

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

**Meeting of
May 23, 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) ERIC BURCH AND KAREN SHINSKY, OWNERS

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming lot where the applicant is proposing an 80 SF Accessory Structure where none is permitted;
- b) Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming lot where the applicant is proposing a 15' x 15' Unenclosed Patio where none is permitted;
- c) Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 15' x 15' Unenclosed Patio; property located at 13206 Compass Point Drive, PPN 399-31-049, zoned R1-75.

The Board mentioned that this is a non-conforming lot, and there is a history behind this variance request. The Board pointed out that this would not have come before the Board at all had it not been for the recent change in Zoning Code by City Council. Since Council has amended the Zoning Code, this lot is now considered a non-conforming lot. The Board noticed when they visited the site that the other neighbors also have sheds, and mentioned how small the lots are in the backyard. They also mentioned that they are replacing their current cement patio pad.

PUBLIC HEARINGS

2) THOMAS BOUTALL, OWNER

- a) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool;

- b) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (South) is proposed in order to install an In-ground Swimming Pool; property located at 21385 Oakhurst Lane, PPN 393-11-041, zoned R1-75.

The Board concurred that due to the topography the applicant has no other choice of where to put their in-ground pool. They also mentioned getting a letter from the Army Corps of Engineers regarding the wetlands.

3) **AARON LIME, OWNER**

Requesting a 9' 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 23' encroachment into the Rear Yard Setback is proposed in order to construct a deck; property located at 9524 Brushwood Lane, PPN 398-11-084, zoned R1-75.

The Board felt that due to the topography this variance is needed for this project. They also mentioned that he owns the adjacent parcel behind it. The Board felt it would have no negative impact.

4) **LOVE FARM DEVELOPMENT/Greg Modic, Representative**

Requesting a 198 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,198 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 11405 Love Lane, PPN 392-01-080, zoned R1-75.

The Board mentioned that this variance request is small in relation to the ones they've dealt with recently. They also said that there is an approval letter from the HOA. The Board also stated that surrounding houses also had 3 car garages, but that this one will be a little bigger than those with this variance. They agreed that the increase probably won't be detectable.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
May 23, 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. Miller, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this May 23rd, 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. We have minutes from the April 25th and May 9th meetings. We spoke about them in caucus, and there were a couple spelling corrections to point out for the May 9th meeting's minutes. If no one else has anything else to present we will submit those with corrections for the official record. Next, 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 participated.

NEW APPLICATIONS

1) ERIC BURCH AND KAREN SHINSKY, OWNERS

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming lot where the applicant is proposing an 80 SF Accessory Structure where none is permitted;

- b) Requesting a variance from Zoning Code Section 1274.07, which prohibits a change to a non-conforming lot where the applicant is proposing a 15' x 15' Unenclosed Patio where none is permitted;
- c) Requesting an 11' 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 25' encroachment into the Rear Yard Setback is proposed in order to construct a 15' x 15' Unenclosed Patio; property located at 13206 Compass Point Drive, PPN 399-31-049, zoned R1-75.

Mr. Evans – First on the agenda tonight is Eric Burch and Karen Shinsky. I don't believe we have anyone here. We do? I'm sorry, please come up to the microphone and give us your name and address for the record.

Mr. Burch – My name is Eric Burch, I live at 13206 Compass Point Drive, Strongsville, Ohio.

Mr. Evans – Thank you Mr. Burch, we were told you were not in the audience, so my apologies. You are requesting three variances. Give us a description of what you're planning on doing, why you need the variances, and what alternatives you may have looked at first.

Mr. Burch – We need the variance first of all to replace an existing back patio. The existing concrete pad will be replaced. The house was built in 1977 or 78. The driveway and patio are both cracking, and we'd like to replace them. We also would like to add a small shed in the back, and its 10' by 10'. That's just to give us a little more room to put stuff. We do a lot of gardening. We do a lot of stuff to spruce up our yard. We have stuff coming Saturday to make the soil nicer. We're trying to just trying to help our property look nicer and add value to the neighborhood.

