

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
February 13, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, David Houlé, Richard Baldin, Tom Smeader
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Brian Roenigk
Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) **DANIEL AND KRISTEN IRETON, OWNERS/Klassic Custom Decks, Representative**

Requesting a 4' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 16' Height is proposed in order to construct a deck with pavilion; property located at 22439 Valleybrook Lane, PPN 392-13-091, zoned R1-75.

Mr. Houlé was concerned with the size of the height variance requested. The Building Department explained that in reality it was not that severe since the ground behind the home fell off sharply and therefore the height would not be that conspicuous and was only needed since the height is always measured from grade.

2) **DANIEL AND KATHERINE MOSSBRUGER, OWNERS**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to approve an existing deck; property located at 19534 Castletown Drive, PPN 399-30-094, zoned R1-75.

The Building Department said that the Code section needed to be corrected to read C.O. 1252.16. The Building Dept. explained that not only did the deck get built contrary to the permit requested which was denied, but that it was built deficiently and in violation of the Building Code in a number of respects.

3) **BRYAN AND STEPHANIE PANTECK, OWNERS/Stephen M. Schill, Architect, Representative**

Requesting a 1,330 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 2,330 SF Floor Area is proposed in order to construct a Single Family Dwelling Attached Garage; property located at 12563 Arbor Creek Drive, Sublot 9, PPN 398-27-059, zoned R1-100.

The Board was concerned about the size of the garage space but recognized that all the houses in this Subdivision had variances for the garages and the garage space was hidden from view.

4) RAISING CANES/Drew Gatliff with RCO Limited, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (d), which prohibits a Pole Sign on Pearl Road;
- b) Requesting a 2.5' Height variance from Zoning Code Section 1272.12 (e), which permits a 5' and where a 7.5' Height is proposed in order to replace a Ground Sign with a Pole Sign; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

The Board discussed the fact that they just received that night new revised plans. They will go out on the floor and hear what the applicant has to say.

5) GORDON J. MOCNIAK, OWNER/Borowske Builders, Representative

- a) Requesting an 8' variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the Rear Yard Setback and where a 22' encroachment into the Rear Yard Setback is proposed in order to approve an existing Concrete Patio;
- b) Requesting a 2.5' variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where an existing Concrete Patio encroaches 2.5' beyond the main dwelling into the Side Yard Setback; property located at 15631 Bittersweet Court, PPN 395-14-021, zoned R1-75.

The Board was not as concerned about the size of the requested variances as it was about the open fire pit which was still located on the site. The Board said it would address this with the applicant and condition any variance on no fire pit in the current location.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
February 13, 2019**

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

ROLL CALL: ALL PRESENT

Mr. Evans called the meeting to order and certified that the meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Mr. Evans stated that the minutes were approved with no corrections. Mr. Evans asked the audience members who would like to speak to rise to be sworn in, and the Building Department Representative and the Recording Secretary, and Mr. Kolick swore in everyone standing.

NEW APPLICATIONS

Mr. Evans asked the Klasic Custom Decks representative to come forward.

1) **DANIEL AND KRISTEN IRETON, OWNERS/Klasic Custom Decks, Representative**

Requesting a 4' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 16' Height is proposed in order to construct a deck with pavilion; property located at 22439 Valleybrook Lane, PPN 392-13-091, zoned R1-75.

The applicant explained the topography and the necessity for the variance. He had received the approval of the Siedel Farms subdivision. He explained that it would in fact not appear to be that height. He explained there was common property behind his lot. This was set for a public hearing and the chairman stated that all the members would be out to look at the site.

Mr. Evans asked Mr. and Mrs. Mossbrugger to come forward.

2) **DANIEL AND KATHERINE MOSSBRUGER, OWNERS**

Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to approve an existing deck; property located at 19534 Castletown Drive, PPN 399-30-094, zoned R1-75.

The Building Department explained that a licensed City contractor applied for a permit, that the permit was denied because of the variance. The Building Department then heard nothing more for months and when it went out to check on the project found that it was built without a permit and contrary to Code. The Building Department said it then contacted the contractor who applied for the permit and he said he told the property owners they needed a variance and he did not build the deck but the property owners built it on their own. The property owners, Daniel and Katherine Mossbrugger, said they thought that since they were replacing the deck and doing it on their own they did not need a permit. The Building Department explained that its inspection showed that not only did the deck violate the Zoning Code setback but was in violation of multiple Building Code provisions, including but not limited to, insufficient depth of footers and the improper use of lag bolts. The matter was set for a public hearing.

Mr. Evans asked Mr. Schill to come forward.

3) **BRYAN AND STEPHANIE PANTECK, OWNERS/Stephen M. Schill, Architect, Representative**

Requesting a 1,330 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 2,330 SF Floor Area is proposed in order to construct a Single Family Dwelling Attached Garage; property located at 12563 Arbor Creek Drive, Sublot 9, PPN 398-27-059, zoned R1-100.

The representative, Stephen M. Schill, pointed out that the owner was the owner of a car dealership and loved automobiles and wanted to store his own vintage automobiles there. He stated that the overall size of the garage was commensurate with the size of the large home. He said he created a European Court concept for the garages which was to the rear of the home and could not be seen from the street nor the neighboring property. In answer to the Chairman's questioning he stated that no business would be run from the residence. Mr. Rusinov pointed out that all the homes in this subdivision have required a variance for size. The representative requested that this not be set for a public hearing until March 13. The Chairman granted his request.

Mr. Evans asked Mr. Gatliff to come forward.

4) RAISING CANES/Drew Gatliff with RCO Limited, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (d), which prohibits a Pole Sign on Pearl Road;
- b) Requesting a 2.5' Height variance from Zoning Code Section 1272.12 (e), which permits a 5' and where a 7.5' Height is proposed in order to replace a Ground Sign with a Pole Sign; property located at 14356 Pearl Road, PPN 393-19-033, zoned Restaurant-Recreational Services (R-RS).

Drew Gatliff appeared on behalf of the applicant. He went over the new drawings presented that night and said his request now required a size variance in addition to the height variance. The Board members discussed various options and told Mr. Gatliff to pursue some other ideas. The Board told him to make sure his final proposed sign would not block the bank sign to the south. The Board indicated that it might consider some type of height variance because of the fact that the lot to the north has cars parked right up to the right of way. The public hearing was held and no one spoke for or against the proposal. The Chairman tabled a ruling on the applicant's proposal at his request.

Mr. Evans asked Mr. Borowske to come forward.

5) GORDON J. MOCNIAK, OWNER/Borowske Builders, Representative

- a) Requesting an 8' variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the Rear Yard Setback and where a 22' encroachment into the Rear Yard Setback is proposed in order to approve an existing Concrete Patio;
- b) Requesting a 2.5' variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where an existing Concrete Patio encroaches 2.5' beyond the main dwelling into the Side Yard Setback; property located at 15631 Bittersweet Court, PPN 395-14-021, zoned R1-75.

Mr. Borowske and Ms. Mocniak came to the podium. A public hearing was held and no one spoke for or against the application other than the applicants. The board did not feel that the variance would negatively impact any other properties. The Board asked what would become of the fire pit and the owner stated that she was not sure since she had various ideas. Ultimately, the Board granted the variance "contingent on no fire pit being installed contrary to the City's Codes." The Board voted unanimously in favor of the variance.

ROLL CALL:

ALL AYES

VARIANCE GRANTED

The meeting was adjourned by Ken Evans.

<u>Signature on File</u>	<u>Signature on File</u>	<u>February 27, 2019</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date