

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

**Meeting of  
July 31, 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**

**1) PAUL AND CRYSTAL TURNER, OWNERS**

Requesting a 2.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 12.5' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool; property located at 13916 Blackberry Circle, PPN 398-10-108, zoned R1-75.

**The Board indicated that there is a triangular space of common ground behind their lot. They specified that this will be an above ground pool that is replacing a smaller pool that has been removed. The Board noted that they received HOA approval for this request.**

**2) GEORGE AND GINA LATCHERAN, OWNERS/Michael Mrdjanov with  
Ironwood Builders, Representative**

a) Requesting a 288 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 480 SF Floor Area is proposed in order to construct an Accessory Structure;

b) Requesting a 20' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 0' Setback from the main dwelling is proposed in order to construct an Accessory Structure; property located at 22416 Valleybrook Lane, PPN 392-13-077, zoned R1-75.

**The Board indicated that this is a pergola with an open roof which is then connected to a covered roof. They debated whether the size of the structure is appropriate for the size of the yard. The Board specified that there is a drop-off in the rear of the property with a swale so they concluded that this is a topographical issue with this lot. They noted that it backs up to a lot on Westwood. The Board disputed the safety of having a roof so close to a flame source since it is connected to the house. They specified they will have the Fire Department do a safety examination before approval will be considered.**

**3) BRYAN AND SARAH SALISBURY, OWNERS**

Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the front yard and where the applicant is proposing a 160 SF Accessory Structure in the front yard; property located at 19660 Albion Road, PPN 391-27-004, zoned R1-75.

**The Board indicated that this is an odd triangular shaped lot that backs up to a home on Eastland. They noted that it's somewhat hidden because there are pine trees in the backyard. The Board specified the yard drops off quite a bit in the back making this a topographical issue for the applicant. They mentioned that there are no other options for the location of a shed. The Board stated that they have already laid down limestone for a base, so it does not need to be staked out. They discussed where the doors are located on the structure, and how large they will be. They noted that they do not have a HOA so they will not need an approval letter.**

**4) JEFFREY JERIC, OWNER/Dan Bailey, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the front yard and where the applicant is proposing a 280 SF Accessory Structure in the front yard;
- b) Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15 (a), which permits a 192 SF Floor Area and where a 280 SF Floor Area is proposed in order to construct an Accessory Structure;
- c) Requesting a 6' Height variance from Zoning Code Section 1252.04 g), which permits a 12' Height and where an 18' Height is proposed in order to construct a 280 SF Accessory Structure;
- d) Requesting a 30' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Front Yard Setback from the Westwood Drive centerline and where a 70' Front Yard Setback from the Westwood Drive centerline is proposed in order to construct a 280 SF Accessory Structure; property located at Westwood Drive parcel B, PPN 392-12-021, zoned R1-75.

**The Board indicated that this property is to the north of Landmark. They specified that there is not yet an address number for this property. The Board mentioned that this owner is building his own house. They discussed all the variances, and noted that it is the west side that is going to be impacted the most by these variance requests. The Board stated they will need to have this location staked out for the Board members to see where it's going to be built. They examined why they need an accessory structure in the front of the house, and studied the application which indicated the lot is not wide enough to include a three car**

**garage. The Board stated that they will also need a concrete driveway. They debated whether any of the houses in the area are built that far into the front yard.**

**5) VADIM AND OLGA DYAKIV, OWNERS**

Requesting a 10' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 10' Setback from the main dwelling is proposed in order to construct an Accessory Structure; property located at 17780 Lyon Lane, PPN 394-25-041, zoned R1-75.

**The Board noted that this item has been removed from the agenda until future notice at the applicant's request.**

**6) MATTHEW AND JULIE ZUBEK, OWNERS**

Requesting a 1,041 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 2,041 SF Floor Area is proposed in order to construct an Attached Garage; property located at 20050 Albion Road, PPN 391-27-005, zoned R1-75.

**The Board indicated that this is only two lots down from the previous request. They specified that this is a request for a large garage, and mentioned they would discuss with the applicant the need for so much room. The Board noted that there is a window that makes it look less like a large garage. They mentioned that it is a large lot at 2.5 acres. They stated that there is a large ravine behind them so nothing will ever be built back there. The Board considered whether the applicant could come down on the size request a little, and stated they will also need to make sure there will be no business run out of it. They were informed by the Building Department that Engineering is requesting a separate permit for the topographical elevations due to the drop off in the backyard, and stated that they will likely need a retaining wall along the creek.**

**PUBLIC HEARINGS**

**7) ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative**

a) Requesting a 14' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 36' Rear Yard Setback is proposed in order to construct a 348 SF Addition;

b) Requesting a 10' 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 24' encroachment into the established Rear Yard Setback is proposed in

order to construct a 650 SF Deck; property located at 14961 Sherwood Drive, PPN 393-32-039, zoned R1-75.

**The Board mentioned the fencing is not visible because of the foliage at the rear of the property. They indicated they have not received the HOA approval letter. The Board specified that there is a swale in the backyard, and noted that they would have to indicate that the swale would have to be moved as part of the approval process. They discussed whether they would have to specify how much it needs to be moved, and stated that it should be per the Engineering Department's requirements.**

**8) GRANT AND KELLY ROSE, OWNERS**

- a) Requesting a 242 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 434 SF Floor Area is proposed in order to construct a Pergola;
- b) Requesting a 2'6" Height variance from Zoning Code Section 1252.05 (g), which permits a 15' Height and where a 17' 6" Height is proposed in order to construct a Pergola;
- c) Requesting an 8' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 12' Setback from the Main Dwelling is proposed in order to construct a Pergola; property located at 22392 Valleybrook Lane, PPN 392-13-075, zoned R1-75.