Mr. Evans – We note that you furnished a letter along with your application which very concisely addressed the items that we have to consider in terms of granting a variance. We also have a letter from the Spyglass Homeowners Association approving the drawing you submitted. What happens is that if anyone on the Board has questions we'll entertain those in a moment. 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. Any more questions or observations?

Mr. Baldin – I was out at your property Mr. Burch, and took a look. I don't see any problems with this. I can see what you're saying about sprucing the place up and making changes. Your neighbors already have sheds in their yards. It's not a very big lot. There is one thing I noticed. I didn't see a posting. When you get a permit, it's a little letter that you're supposed to display in your window. Unless I missed that somewhere.

Mr. Burch – Posting and permit for what?

Mr. Houlé – Building permit.

Mr. Miller – That’s incorrect. It’s only for permits that require postings, and not all permits require them. Concrete for instance doesn’t.

Mr. Baldin – So you’re only repairing concrete?

Mr. Miller – The shed does not require a posting either.

Mr. Baldin – Neither one? Well I stand corrected after 25 years, thank you.

Mr. Houlé – Is the shed going to be on a cement pad then too?

Mr. Burch – That’s correct.

Mr. Houlé – Okay, I wasn’t sure. Thanks.

Mr. Evans – The public hearing is on June 13th. 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. Burch – Thank you guys.

PUBLIC HEARINGS

2) THOMAS BOUTALL, OWNER

- a) Requesting a 5’ Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15’ Side Yard Setback and where a 10’ Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool;
- b) Requesting a 5’ Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15’ Rear Yard Setback and where a 10’ Rear Yard Setback (South) is proposed in order to install an In-ground Swimming Pool; property located at 21385 Oakhurst Lane, PPN 393-11-041, zoned R1-75.

Mr. Evans – Okay, item number two which I had out of order apparently is Thomas Boutall. Please come up to the microphone and give us your name and address for the record.

Mr. Boutall – Tom Boutall, 21385 Oakhurst Lane, Strongsville, Ohio.

Mr. Evans – Thank you, Mr. Boutall. Give us a description of what you're planning on doing, why you need the variances, and what alternatives you may have looked at first.

Mr. Boutall – We're attempting to put in an in-ground pool in the backyard. The water's edge of the pool will be at the 15' setback mark. Then we want to put concrete from the pool's edge toward the back of the lot an additional 5' to the south or to the back lot area and then to the side lot area to the east, or if you're looking out the back of the house it's to the left, we want to put 5' of concrete in that area as well.

Mr. Evans – Okay, we've all been out to view the property. Are there questions or comments from the Board?

Mr. Smeader – Given the topographical considerations, this is the only place on their lot where this improvement can be made.

Mr. Rusnov – We also have a letter from the Army Corps of Engineers that there is no permit required. We also have a letter from the HOA. That's all.

Mr. Evans – Thank you gentlemen. Is there anything else? Mr. Evans – 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 will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (East) is proposed in order to install an In-ground Swimming Pool; also to approve a request for a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (South) is proposed in order to install an In-ground Swimming Pool; property located at 21385 Oakhurst Lane, PPN 393-11-041, zoned R1-75.

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

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.

Mr. Boutall – Alright, thank you.

3) **AARON LIME, OWNER**

Requesting a 9' 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 23' encroachment into the Rear Yard Setback is proposed in order to construct a deck; property located at 9524 Brushwood Lane, PPN 398-11-084, zoned R1-75.

Mr. Evans – Number three on our agenda is Aaron Lime. If you will come forward to the microphone please and give us your name and address for the record.

Mr. Lime – Aaron Lime, 9524 Brushwood Lane, Strongsville.

Mr. Evans – Give us a description of what you're planning on doing, why you need the variances, and what alternatives you may have looked at first.

Mr. Lime – In May of 2017 we installed an above ground swimming pool. It was approved by the City of Strongsville. Based on the topography of the land and the grade of the property, there was really only one place I could put the pool. We were approved and installed the pool, and now I need a 9' rear yard setback variance in order to construct a wrap-around pool deck. I have small children and the ladder is somewhat of a safety issue getting up and down. I did want to mention that I own Block A behind my house and I maintain it. Behind me there are currently no neighbors. That's about it.

