina County several times with that.

Mr. Rusnov – With that split garage concept, yes, because this way you have one place for cars and another for lawn and garden or whatever else.

Mr. Moore - Well, or it's more like these are the cars we use every day that are attached to the house, and the out garage is for the classical cars.

Mr. Rusnov – OK.

Mr. Baldin – So they're not going to be looking for a shed down the pike somewhere so they can store their lawn equipment and all that good stuff or are they maybe going to have someone take care of all that for them.

Mr. Moore – I'm sure these people have someone take care of it.

2) PSP DEVELOPMENT LLC, OWNER, Cont'd

Mr. Baldin – Thank you.

Mr. Evans – Mr. Moore, it indicates that this is not a part of a Homeowners Association, but Mr. Kolick believes that it is.

Mr. Moore – There will be an HOA eventually.

Mr. Evans – PSP is developing this particular property, but who is the actual owner of the development?

Mr. Moore – PSP Development. They own the whole thing.

Mr. Evans – My guess is that you've already filed Covenants and Restrictions with the City, and that would mean that the developer may be the controlling interest. We would in fact need a letter from the Homeowner Association accepting this variance.

Mr. Kolick – There is one there now. It may be that the developer (since he owns the lots) controls it, but that's who would probably give you the action on the request.

Mr. Moore – OK.

Mr. Evans – So we would need that as a part of the public hearing process for the next meeting.

Mr. Moore – OK.

Mr. Evans – If you can get that to the Building Department ahead of time that would be good, but we'll settle on having it at the meeting as long as we have it.

Mr. Moore – I'll get it in sooner, that's no problem.

Mr. Evans – Alright, thank you. Is there anything else from Board members? OK. So the same thing for you. 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 the neighbors on Webster that are probably within 500 feet of this property. It will state exactly the description that is written in the agenda tonight. So someone may want to speak with these neighbors since they will likely want to ask questions 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 April 11th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Moore – Thank you.

3) **BRIAN JUNGERBERG AND KELLY BECKER, OWNERS**

Requesting a variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 1,350 SF Patio into the side yard; property located at 12525 Saddlebrook Lane, PPN 392-02-095, zoned R1-100.

Mr. Evans – Item number three on the agenda is Brian Jungeberg and Kelly Becker. Please come up to the microphone and give us your name and address for the record.

Mr. Jungeberg – Jim Jungeberg, 22910 Westwood, Strongsville. I'm representing my son Brian, and my daughter-in-law, Kelly Becker, at 12525 Saddlebrook Lane.

Mr. Evans – Thank you, Mr. Jungeberg. You heard us talking in caucus about this. It's a patio that's going to extend into the side yard. Typically the cutoff point would be the side of the house. Some of our members have already been out to look at it. The rest will be out there as well before the next meeting. Was this staked?

Mr. Baldin – No, it wasn't staked yet.

Mr. Evans – It would be helpful to have them put two stakes, it's a very small portion of the patio that is even in question. Some of it is under the roof. This is just that small, back section. If you could just put two stakes at that corner where that will be, it'll be helpful to us.

Mr. Jungeberg – Sure.

Mr. Evans – Any other comments?

Mr. Rusnov – Yes. It says 1350 SF patio, but it would be very helpful to know how much of the patio would be protruding into the side yard. Will it be 3' or 6'?

Mr. Jungeberg – Beyond the side of the swale. OK.

Mr. Rusnov – This way, it appears that 1350 SF is like right there in the side yard, and it's not. It's a very small portion.

Mr. Evans – So probably by getting us the dimensions of the patio, because we don't have that. We only have the architectural rendering of it, but that doesn't give us dimensions on it. Nothing that we have here says what they actual dimensions of the patio area is, so that would be helpful.

Mr. Rusnov – When Council reviews this, they'll see that it's not a 1350 SF variance, it's actually 4' by X amount of feet which is attached to the proposed patio.