**The Board disputed whether the height variance is necessary. They indicated that there are steps that will lead down to it, but they do not know how far the drop in elevation will be. The Board also specified that it is 15.6' from the concrete to the ridge. They also mentioned that there is a typo in the agenda in variance request (b), and debated what it is supposed to say instead. The Board noted that they have received HOA approval.**

**9) RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 300 SF Patio encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 19340 Whispering Pines Circle, PPN 397-25-025, zoned R1-75.

**The Board indicated that they have an existing covered patio next to their driveway on the other side of the house from where this patio would be built. They mentioned that they have a wooded lot next to them, and common ground to their rear. The Board discussed whether the patio could be slid over so not to protrude into the side yard, and stated that they had not**

**discussed that possibility at the last meeting. They noted that Council is concerned about the aesthetics of having a patio full of furniture in the side yard that can be viewed from the street.**

## **OTHER BUSINESS**

### **10) RONALD AND LAURA KUBALSKI, OWNER**

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to install a 540 SF Patio with Firepit;
- b) Requesting a 20' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 540 SF Patio with Firepit encroaching 20' beyond the main dwelling into the Side Yard Setback; property located at 22129 Olde Creek Trail, PPN 392-13-108, zoned Residential Townhouse/Cluster (RT-C).

**The Board indicated that they changed their request since the last meeting. They specified that it is now closer to the rear lot line which is common area instead of having it close to their neighboring lot. The Board mentioned that they have reached the limit of where it can go. They noted that they took all the Board's suggestions about where to move it. The Board stated that the public hearing was already done at the last meeting. They stated that the neighboring lot could have a house built directly on the property line. The Board debated whether the future property owner would do that, but concluded that it being a possibility is what matters.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**

**MINUTES OF MEETING  
July 31, 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 July 31, 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 July 10<sup>th</sup>, 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. We also have Findings of Facts and Conclusions of Law for Secure Indoor Storage on Pearl Road decision of the Board on July 10<sup>th</sup>, 2019. Is there any discussion or anything that needs to be added to those?

Mr. Houlé – No.

Mr. Evans – Then I will entertain a motion to approve those Findings of Facts and Conclusions of Law.

Mr. Houlé – I make a motion to approve Findings of Facts and Conclusions of Law for Secure Indoor Storage on Pearl Road decision of the Board on July 10<sup>th</sup>, 2019.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – Alright, those have been approved. 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. The first half are new applications, and then we'll move onto our public hearings. First I need to announce that item number five on our agenda, Vadim and Olga Dyakiv, has been postponed. It is off the agenda for this evening so if you are in the audience tonight for that item, you may leave if you choose. That item will be on our agenda for a future meeting.

## **NEW APPLICATIONS**

### **1) PAUL AND CRYSTAL TURNER, OWNERS**

Requesting a 2.5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 12.5' Rear Yard Setback is proposed in order to install an Above Ground Swimming Pool; property located at 13916 Blackberry Circle, PPN 398-10-108, zoned R1-75.

Mr. Evans – First on the agenda tonight is Turner on Blackberry Road. Please come up to the microphone and give us your name and address for the record.

Ms. Turner – Crystal Turner.

Mr. Turner – Paul Turner.

Ms. Turner – 13916 Blackberry Circle.

Mr. Evans – Thank you. You are here asking for a 2.5' rear yard setback variance for an above ground swimming pool. So tell us what you're asking for, why you are asking for it, and give us a quick description of the project.

Ms. Turner – We require a 15' variance from our property line. We have 2.5' only up to the fence so we need 12.5' variance approved in order to put the pool up.

Mr. Evans – I think you already have 12.5' between the pool and the fence, correct?

Ms. Turner – No.

1) **PAUL AND CRYSTAL TURNER, OWNERS, Cont'd**

Mr. Evans – We have that backwards perhaps? Because the agenda says that you're requesting a 2.5' rear yard variance, and she's indicating that it's really a 12.5' variance.

Ms. Turner – Yes, we have about 2.5' from the fence.

Mr. Houlé – She's right, they only have 2.5'.

Mr. Evans – So it's flipped on here.

Ms. Turner – Yes.

Mr. Houlé – The space between where you have it dug out and to the end of the fence is...

Mr. Turner – Right, somewhere in there.

Mr. Houlé – 2.5'.

Ms. Turner – Yes.

Mr. Kolick – We require 15'.

Ms. Turner – So we're asking for 12.5'.

Mr. Kolick – So you're asking for a 12.5' variance.

Mr. Roenigk – According to your topo you have an existing deck that is from the back of your house and goes out 16'?

Mr. Turner – Yes.

Mr. Roenigk – Then you're going to install a 24' diameter pool.

Mr. Turner – Right up against it.

Mr. Roenigk – Almost right up against it, okay. Then that leaves you 12' to your rear property line, and you need to be 15'. So it's a 2.5' to a 3' variance is what you need.

Mr. Evans – So the fence is not at the property line.

Mr. Turner – The fence should be at the property line. We dug up the pins...



1) **PAUL AND CRYSTAL TURNER, OWNERS, Cont'd**

Ms. Turner – We got a permit for the fence.

Mr. Turner – Right, when we got the permit for the fence.

