

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

**Meeting of
August 28, 2019
7:30 p.m.**

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

There are no New Applications.

PUBLIC HEARINGS

1) BRIAN AND DEVON SZYMANSKI, OWNERS

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence in the front yard and where a 25 LF 6' high vinyl fence exists; property located at 18186 Ash Drive, PPN 394-24-005, zoned R1-75.

The Board noted that the fence is already up, but then debated whether there is any hardship that would warrant granting a variance for it to be there. They questioned whether it was actually a detriment to the neighborhood. The Board discussed which neighbors were for it or against it. They admitted that Council would likely not agree with an approval for this variance because it's not only too tall and in the front yard, but they also put it up without a permit. The Board admitted that the next door neighbor does not care for his yard as well as Strongsville would prefer, but that it is not a reason to put up a fence like this one.

2) MARGARET YOUNG, OWNER

Requesting a 124 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 244 SF Front Entrance Feature exists; property located at 11545 Timber Edge Place, PPN 398-14-029, zoned R1-75.

The Board noted that they have the HOA approval letter for this variance request. They all agreed that although it's a little larger than what the Code permits they think it'll be a nice addition. The Board discussed no issues with this request during the caucus.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING August 28, 2019

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

Present: Mr. Evans
Mr. Baldin
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 August 28, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call 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 an amended agenda this evening. I will entertain a motion to approve it.

Mr. Houlé – I make a motion to approve the amended agenda for August 28th, 2019.

Mr. Baldin – Second.

Mr. Evans – Thank you. May we have a roll call please?

ROLL CALL: ALL AYES

Mr. Evans - We have before us this evening minutes from the August 14th, 2019 meeting. We discussed it in caucus, and unless anyone has anything else to add or corrections to make, we will approve those and submit them as they were given to us for the official record. 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 wished to participate.

Mr. Evans – Thank you. Our meetings are divided into two portions. We have no new applications this evening so we will move right into our public hearings.

NEW APPLICATIONS

There are no New Applications.

PUBLIC HEARINGS

1) BRIAN AND DEVON SZYMANSKI, OWNERS

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence in the front yard and where a 25 LF 6' high vinyl fence exists; property located at 18186 Ash Drive, PPN 394-24-005, zoned R1-75.

Mr. Evans – First on our agenda this evening is Szymanski on Ash Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Szymanski – My name is Brian Szymanski. I live at 18186 Ash Drive in Strongsville.

Mr. Evans – Thank you. You were here at our last meeting, and you told us about why the fence had been constructed. Could you just give us a brief recap of that for our records? We've all been out to see the situation, but please tell us why you felt the fence was needed.

Mr. Szymanski – Sure, no problem. Like I said, I moved into the property two years ago. I just put it up for privacy. I'm sick of looking at the neighbor next door. It's honestly just not how I grew up. I was told to have a nice looking house and respectable property. I just felt it was necessary. Every time I go outside my neighbor is outside in the garden which is sort of on my property because the garden is right next to the house. She's always walking on my property to go to the neighbor's houses. So it's to form a barrier. I just felt it was a need for my sake. That's really about it.

Mr. Evans – Okay. As we discussed at the last meeting, you did not have a permit for it. You didn't recognize that there was one required.

Mr. Szymanski – Correct.

Mr. Evans – So you just put up the sections. We've all been out to look at it as I've said. Does anyone want to offer any comments? We spoke about it briefly in caucus.

1) BRIAN AND DEVON SZYMANSKI, OWNERS, Cont'd

Mr. Baldin – If by chance your variance is not approved, would you think about just moving the fence further back? You have the option to move the fence back. You can put a fence up, you just can't put a fence up the way you put it there.

Mr. Szymanski – Where I live, our properties are kind of tight as it is.

Mr. Baldin – I realize that.

Mr. Szymanski – If need be, I might consider that, but I'll have to weigh my options. If not, I know that she on the other side has those big evergreens. I would maybe pursue that. I just figured a fence would be more decorative and appealing. That's why I didn't go with trees or anything because right next door there are dead trees already.

Mr. Baldin – I just wondered if you had given it any thought. Thank you.

Mr. Szymanski – Thank you.