3) BRIAN JUNGERBERG AND KELLY BECKER, OWNERS, Cont'd

Mr. Jungeberg – We can easily put some numbers on that architectural drawing.

Mr. Evans – OK.

Mr. Rusnov – That would be very helpful.

Mr. Jungeberg – Who do we bring those to?

Mr. Evans – Our Building Department.

Mr. Jungeberg – OK, thank you.

Mr. Rusnov – The guy with the red glasses.

Mr. Miller – The applicant did submit to us that the patio is a 6' encroachment into the required setback of the side yard. So the actual wording of this will be changed so it proposes a 6' encroachment where a zero encroachment is allowed. That will be in the public hearing announcement, and this will be amended at the next meeting.

Mr. Rusnov – Scratch that idea.

Mr. Smeader – We still need to see something.

Mr. Evans – We still need to see what the overall dimensions of it are so we know exactly what we're dealing with here.

Mr. Rusnov – OK.

Mr. Evans – 6' by what? The amount of square footage that's in question would be helpful. You're right, if Council looks at these and sees 1350 SF there they are likely to not act positively to it. So that's it then. The same thing will happen there. 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 Brian has curious neighbors that will want to ask questions, they 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.

Mr. Jungeberg – I'd be surprised if any of them aren't already fully aware of it already. He only moved 150' from where he was living to this new house.

Mr. Evans – Alright, Mr. Miller?

3) BRIAN JUNGERBERG AND KELLY BECKER, OWNERS, Cont'd

Mr. Miller – We request that Brian give us those dimensions tomorrow morning so we can send out this notice with the correct information in the letter that goes out by the end of day tomorrow.

Mr. Jungeberg – He's out of town right now, which is why I'm here, but he may have access to it. I'll give him a call.

Mr. Miller – Or if you could have the contractor call our office tomorrow morning.

Mr. Evans – I'm sure the contractor is aware of the dimensions.

Mr. Jungeberg – In any case, ASAP.

Mr. Evans – Yes.

Mr. Miller – Yes, thank you.

Mr. Evans – Then we'll see you or Brian back here on April 11th then Mr. Jungeberg, thank you.

Mr. Jungeberg – Thank you.

4) DAVID AND DIJANA OUTCALT, OWNERS

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 40' Rear Yard Setback is proposed in order to construct a 430 SF Addition; property located at 19789 Kensington Court, PPN 397-28-068, zoned R1-75.

Mr. Evans – Last on our agenda is David and Dijana Outcalt. Please come up to the microphone and give us your name and address for the record.

Ms. Outcalt – My name is Diana Outcalt, 19789 Kensington Court, Strongsville, Ohio.

Mr. Evans – Thank you, you are asking for a variance for the rear yard setback to construct an addition. This is basically going to go where the patio is now with a little bit of change.

Ms. Outcalt – I did, and just for clarification, and I probably should've put it with the original, I brought a set of copies for everyone to make things clearer for you. Then you can visualize it.

Mr. Evans – We'll all actually be out to see it. If you want to give us a set of those, we'll submit them with the record, that's fine.

4) DAVID AND DIJANA OUTCALT, OWNERS, Cont'd

Ms. Outcalt – I have nine copies. Should I...

Mr. Kolick – Just give them to Kathy here. She can distribute them.

Mr. Evans – Our Secretary will make sure we all get them. Thank you.

Mr. Outcalt – I think a couple of you have already been out to look at it, but the pictures help clarify what it looks like now at the back of the house, and show the proposed area for the new patio, as well as the view which is a hill and not a mound. Then there's a common area photo to allow you to see how far away we are from everybody. I even gave you pictures of my neighbors on my left and right and how that affects them because we have some common space on the left of our house. That's the sidewalk and some shrubs, etc.

Mr. Evans – The one thing we will need is an HOA letter since you're part of Deerfield Woods. So if you can provide us with a letter from them accepting your request for the variance before the next meeting that would be great.