Mr. Roenigk – Your fence is where?

Ms. Turner – The fence lies right on the property line.

Mr. Turner – Should be right on the back property line.

Mr. Kolick – How far from your fence is the end of your pool? That's the question.

Mr. Turner – How far from the back of the fence to the pool is it going to be?

Mr. Kolick – Right.

Mr. Turner – Probably between 3.5' to 4'.

Mr. Kolick – Then something is wrong with the application.

Mr. Evans – The drawing would indicate that it's much farther from the edge of the pool to the back yard fence. If it's really 2.5'...

Mr. Turner – Well the hole is. We dug the hole bigger because you have to be able to get in there to put it in. So we had to dig the hole bigger so it may be only 2.5' from the back of the fence. The pool won't be that close though because it won't go that whole distance that the hole does. There will be gravel around it, and you need to have a least a foot to get in there to work to put it in.

Mr. Evans – But your pool will still be no less than 3.5' from the fence in the rear of the yard. It's supposed to be a 15' setback, and 3.5' isn't going to do it.

Ms. Zamrzla – Can I jump in here really quick? When you came in, you said that your deck was 14'.

Mr. Roenigk – 16' from the back of the house.

Ms. Zamrzla – 16'.

Mr. Roenigk – Right, that's what we have from the topo.

1) **PAUL AND CRYSTAL TURNER, OWNERS, Cont'd**

Ms. Zamrzla – Off the back of the house, and then the pool is 24'.

Mr. Roenigk – Diameter.

Mr. Turner – Yes.

Ms. Zamrzla – Right, so 24' and 16' is 40'.

Mr. Roenigk – According to this topo, the property line to the house is 53.5'.

Ms. Turner – I know when I spoke to you last time I mentioned the previous owner had a pool there. They said they had 17', which they didn't. I don't think they knew the property line because there wasn't a fence at the time. So it shortened the property line that's on file. That's all I know.

Mr. Kolick – Can we have someone from the Building Department get out there?

Mr. Roenigk – I can go out there first thing tomorrow morning with no problem.

Mr. Kolick – Could someone meet him tomorrow morning so we can get the correct distances for the public hearing?

Mr. Evans – We just want to make sure we get it right because we'll post what your request is, and it will be mailed to everyone within 500' of your house so we want to make sure it's correct and accurate. Brian will get out tomorrow morning and make sure we have the right measurements.

Mr. Baldin – How far from the fence to the water's edge legally can they have?

Mr. Roenigk – 15'.

Mr. Baldin – It has to be 15'. We're always very concerned about that because we've had people try to squeeze them in. You could have someone jump from that fence into the pool, and that's what we don't want. We have had the same thing with sheds come up in the past.

Mr. Kolick – Maybe this is an above ground pool, but we measure the pool from whatever goes around it too. So if it had concrete or something around it, we don't go 15' to the water. We go 15' to the edge of the concrete, just so you understand.

1) **PAUL AND CRYSTAL TURNER, OWNERS, Cont'd**

Mr. Evans – Okay. Alright, so we'll get that checked out tomorrow. Any other questions for that item? So once again, 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 August 14<sup>th</sup>. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Ms. Turner – Okay, thank you.

Mr. Turner – Thank you for your time.

2) **GEORGE AND GINA LATCHERAN, OWNERS/Michael Mrdjanov with Ironwood Builders, Representative**

- a) Requesting a 288 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 480 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 20' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 0' Setback from the main dwelling is proposed in order to construct an Accessory Structure; property located at 22416 Valleybrook Lane, PPN 392-13-077, zoned R1-75.

Mr. Evans – Next on the agenda tonight is Latcheran on Valleybrook Lane. Please have a representative come up to the microphone and give us your name and address for the record.

Mr. Mrdjanov – Hello, my name is Michael Mrdjanov with Ironwood Builders on behalf of the Latcheran's. I'm proposing an accessory structure to the back of the house with a patio as well. That's just the quick of it. Would you like me to elaborate any more on it?

Mr. Evans – Sure you can elaborate on it. As we understand it there's going to be a pergola-type thing, and then there's going to be a covered porch, and then at the end of the covered porch there is going to be a fire pit or a fireplace. Is that going to be natural gas or wood burning?

Mr. Mrdjanov – Natural gas, direct vent.

Mr. Evans – Okay. So one of the things we're going to do is ask the Fire Department to look at this because typically the Code requires a 20' separation from a building to wherever there might be a fire. In this case, this is sort of being connected to the house so we don't know whether the

2) **GEORGE AND GINA LATCHERAN, OWNERS/Michael Mrdjanov with  
Ironwood Builders, Representative, Cont'd**

**Mr. Evans continues** - Fire Department is going to say if this is okay or not. That's part of our review for a variance request, and it's something we'd definitely be concerned about. Obviously safety of residents is the reason we require a 20' setback from structures. So we want to find out what they have to say about this. The fact that part of it is a pergola may or may not influence their decision. We just need to ask them about it because normally that 20' is there so no live embers or fire would be able to get to the house.

Mr. Mrdjanov – Alright, I built a similar structure on Kelsey Lane here in Strongsville last year, and the fireplace was a lot closer to the house. Now because it was attached to the house, the roof structure didn't need a variance, and so nothing of that nature was required. So designing this, we essentially could have done the same thing, just done a roof line all the way. We wouldn't actually have to be here, but what we were trying to do is create light into the house instead of just having a roof over their back kitchen area and whatnot. So that's why the pergola was put in there. That's what's creating this to be a variance as an accessory structure, as far as I understand it.

