

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

**Meeting of
January 23, 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:

NEW APPLICATIONS

1) 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 told by the Building Department that they had a building permit in place, but that not all the inspections were called for. There was an inspector sent out to the site because of the lapse of time since the inspection was done. The electrical was done without a permit, but the applicant has it all in order now with the City. There is also a fire pit that was added since the original application was made as well, and the Board noted that the fire pit was too close to the house. This Board cannot grant a variance to the Fire Code. The fire pit would have to be removed and the applicant's agent said it was removed.

PUBLIC HEARINGS

2) ANDREW P. GIBEL, OWNER/A. J. Bokar Building Co., Inc., Representative

Requesting a 2.2' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 72.8' Lot Width is proposed in order to construct a Single Family Dwelling; property located at Webster Road subplot 2, PPN 395-13-035, zoned R1-75.

The Board discussed this application, and found no issues with it at this time. They agreed they would wait to hear if any neighbors had anything to say about it during the public hearing.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
January 23, 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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this January 23, 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 before us this evening minutes from the January 9th, 2019 meeting. If there are no corrections to be made we will submit these for the record as they were received. 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 – Our meetings are divided into two portions. We will start with new applications, and then move on to our public hearings for the evening.

NEW APPLICATIONS

1) **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. Evans – First on the agenda tonight is Gordon Mocniak with Borowske Builders representing them. Please have your representative come up and give us their name and address for the record.

Mr. Borowske – Good evening, my name is David Borowske, 10428 Abby Rd., N. Royalton, 44133.

Mr. Evans – Thank you, so there are two variances on the agenda here. One is an 8' setback, and the second is a 2.5' variance. Tell us about the project, and what the order of events was. Tell us what has transpired, and why you are here.

Mr. Borowske – Sure. Of course I applied for a building permit because I do a lot of work here in Strongsville. A couple of things got overlooked throughout the process. We did get a footer inspection, framing inspection, and all that stuff. The homeowner added a ceiling fan which is one of the things that got overlooked. Brian knows that we got that inspected, and taken care of now. It turns out my concrete pourer knows the homeowner personally, which I didn't really know about so they decided to make things a little bit bigger than what it really should have been and what had been planned on. So that is why there is a little more concrete than what was planned. That's where we're at right now, and I'm just trying to get this remedied. The nearest neighbor wrote a letter stating that they were happy with the work, and they are fine with the variance needed for encroaching on their property.

Mr. Evans – So if they did, you would want them to get that letter to us.

Mr. Borowske – You haven't received that as far as you know?

Mr. Evans – No, and it would be advantageous to have that.

Mr. Borowske – I was told they dropped it off, but I'll check into that if you didn't get it.

1) **GORDON J. MOCNIAK, OWNER/Borowske Builders, Representative, Cont'd**

Mr. Evans – No problem. Yes, they can come into the Building Department and then we'll have that. We talked in caucus, there was also a fire pit that was there that had to come out. You said that it did get removed?

Mr. Borowske – Yes.

Mr. Evans – OKAY. Are there any questions from the Board?

Mr. Rusnov – No.

Mr. Baldin – I have a question, Mr. Borowske, you've been around here a long time and you're doing a lot of building in the City?

Mr. Borowske – Yes sir.

Mr. Baldin – How did some of this stuff get overlooked? If you are so familiar with what's going on?

Mr. Borowske – I guess the honest answer is that I wasn't there when some of this stuff was happening. I have multiple projects happening at the same time. It just got overlooked. The concrete subcontractor that I used is, like I said, friends with the homeowner, and he used liberties to make things bigger without my knowledge. Until it was poured, I wasn't aware of it. It is my job, and my responsibility to know those things, so that's why I'm here trying to take responsibility for that.

Mr. Baldin – Thank you.

Mr. Evans – Mr. Roenigk, we haven't had a problem historically with Mr. Borowske, is that correct?

Mr. Roenigk – Not as far as I'm aware.

Mr. Evans – Right. Not that I'm aware of either. At this point, unless there are any other questions, what happens now is that this will go out for public hearing at our next meeting on February 13th. 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, and it certainly doesn't explain that the work has already been done. So if they have 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. We will invite you back at that time, and we'll make our decision then. Make sure to get that letter to the Building Department. That's it. It is not necessary that you stay for the rest of the meeting tonight. OKAY? Thank you.

1) **GORDON J. MOCNIAK, OWNER/Borowske Builders, Representative, Cont'd**

Mr. Borowske – I'll make sure you get that.

Mr. Evans – Thank you.

PUBLIC HEARINGS

2) **ANDREW P. GIBEL, OWNER/A. J. Bokar Building Co., Inc., Representative**

Requesting a 2.2' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 72.8' Lot Width is proposed in order to construct a Single Family Dwelling; property located at Webster Road subplot 2, PPN 395-13-035, zoned R1-75.