Ms. Outcalt – OK. You need that by April 11th then?

Mr. Evans – Yes.

Ms. Outcalt – OK.

Mr. Evans – That may be the toughest part of this whole process.

Ms. Outcalt – I think so.

Mr. Evans – Are there questions or comments from the Board?

Mr. Rusnov – No.

Mr. Baldin – I see no problems. I was out there and took a look at it already. It's going to be a nice addition. She's going to give up a nice little concrete patio, but they want the space and the room. I think it's not a problem.

Mr. Evans – Thank you, Mr. Baldin. 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. Like we said before, 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

4) DAVID AND DIJANA OUTCALT, OWNERS, Cont'd

Mr. Evans continues - save everyone some time and the trouble at our next meeting. Like all the others, your public hearing is on April 11th. We will invite you back at that time. Thank you.

Ms. Outcalt – I should try to have that from the Homeowners Association before the next meeting, but it's fine if I bring it with me to the next meeting?

Mr. Evans – You'll need to at least need to have it by April 11th. If you have it before then, you can give it to the Building Department. If you have to bring it with you, that's OK too.

Ms. Outcalt – Alright, thank you.

Mr. Evans – Thank you.

PUBLIC HEARINGS

There are no Public Hearings.

OTHER BUSINESS

5) CHRISTOPHER WOZNICKI & TIFFANY EAKIN, OWNERS/Joe Lull of Joyce Factory Direct, Representative

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming structure and where the applicant is proposing a 196 SF Sunroom;
- b) Requesting an 18' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 196 SF Sunroom; property located at 17079 Partridge Drive, PPN 397-04-086, zoned R1-75.

Mr. Evans – We have no public hearings, but we have item number five on the agenda which is Woznicki and Eakin. Please come up to the microphone and give us your name and address for the record.

Mr. Long – I'm here to representing Mr. Woznicki. I'm Joe Long from Joyce Factory Direct, at 1125 Berea Industrial Pkwy, Berea.

Mr. Evans – Thank you.

5) **CHRISTOPHER WOZNICKI & TIFFANY EAKIN, OWNERS/Joe Lull of Joyce
Factory Direct, Representative, Cont'd**

Mr. Long – I'd like to apologize for not having anyone in attendance two weeks ago. I was at a funeral and my boss came down with a wicked stomach flu. So we were unfortunately unavailable.

Mr. Evans – We'll accept that.

Mr. Long – We didn't want to put him in the room with you guys during caucus.

Mr. Smeader – Thank you.

Mr. Evans – We appreciate that.

Mr. Long – I think you're all familiar with our request.

Mr. Rusnov – Yes.

Mr. Evans – Yes. Alright. We had the public hearing on this, and there were no comments from the audience. So are there questions or comments from anyone on the Board?

Mr. Rusnov – None.

Mr. Smeader – No.

Mr. Evans – Then having had the public hearing, I'll now entertain a motion.

Mr. Rusnov - I make a motion to approve a request for a variance from Zoning Code Section 1274.06, which prohibits the enlargement of an existing non-conforming structure and where the applicant is proposing a 196 SF Sunroom; b) and also to approve a request for a 18' Rear Yard Setback variance from Zoning Code Section 1252.04 (f), which requires a 50' Rear Yard Setback and where a 32' Rear Yard Setback is proposed in order to construct a 196 SF Sunroom; property located at 17079 Partridge Drive, PPN 397-04-086, zoned R1-75. This is due to a significant change in Zoning Codes since the property was constructed.

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

5) **CHRISTOPHER WOZNICKI & TIFFANY EAKIN, OWNERS/Joe Lull of Joyce
Factory Direct, Representative, Cont'd**

Mr. Evans – The variances have 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. I don't think there's anything else you need to do, so you are all set.

Mr. Long – Thank you all very much.

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



Mr. Evans, Chairman



Kathryn A. Zamrzla, Sec'y

Approval Date
April 25, 2018