Mr. Evans – So my guess is that it won't be a problem, but prudence tells us we ought to do that just because of the way it's done. Not a problem other than the fact that we're going to ask them to pass judgement on it so we have something that says that it's okay or not. Then we'll go from there. Are there any other questions for Michael? So the same thing is true, everyone within 500' will get a notice of what's in the agenda tonight so if the Latcheran's have inquisitive neighbors, they might want to go and show them a drawing of what it is because what is in the agenda tonight does not really describe it very well. People may have questions, but the public hearing is August 14<sup>th</sup>, so we invite you or the Latcheran's back to that meeting. That is the time that we will act on our decision. So you are set for the night.

Mr. Houlé – Do we need a HOA letter too?

Mr. Baldin – Yes, we don't have that.

Mr. Evans – Yes, you're right.

Mr. Mrdjanov – They're working on it right now.

Mr. Evans – That would be good. Okay, then you are all set.

Mr. Mrdjanov – Thanks guys.

Mr. Evans – Thank you.

**3) BRYAN AND SARAH SALISBURY, OWNERS**

Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the front yard and where the applicant is proposing a 160 SF Accessory Structure in the front yard; property located at 19660 Albion Road, PPN 391-27-004, zoned R1-75.

Mr. Evans – Third on the agenda tonight is Salibury on Albion Road. Please come up to the microphone and give us your name and address for the record.

Mr. Salisbury – Brian Salisbury, the address I noticed is a typo. It should be 19960 Albion Road. I don't know my parcel number so I don't know if that is correct. In the caucus you had the right location knowing it was right on the corner there of Albion and Eastland.

Mr. Evans – We had it right on the application and wrong in the agenda. Thank you. You are asking for a building in the front yard, so tell us about the circumstances of why you are requesting it here tonight. You also indicated on the drawings that the Quaker barn was the selection, but as you may have heard us talking about in caucus one of the questions we had was the size of the doors you're going to have on it. That makes a difference on whether or not you need to have a hard surface to the accessory building. If the doors are more than 7', then they can accommodate vehicles and would need a hard surface to the accessory building.

Mr. Salisbury – Okay, yes, so I'm requesting a variance to install a shed on really kind of the side yard, and not the front yard. So as you can see we really have a unique shaped lot as it's triangularly shaped with the house tucked back in that tight corner back there. That leaves us with a really small back yard so I don't think we have sufficient space back there to install a shed. On top of that, if you look at the property, it's pretty steeply graded back there particularly on the one side. That would be farther away from the house. It's as much as a 45 degree grade. So even if we had enough room that would require some significant excavation or some sort of retaining wall. I would be worried about that eventually eroding or collapsing or something. So long-term I just wouldn't want to put a shed back there. The way our house sits, we think of that side yard as kind of the backyard of our property. So that's why I want the variance put it in the side yard. In terms of addressing the style that I picked, and addressing the impact that it would have with the neighbor's appearance-wise, I picked the Quaker style because since I knew it would be in front of the house, I wanted something that was a bit fancier and aesthetically pleasing. I was hoping to enhance the look of the property. Our intent is to have it with grey vinyl siding so it'll match the house and blend very well with the property. We have no intent to store any motorized vehicles so if I need to shrink the doors I will do so. I would have to check the exact dimensions of the doors on the diagrams. It's mainly to store a push lawn mower, a snow blower, a bunch of yard equipment and tools, we have bikes, kayaks, and it's all kind of items crammed in the third bay of the garage right now. We'd like to get that out of there and clear out the garage. So we don't have any intent on putting anything motorized, other than lawn mowers and stuff, but no riding mowers. You can probably tell by the property that it's not really big enough for a riding lawn

**3) BRYAN AND SARAH SALISBURY, OWNERS, Cont'd**

**Mr. Salisbury continues** - mower anyway. If I need to change the specs, I'd need to check it first. I didn't see anything about that on the Strongsville website when looking up the building Code. So if I need to make the doors smaller or whatever I will do so.

Mr. Evans – 12' by 16' is the size you're planning on doing?

Mr. Salisbury – Actually I believe I requested a 10' by 16'. So it's 160 SF, and you had that part correct in the agenda which is 10' by 16'. I thought that's what I put in my application. I hope I didn't mistype that.

Mr. Smeader – 160 SF.

Mr. Salisbury – Yes. Right, you had the right square footage. I'm not sure where you got 12' by 16'.

Mr. Houlé – Mr. Salisbury, I know there's a number of trees around where the proposal is to go, and there's also a house behind there that has a porch there. Is your intent to leave any of the trees or take any of them out?

Mr. Salisbury – All the trees will stay there. I was going to add that when speaking about the impact on the neighbors. It'll be tucked into that cluster of pine trees. Someone mentioned in caucus that had been to the property, we already have the limestone put down and the base put down for it. None of the trees will be removed, and then on the other side of the driveway there is a row of trees and a bunch of bushes and shrubs that really kind of block it from the road. So it's not going to be highly visible to the neighbors or from the street.

Mr. Houlé – And since a number of them are pine trees they will stay full and green all year round.

Mr. Salisbury – Correct. My intent is that once it's in I want to put landscaping and shrubs around it and make sure that it looks appealing and adds to the appearance of the property.

Mr. Evans – Is there anything else?