Mr. Evans – Anyone else? In caucus I gave you a copy of a letter from one of your neighbors. I'm curious as to whether or not that is the neighbor whose house you're blocking the view of.

Mr. Szymanski – That is correct.

Mr. Evans – I think at our last meeting you had expressed the opinion that he was okay with it.

Mr. Szymanski – Correct. That's Joe, he lives there. Basically Cindy and Joe don't own the house. So Joe's mother owns the house. They've been there for forever. I know it's a big deal. Cindy is my main concern. Joe I like, he's a good guy and everything. He was all for it. I showed him all the materials and everything, but then Cindy got a bug up her you know what. Now here we are.

Mr. Evans – As you suggested obviously the Code does permit you to have landscaping such as bushes, trees, or whatever in there. As I indicated in caucus too, there are many, many situations like this. You are not alone being next to a house that is not maintained well. For most people, landscaping is the choice and again that's always a choice that is open to you. At this juncture, you need to understand from our perspective that one of the difficulties that we have is that when we grant variances, we have those four criteria that are in the Code that give us the opportunity to do that. Every time we grant a variance, it sets a precedent. Precedents are that when we give someone permission to put up a garage that is a little bit larger than what they are allowed, the next person says that since we gave them 400 SF, they now need 600 SF. So it just goes and goes.

Mr. Szymanski – I understand.

1) BRIAN AND DEVON SZYMANSKI, OWNERS, Cont'd

Mr. Evans – We have pretty consistently turned down fences in front yards. If were we to grant yours, it would be a dramatic departure from where we have been in the past. Even though yours is only the three sections, we've had other people say that they want a fence in their whole front yard because of whatever reason. We've told them they just can't do that. We don't want it to look worse than our City already does. For us, the granting of a variance like this would make it a really difficult situation because it sets a precedent that we'd have to live with then when up until now we've chosen not to do that. So it is sort of within the bounds of where we have acted in the past to not look at this favorably. I just want to let you know why that might be the case, and how it all fits in here. That said, is there anything else guys?

Mr. Rusnov – No.

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? Please come up to the microphone and give us your name and address for the record please. We'll also need to have you sworn in.

Ms. Pavisich – My name is Judith Pavisich, 18097 Ash Drive.

Mr. Evans – Alright, now Mr. Kolick if you'd be so kind as to give her the oath please.

Mr. Kolick then stated the oath again to those Ms. Pavisich.

Ms. Pavisich – We have lived in our house for 27 years now, and I just met Brian a little bit ago and his wife. I think the fence is beautiful myself. I wish it were somewhere so it would block our view of the cow in her front yard. Also there's all kinds of cars, and you guys have looked so you know what it looks like. You know what her driveway looks like. She always has an excuse about everything when you question her about it. It comes back that she doesn't own the property so she doesn't have to do anything. She's probably told you that already. Joe's mom owns the property, and she lives in Florida. Joe grew up in that house. I just want to say that the people on my side of the street, because I live across the street, and the people on the opposite side of Cindy have big tall trees that go all the way down the front yard so they don't have to look at that property too. That's all I have to say.

Mr. Evans – I did notice that when I was out there. So I just want to be clear though, you're actually supporting the fence?

Ms. Pavisich – Yes I am.

Mr. Evans – Okay.

1) BRIAN AND DEVON SZYMANSKI, OWNERS, Cont'd

Ms. Pavisich – When you drive down the street, it's pretty. It's a pretty fence. It doesn't desecrate the street at all or anything. Not like some of the properties do.

Mr. Evans – Yes. Alright. Thank you. Is there anyone else who would like to speak about the variance request? Hearing none and seeing none, I will declare the public hearing closed. Mr. Szymanski you can come back to the podium there. Is there anything else you need to say before we make our determination?

Mr. Szymanski – No, I think I've stated what I needed to say.

Mr. Evans - I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a request for a variance from Zoning Code Section 1252.17 (a), which prohibits a fence in the front yard and where a 25 LF 6' high vinyl fence exists; property located at 18186 Ash Drive, PPN 394-24-005, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL: HOULÉ – NO
 EVANS – NO
 SMEADER – NO

Baldin – Before I vote, I want to say that I feel sorry for what you're going through. I'm going through a similar experience where I live next to me.

Mr. Syzmanski – It's disappointing.