Mr. Evans – Item number two brings us to public hearings. This is Gibel on Webster Road with A. J. Bokar Building. Please have a representative come up and give us their name and address for the record.

Mr. Bokar – Al Bokar, 10487 Lake Meadows Drive, Strongsville, Ohio.

Mr. Evans – Okay. Mr. Bokar, this is an existing lot, and you've asked for a variance on behalf of the owner. I believe the Gibel's own the lot now, correct?

Mr. Bokar – Correct.

Mr. Evans – The variance is to be able to build on it. The City has a 75' width requirement, and the lot is only 72.8' which makes it necessary to get a 2.2' variance. We talked at the last meeting about what kind of house was going to be built on there. Do we have any information about that?

Mr. Bokar – It's probably going to be a bungalow style home, with a two car attached garage. They are going to be somewhere near the 1700 SF minimum which I think is what is required for a two-story structure. That's about it.

Mr. Evans – Other than the width of the lot, are we expecting that everything else will conform to the Building Code?

Mr. Bokar – I do, I do.

Mr. Evans – Okay, are there questions from Board members?

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Mr. Smeader – Most of the houses in that area are single-story ranches with a few 1.5 story bungalow's on the east side of the street, so that should complement what's already there. Good choice.

Mr. Evans – Okay, is there 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? If you'll come forward, we'll need Mr. Bokar to relinquish the microphone for a moment. Please come up and give us your name and address first please.

Mr. Busony – Ray Busony, 8219 Webster. I'm pretty much across the street from the lot. Most of those homes are 80'-100', and this is squeezing a house into that lot. We just got a notice that this was going to happen, and I kind of wanted to see what they were going to put up there. We just felt like it was too narrow. It's kind of shoe-horning a house into a lot that's right in between the two existing homes. I received the notice, and just wanted to come down and voice my opinion on it.

Mr. Evans – If it will help you, you're welcome to have my copy of the plat plan that they submitted. There is an easement on the one side of the property there. The lot is an existing one, so it's not that we're subdividing or creating any extras or anything like that. For our purposes, it's a 2' variance which is not a large one. The house is in the same general terms of what is already built in the area. Otherwise you won't have anything on the lot, and it would be unbuildable if we were not to grant a variance. So at this point, our job here as the BZA is to look at situations and make a reasonable determination. That's what we're here to do tonight, to figure out if it is keeping with the general area, whether it requires something unusual, etc. You can have that copy. So other than the fact that you would rather not see it built on, but I will tell you that Strongsville is a place where lots of people want to live, and there have been many people who have come in for much more egregious variances over the course of time. If it's going to be a bungalow, like Mr. Smeader observed, I don't think it'll be a three-story home or like that so it'll probably fit the area. Does the approach we've taken in the past, putting aside that you don't wish for it to be built on, sound reasonable to you?

Mr. Busony – It sounds reasonable, and thank you for the drawing. That is more of what I wanted to see.

Mr. Evans – At this point, the plat that we've got there doesn't show the actual outline of the house, that's just the general area that they are presuming it'll be. The reason I asked whether there are other variances that will be required is because we wouldn't want it sitting closer to the road than other houses in the area, and we don't want it to be three-stories high. Without getting an actual

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Cont'd

Mr. Evans continues - drawing of what the house is going to be, we're getting representation here that they are not going to come ask for other variances. So it'll be built in that buildable space that it shows.

Mr. Busony – I had envisioned a ranch going in there sideways and looking pretty terrible in that lot. The bungalow might fit the territory there.

Mr. Smeader – Because it's going to be a 1.5 story home, they will be able to achieve the square footage that they need without having the footprint look like it's shoehorned on the lot.

Mr. Busony – That is exactly what we were worried about.

Mr. Smeader – It's not going to look like it's just wedged in there or turned sideways. It should fit well, and complement what is already there.

Mr. Busony – There's a house on the corner of Webster that should never have been there. It's a lot narrow trailer like house.

Mr. Rusnov – The yellow one?

Mr. Busony – Right on the corner of Webster and Sprague.

Mr. Rusnov – Yes.

Mr. Busony – It looks like it should have never been there. I just pictured something like that going in that lot.

Mr. Evans – No, it's a little bit different.

Mr. Busony – Thank you.

Mr. Evans – Yes, thank you. Is there anyone else who wishes to speak against the granting of the variance? No? Mr. Bokar, is there anything you need to add?

Mr. Bokar – I don't believe there is.

Mr. Evans – Excellent. Are there other questions from Board Members? If not, I will declare the public hearing closed. I will now entertain a motion.

Mr. Houlé – I make a motion to approve a request for a 2.2' Lot Width variance from Zoning Code Section 1252.05, which requires a 75' Lot Width and where a 72.8' Lot Width is proposed in order to construct a Single Family Dwelling; property located at Webster Road subplot 2, PPN 395-13-035, zoned R1-75.