Mr. Smeader – No. Okay, so again since the notice will go to everyone within 500', you may want to show your neighbors a drawing, particularly those people that live off of Eastland there that would be directly impacted by it. We'll invite you back here on August 14<sup>th</sup>.

Mr. Salisbury – Okay.

Mr. Evans – You're all set.

3) **BRYAN AND SARAH SALISBURY, OWNERS, Cont'd**

Mr. Salisbury – Thank you very much for your time.

4) **JEFFREY JERIC, OWNER/Dan Bailey, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in the front yard and where the applicant is proposing a 280 SF Accessory Structure in the front yard;
- b) Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15 (a), which permits a 192 SF Floor Area and where a 280 SF Floor Area is proposed in order to construct an Accessory Structure;
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- d) Requesting a 30' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Front Yard Setback from the Westwood Drive centerline and where a 70' Front Yard Setback from the Westwood Drive centerline is proposed in order to construct a 280 SF Accessory Structure; property located at Westwood Drive parcel B, PPN 392-12-021, zoned R1-75.

Mr. Evans – Next on the agenda is Jeric on Westwood Drive. Please have your representative come up to the microphone and give us your name and address for the record.

Mr. Bailey – Dan Bailey, 12945 Hampton Club, Suite 309, North Royalton, Ohio.

Mr. Evans – Thank you. Mr. Bailey, you are looking for four variances. Why don't you tell us about the project like where it's going and why you need the variances?

Mr. Bailey – Okay. Some time ago, there was a piece of property for sale on Westwood. It was 150' wide by the depth shown on the topography. I was granted a lot split so it was called Parcel A to the west and Parcel B to the east which is shown here. I own both of the lots. I closed on the property, and I'm going to build homes on both of them. The property to the west, Parcel A, I'll be building as a spec home. This is for my own home. I would like to put in a third car garage on the front. I need a third bay having three cars. The drawing for it I submitted, and you can take a look at them. I drew them to match the design of the home with the same garage door and with the same roof pitches. The people to the east of me are substantially far away from it. Across the street is a commercial building, and then like I said, Parcel A is also owned by me, and vacant. So what I'm trying to do is get a third car garage. I need the four variances to put a garage in that's large enough to hold a car, and so I don't know what you think about it. I'm open to questions. I

4) **JEFFREY JERIC, OWNER/Dan Bailey, Representative, Cont'd**

**Mr. Bailey continues** - tried to push the house back, which I did 10'. That makes for a lesser variance to request from you. The main structure is 10' off the 100' building line. It's 100' building line from the center of the street. So it's a big setback. It's a much larger than an R1-75 single family home would have typically.

Mr. Evans – As I recall, and I don't remember, and I just happened to drive down Westwood last week and was looking at that, but I don't remember any other homes along there that have anything built out as far as you're proposing.

Mr. Bailey – I didn't check that out as far as looking specifically for that.

Mr. Evans – One of the problems we get into is that when we set precedents Council is always on us because if we allow someone to build a garage in the front yard like that, then others think that they can do that as well.

Mr. Bailey – I understand.

Mr. Evans – So it becomes a problem for us to administer that particularly when you're asking for a 6' height variance as well. I know that is partly because of the cupola, but that makes it even that much bigger and more noticeable.

Mr. Bailey – The cupola is about 3' high, I think. If you're measuring it from the lowest point of the grade, that's approximately 2' down from the front, so really I could probably make it the same grade all the way around so that the variance would be minus the cupola. That would make the variance request only 1'. With me owning the lot next door, I have no problem with the caveat in the contract that the people acknowledge that I've received a variance for the garage. I'm going to build it for sale, but I don't put them for sale until they're dry walled. So my home will be there before I let someone buy the house next door.

Mr. Evans – Part of our job here is to try and either not do variances or to minimize them as much as possible. The height of it would certainly be one of the things that could be controlled whereas the other things may be indigenous in terms of what you need for a garage. Are there other questions from the Board?

Mr. Kolick – Dan, is this a lot that you split?

Mr. Bailey – If you remember, I was in here a couple months ago.

Mr. Kolick – You were before Planning and got it split.



4) **JEFFREY JERIC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Bailey – Right. I was before Planning.

Mr. Kolick – Isn't that why the lot is now too narrow? Where if it had stayed as one lot you could have put the garage next to it instead.

Mr. Bailey – It was a 150' wide of a lot, and I don't want 150'.

Mr. Kolick – But it's like you created your own hardship for lack of a better term by splitting the lot.

Mr. Bailey – Actually I hadn't decided I'd live here until I got it split. Then I went and walked around, and thought it wasn't a bad lot so I'll put my home here. I didn't intend to do it at that time.

Mr. Kolick – That other thing is, by way of ownership, the County Auditor's records are still showing that it's still in the name of Jeffrey Jeric.

Mr. Bailey – No, I closed that.

Mr. Kolick – ....as of 6/28/19. Again, I understand that they are not always up to date, but it shows a June 28<sup>th</sup> transfer to Jeffrey Jeric.

Mr. Bailey – No , and that should have been from Jeffrey Jeric to me.

Mr. Kolick – I'm not saying the County records are always right, but this is what it's showing.

Mr. Bailey – I can assure you I wrote the check for it.

Mr. Kolick – Okay. Alright.

Mr. Bailey – I closed it through Chicago Title, and it's in my name.

Mr. Evans – You might want to check with Chicago Title just to verify that they got it correct. Not that title companies would ever make a mistake or anything.

Mr. Bailey – No never.