Mr. Baldin – But I have to say no.

BALDIN – NO
RUSNOV – NO

Mr. Evans – The variance is denied. As we discussed in caucus and as we intimated here on the floor, landscaping because it's an option to you is obviously something you could do. The Building Department will work with you on taking the fence down, but it will need to come down because we've not approved the variance. We understand and are sympathetic to your situation, but again our difficulty is that when we set precedent, we have to live with it. Even in your case, even though we may agree, and as I spoke in caucus too, there are people who have set up a single panel of a fence as a basketball backboard so the ball doesn't go into the neighbor's yard. You have three panels though, and it's a 6' tall fence so it stands out. That's part of the reason why we have

1) BRIAN AND DEVON SZYMANSKI, OWNERS, Cont'd

Mr. Evans continues - difficulty when looking at it because we'd have to live with whatever we would approve. I'm saying all this so you're aware of everything.

Mr. Szymanski – What's my timeline?

Mr. Kolick – If you contact the Building Department, they'll work with you. They're not going to be out there tomorrow and telling you to remove it.

Mr. Szymanski – I just need to know so I can start working on it.

Mr. Kolick – If you work with the Building Department, they'll be in touch with you.

Mr. Szymanski – Okay.

Mr. Evans – We recognize that it needs to be done at your convenience, but convenience would not mean six months from now. It's not necessary that it come down tomorrow though. Okay? Alright. So you are all set.

2) MARGARET YOUNG, OWNER

Requesting a 124 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 244 SF Front Entrance Feature exists; property located at 11545 Timber Edge Place, PPN 398-14-029, zoned R1-75.

Mr. Evans – Okay, item number two on our agenda is Young on Timber Edge Place. Please come up to the microphone and give us your name and address for the record.

Ms. Young – You want my current address?

Mr. Evans – Yes.

Ms. Young – Margaret Young, 4266 Wooster Road, Fairview Park, Ohio.

Mr. Evans – Thank you. Ms. Young, you're here because you're building a new house in Strongsville, and we welcome you to Strongsville.

Ms. Young – Thank you.

Mr. Evans – You are putting a new porch out in front of the house there.

Ms. Young – I wouldn't call it a porch.

2) **MARGARET YOUNG, OWNER, Cont'd**

Mr. Evans – A garden area, I guess. A front feature is what we'd call it.

Ms. Young – My service door going into the garage faces the front door of my house so when I was having the sidewalk poured from the driveway to the front door and over to where the service door is, it left a small square in front of the house leftover that I decided to have them fill in as well. I felt it would be easier to have it go all the way to the foundation rather than have a small space of landscaping or grass. It wasn't intended as a patio or anything, it was just that I found out later that the square footage was greater than what the Code allows. That's why I'm here to get the variance.

Mr. Evans – Okay. We've all been out to see the property. I think as we talked about in caucus we think it'll be a nice house and a nice addition with the concrete in front. It's not a problem. Are there comments or questions?

Mr. Rusnov – I don't have any questions for you.

Mr. Baldin – Enjoy it.

Ms. Young – Thank you.

Mr. Evans – We have a letter from Forest Park that we received with their approval. Thank you for passing that along. 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. Smeader – I make a motion to approve a request for a 124 SF variance from Zoning Code Section 1252.16 (b), which permits a 120 SF Front Entrance Feature and where a 244 SF Front Entrance Feature exists; property located at 11545 Timber Edge Place, PPN 398-14-029, zoned R1-75.

Mr. Rusnov – 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 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. We welcome you to Strongsville and hope that you enjoy being here.

Ms. Young – Thank you very much. So I don't have to come to any more meetings?

2) **MARGARET YOUNG, OWNER, Cont'd**

Mr. Evans – No. Although I know they're very entertaining, and you enjoyed coming. No, you don't though.

Ms. Young – Thank you so much, I appreciate it.

Mr. Evans – Alright, thank you.

Mr. Rusnov – We are a lot of fun to hang around with.

Mr. Evans – Mr. Kolick, we will need Findings of Facts and Conclusions of Law for number one on our agenda tonight.

Mr. Kolick – Alright.

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

Signature on File	Signature on File	September 11, 2019
Mr. Evans, Chairman	Kathy Zamrzla, Recording Sec'y	Approval Date