Mr. Evans – Are there questions?

Mr. Smeader – As Mr. Lime indicated this is also due to topographical considerations.

Mr. Evans – Yes, there's quite a drop-off there.

Mr. Rusnov – Yes, plus he owns the buffer zone.

Mr. Evans – Anything else? 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 will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 9' 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 23' encroachment into the Rear Yard Setback is proposed in order to construct a deck; property located at 9524 Brushwood Lane, PPN 398-11-084, zoned R1-75.

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

Mr. Evans – The variance has 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.

Mr. Boutall – Thank you very much.

Mr. Evans – Thank you.

4) LOVE FARM DEVELOPMENT/Greg Modic, Representative

Requesting a 198 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,198 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 11405 Love Lane, PPN 392-01-080, zoned R1-75.

Mr. Evans – Lastly on our agenda is Love Farm. Could we please have a representative come up to the microphone and give us your name and address for the record.

Mr. Modic – Greg Modic, 17198 Gold Rush Drive, Strongsville, Ohio.

Mr. Evans – Mr. Modic in the development there which is off of Albion Road, there are a lot of bigger houses that are going in. There's a lot of larger garages that are a part of that. Tell us what the project is, why you need the variance, and what alternatives you may have looked at first.

Mr. Modic – This is a unique situation. This property owner who built the home is collector of vehicles, so in lieu of trying to keep them outside, he'd like to put them inside. He's making it a little bit larger, which is why we didn't quite meet the Code, because he's trying to add a lift for one of the garage bays. That's the one straight ahead. At the previous meeting, I pointed out that I have been in front of this Board in the past for many projects as a Civil Engineer before I started this role with Petros Development. They came to me and asked what I thought. They had a plan to utilize the whole side yard setback of 10' and it was a larger garage. I challenged them to make it work with the least amount of variance possible. I have a copy of that original plan if the Board would like to see it. So they reduced it as much as they possibly could, but to allow this lift to be placed within it.

Mr. Evans – We appreciate that. Are there questions from the Board?

Mr. Rusnov – No.

Mr. Baldin – No questions, we also have a letter of approval from the HOA.

Mr. Evans – Anything else? 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 will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a 198 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,198 SF Floor Area is proposed in order to construct a New Single Family Dwelling

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

Mr. Evans – The variance has 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.

Mr. Modic – Thank you very much for your time this evening.

Mr. Evans – Thank you. Is there is nothing else to come before the Board this evening?

Mr. Miller – For applicant one, in reading our notes, there was no posting period because he did not apply for the shed yet. He came before the Board so he wouldn't have to return in a short time for that. He's going to construct that shed if it's granted within the one year timeframe.

Mr. Evans – Thank you, Mr. Miller. Is there anything else?

Mr. Baldin – I understand that Mr. Miller is going to be leaving us and we'll have a new representative from the City. Mr. Miller, it's been a pleasure knowing and working with you. You're a very knowledgeable man about what comes up in front of our Board here.

Mr. Miller – Thank you Mr. Baldin.

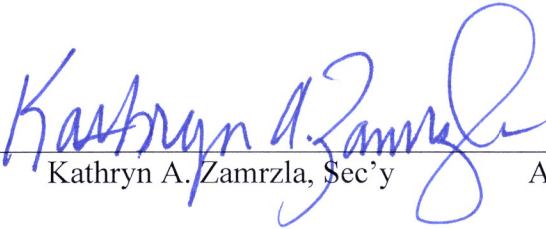
Mr. Evans – For the record we thank you for being a part of this Board during the time you've granted us the luxury of having your services. We look forward to your replacement being with us for many more years.

Mr. Miller – Thank you Mr. Evans.

Mr. Evans – Is there anything else? Then we will stand adjourned.



Mr. Evans, Chairman



Kathryn A. Zamrzla, Sec'y

6/13/18

Approval Date