Mr. Evans – As a follow-up to Mr. Kolick's observation of the lot split is since the house is not built yet, and I know that have made plans for the plans already, but couldn't the house be configured as such as having the three car garage on the front?

**4) JEFFREY JERIC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Bailey – I have the plans for it. The garage sticks within the body of the home. In other words, if the garage is 24' deep, it sticks into the house already so I can't widen it out. I can't. The side yards don't allow me to do that, and it's not a wide house. It's a regular 60' home, which is acceptable on a 75' wide lot.

Mr. Houlé – Mr. Bailey, what about moving the house back a little bit to alleviate some of the need for the variance in the front?

Mr. Bailey – I did. I moved it back 10' already.

Mr. Houlé – I know but you're asking for a 30' variance on the frontage, and it looks like you have a lot of available land in the back that you could use.

Mr. Bailey – I'm not adverse to another 10' or so. That would be fine with me. I don't want to block the view of the house I'm building that I'm putting up to the left, nor do I want to block the view of the people to my east. That would be my prerogative to do. I'd like to minimize their view of my home as much as possible, and give them a view of their backyard.

Mr. Houlé – I'd like you to minimize the amount of the variance.

Mr. Bailey – Maybe we could come to a happy medium, but I have no problem putting it back another 10'.

Mr. Baldin – So you're going to build another house on the other lot since you split it.

Mr. Bailey – Yes, I already applied for the building permit for both of these.

Mr. Baldin – Is it going to be very similar to the house you're building for yourself?

Mr. Bailey – No actually, what I did with that one is I made it sort of smaller. It's a smaller home, and I pushed it all the way to the left so I'm only 10' from the property line. The house is probably about 45' wide. It's not a wide house. So there's a big distance between the home that is proposed that I've applied for on Parcel A and the accessory building.

Mr. Baldin – It's not going to need an accessory building?

Mr. Bailey – No, I don't need an accessory building on that one.

Mr. Kolick – Dan, what is the setback on that house compared to yours?

Mr. Bailey – I've made it even with mine. Actually I put it back 10' also.

**4) JEFFREY JERIC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Kolick – So if you move this one back, you'll move theirs back too.

Mr. Bailey – I don't have a problem with that.

Mr. Baldin – So that will need a variance as well then?

Mr. Bailey – No.

Mr. Baldin – No, accessory structure. I see.

Mr. Bailey – I'll be 120' from the centerline of the street then on Parcel A. I don't have a problem with that.

Mr. Evans – Is there anything else? Okay, so then August 14<sup>th</sup>, and the same thing that a notice will go out to everyone within 500'.

Mr. Baldin – One more question. Can you mark where the accessory structure is going to be?

Mr. Bailey – I can. I can have my Engineer stake it out, and would you like me to do it for a 20' variance instead?

Mr. Evans – That would be appreciated, yes.

Mr. Kolick – Put it back as far as you're comfortable with.

Mr. Bailey – That lot starts sloping down in the back pretty well.

Mr. Kolick – You know where it needs to go, but the less that it's coming out in front of the other houses on Westwood, the more acceptable I'm sure it would be.

Mr. Bailey – Okay. Do you want me to have it an additional 10' back from what is shown here?

Mr. Houlé – Definitely.

Mr. Evans – Yes.

Mr. Baldin – It's going to be hard for us to judge that otherwise because it's just a big piece of raw land there. I know you have a dozer out there now knocking stuff down already.

Mr. Bailey – Right, there's commercial stuff across the street so it's not a visual thing, and it's not a safety thing.

4) **JEFFREY JERIC, OWNER/Dan Bailey, Representative, Cont'd**

Mr. Evans – But it is a sightline issue for whatever else is on Westwood.

Mr. Bailey – Yes.

Mr. Evans – That's the reason we're trying to move it back.

Mr. Bailey – Okay, I'll have it staked out so it's only a 20' variance.

Mr. Kolick – What happens a lot Dan is that yours goes out that far, and then someone down the street says that they want an accessory structure sticking out that far in front of their house.

Mr. Bailey – I understand. I know all about that.

Mr. Kolick – Okay, you understand.

Mr. Bailey – Thank you.

Mr. Evans – Alright, thank you.

Mr. Smeader – Item (d).

Mr. Evans – Yes, you can change item (d) to 20' instead. Good? Alright.

5) **VADIM AND OLGA DYAKIV, OWNERS**

Requesting a 10' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 10' Setback from the main dwelling is proposed in order to construct an Accessory Structure; property located at 17780 Lyon Lane, PPN 394-25-041, zoned R1-75.

Mr. Evans – Our next item this evening has been postponed as I indicated earlier.

6) **MATTHEW AND JULIE ZUBEK, OWNERS**

Requesting a 1,041 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 2,041 SF Floor Area is proposed in order to construct an Attached Garage; property located at 20050 Albion Road, PPN 391-27-005, zoned R1-75.

Mr. Evans – So next on our agenda is Zubek on Albion Road. Please come up to the microphone and give us your name and address for the record.

**6) MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

Mr. Zubek – My name is Mathew Zubek, 20050 Albion Road. I'm requesting a 1,040 SF variance for a garage. I know that we are only allowed a 1,000 SF in the City of Strongsville, and the total SF I'm proposing is 2,041 SF. I had the architect draw it. The reason I wanted to move to Strongsville was because I didn't want to live in Medina where they have pole barns and everything outside. The person I'm married to, my wife, she likes a lot of organization, and I decided to try for a variance to have everything organized. I do own 5 cars right now, and I do have 2 younger kids that are also into cars. If you look at the blueprint and how it's drawn, a lot of the houses in the new development down the street have 2 two-car garage doors in front. I opted for a 1 two-car garage and a single car garage door with a window next to it so it looks like a very large house. It's 40' deep. I also have 2.5 acres so I'm not encroaching on my neighbor to the left because she's 250' away or so. The lot is 399' wide. I also have a very large lawn mower to cut 2.5 acres of grass. I think it would improve the home values in my neighborhood. Everyone seems to be taking care of their houses and improving them. I've heard people already talk about what I've already done to the house over the many years. It seems like I'm getting to the point now where I'd like to get rid of the gravel drive and get a garage built already and finish that off.

Mr. Evans – Okay, so Mr. Zubek you heard us talking in caucus about whether or not you'd run a business out of this garage.

Mr. Zubek – Correct.

Mr. Evans – Anytime people build large structures like pole barns or garages, and everything else, we always ask that question because some people do. Obviously our Code doesn't permit it so we have to ask, do you intend on running a business out of the garage?

Mr. Zubek – I do not.

Mr. Evans – So these are all personal vehicles you have?

Mr. Zubek – Correct.

Mr. Evans – Okay. Are there any other questions that anyone has?

Mr. Zubek – I work for the newspaper, the Plain Dealer, and it is a company truck. I'm assigned to it, and I would like to keep it in the garage as well, but that's not the Plain Dealer's building, it's mine. I just don't like to leave it outside if I don't have to.

Mr. Baldin – How long have you lived on that piece of property?

Mr. Zubek – 6 or 7 years.

6) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

Mr. Baldin – Okay. It's pretty rough out there right now.

Mr. Zubek – Yes.

Mr. Baldin – Because you've done a lot of remodeling. I don't know if it's just the outside or if there was a garage there at one time, and you've got rid of that garage.

Mr. Zubek – Yes, the last one we just did was reconstructing of the lower part of the house which used to have a side mount garage underneath the house.

Mr. Baldin – Okay, that's what I thought.

Mr. Zubek – Yes, we lowered the floor 24" and made 9' ceilings down there, and made it livable space.

Mr. Baldin – Okay. You do have a lot of land there, but you also have a creek that I thought was pretty close to your property line. I thought I heard something in our caucus that Engineering needs to take a better look at that.

Mr. Roenigk – That's correct, Engineering is going to request a separate permit.

Mr. Zubek – Is there is distance that I'm supposed to stay away from it so I understand?

Mr. Roenigk – No, you definitely want your architect to talk to Lori in the Engineering Department though because there's a possible issue with needing a retaining wall because of the drop-off. She had a couple of questions about the numbers that are on your topo. So she's going to request a separate permit that you'll have to abide by.

Mr. Baldin – Wouldn't that be in a little bit of a flood plain too?

Mr. Roenigk – No, we did look into that, and they are out of the flood plain completely. Yes, we looked into that. There's no issues with the flood plain.

Mr. Baldin – Okay, would you think about downsizing it?

Mr. Zubek – If I have to, yes. I'm not opposed to it.

Mr. Baldin – Thank you.

Mr. Zubek – I can't come in here asking for 1,000 SF and try to up you guys later. So I understand that.

6) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

Mr. Baldin – Good point though.

Mr. Zubek – Just to be honest with you.

Mr. Baldin – You don't ask, you don't get.

Mr. Zubek – Exactly.

Mr. Evans – That might be true, but I think what Mr. Baldin is suggesting is that we're going to post it with this size on here, but I can tell you that as people look at it they are going to think holy cow when they see those numbers. I would tell you that it would be in your best interest to take a look at what the space is that you really need, given that your boss wants you to have everything indoors or whatever, see what the real workable space is for you. Then if it's 500 SF less that you could work with then that would help us in terms of granting the variance. When we grant variances, as Mr. Kolick said about the sightline and everything earlier, they are going to look at the size of the garage and say that they want to have one too. They'll add it on as a pole barn or whatever else. It may not be attached like yours is. So our job is to try and minimize and try and get people to be realistic about what they really need. We'll advertise it this way, so if you have neighbors that are inquisitive, you're going to want to get to them and let them know what you're doing ahead of time. This is going to sound really huge to them, but if you can do with 1600 SF or 1500 SF as enough space to get the vehicles in that you need, then that would be to our advantage to hear at the next meeting so we can judge appropriately.

Mr. Zubek – So I'm proposing 50' wide which takes me 30' or 40' from that creek or whatever it is, I didn't really measure it exactly, but if I was to make it 45' or 40' coming in the direction towards the house would I still need Engineering to get involved with the creek?

Mr. Roenigk – I can talk to Lori tomorrow morning.

Mr. Evans – You'll want them to at least look at it, and again that's for your benefit.

Mr. Zubek – Okay. I'm not opposed to constructing more structure into the soil. I get it. I don't want to have a problem in 20 years either after I build my dream home.

Mr. Roenigk – I can look into that for you, that's no problem.

Mr. Zubek – I really appreciate that.

Mr. Evans – Probably though if you brought it 40' instead of 50' then my guess is that it would make the situation better.

6) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

Mr. Zubek – Alright, now would you want that drawn with an architect drawing or just propose it and I can pull my prints later?

Mr. Evans – You can pull your prints later, but you would be giving us at least some sort of a sketch that would show that.

Mr. Kolick – A site plan.

Mr. Evans – A site plan, yes, just to show us what you're proposing.

Mr. Baldin – We can always change the numbers and have you initial it and so forth. Now this company vehicle, is it a van or a pick-up truck or what?

Mr. Zubek – It's just a regular van with no logos or windows on it.

Mr. Baldin – Okay.

Mr. Evans – Alright, anything else?

Mr. Houlé – No.

Mr. Evans – Okay. So then that puts your public hearing on August 14<sup>th</sup>, and we'll see you back here then.

Mr. Zubek – So I do come back to you before then? Or to you in your office or what?

Mr. Evans – The Building Department, yes.

Mr. Zubek – The Building Department. Okay, very good, thank you.

Mr. Roenigk – Feel free to call me about that.

Mr. Zubek – Alright, appreciate it.



## **PUBLIC HEARINGS**

### **7) ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative**

- a) Requesting a 14' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 36' Rear Yard Setback is proposed in order to construct a 348 SF Addition;
- b) Requesting a 10' 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 24' encroachment into the established Rear Yard Setback is proposed in order to construct a 650 SF Deck; property located at 14961 Sherwood Drive, PPN 393-32-039, zoned R1-75.

Mr. Evans – That concludes new applications and takes us on to public hearings. The first for the night is Abukhalil on Sherwood Drive. Please have a representative come up and give us their name and address for the record.

Mr. Abukhalil – Abedalhakeem Abukhalil, 14961 Sherwood Drive.

Mr. Evans – You are before us looking for two variances. One is a rear yard setback and the other is a rear yard setback. One is for the deck and the other is for the building. We've talked about the swale that is back there that needs to be relocated, you understand that correct?

Mr. Abukhalil – Yes.

Mr. Evans – That needs to be worked out with our Engineering Department so that they approve the relocation of it. We also said that we needed the HOA approval letter.

Mr. Abukhalil – I've been trying to reach them. I've emailed and left voicemails. I was able to speak to one of them, but they are hard to reach.

Mr. Evans – Okay. You've had no response from them on that?

Mr. Abukhalil – Only one person answered. It was the Vice President of the committee, and he said that he can't do much about it. He said it was the Secretary that had to handle it, and that I have to email her. I've emailed her twice, and left her voicemails. I've heard nothing back.

Mr. Evans – Okay. Are there any questions from the Board? Mr. Kolick, when we don't have a HOA approval, even though we're not bound by it, generally we want it as an indicator, correct?

Mr. Kolick – Usually you get it. If they absolutely won't give you anything then we would know that, but it doesn't sound like they're quite at that point.

7) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative** ,  
**Cont'd**

Mr. Abukhalil – One thing the Vice President mentioned was that they would probably want to see a City approval before they approve it. I told him that all letters were mailed out to all the neighbors so that's enough of an approval for a public hearing.

Mr. Kolick – You may want to wait on your decision. You want to have the public hearing no matter what, but you may want to wait and see if you can get a letter.

Mr. Smeader – Can we make it subject to approval by the HOA?

Mr. Kolick – No, then you have them deciding the variance for you, and you can't do that. You wouldn't want to do that. I'm not going to have them decide the variance.

Mr. Smeader – I mean our approval.

Mr. Evans – At this point though, our Secretary has provided us with the letter that was sent to the HOA dated the 31<sup>st</sup> about the building permit request. So I'm inclined to say that if the applicant has made an approach to them, and we have a copy of the letter that went to the HOA, then I'd say that they've passed their opportunity to object to the building permit. I think we can go ahead then. So are there any other questions, or anything else?

Mr. Baldin – Your yard is full of a lot of trees and shrubs back there.

Mr. Abukhalil – There's only one tree that we're going to remove.

Mr. Baldin – There's only one you need to remove? Okay. I don't have any further questions. You're getting rid of that old deck. You're going to improve the back yard. They need the additional room I take it?

Mr. Abukhalil – Yes, for the kids to play.

Mr. Baldin – Thank you.

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. Alright, Mr. Abukhalil, if you'd step aside please. We'll let the gentlemen come forward here, and we'll need your name and address for the record please.

Mr. Klish – My name is Jim Klish, 20760 Sandalwood. I'm the rear setback if you will, behind it is the house. I understand that his yard is very small going toward the back. The first I heard of it was when I got this letter. I'm not sure I can even figure out what all of this means, but there's supposed to be 50' from my fence to where his building comes. He only has 36'.

Mr. Evans – Right. That's what the proposal is.

7) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative ,  
Cont'd**

Mr. Klish – So the reason for the zoning rules is to protect homeowner values, but yet we grant variances all the time, right?

Mr. Evans – That would be correct.

Mr. Klish – Okay, that's all I have to say I guess is that these variances seem a little extreme to me and there are a higher percentage than I thought. I mean, you want a couple of feet, that's fine. From what I see of what's going on here, people are asking for just about anything and it looks like they can get it.

Mr. Rusnov – Not necessarily true.

Mr. Klish – I understand, but that's my first opinion sitting here watching what's going on here.

Mr. Rusnov – Come back next time. I'll pick you up.

Mr. Klish – I will never come back again.

Mr. Kolick – There are certain standards that these people use to make their decisions.

Mr. Klish – I understand. That's why you are where you are now. All you're asking is if there are any other problems that maybe you didn't foresee or people object to. That's all you're doing.

Mr. Kolick – The Board takes into account anyone who objects and their reasoning for it. Yes.

Mr. Evans – The other thing is, Mr. Klish, that the Zoning Codes change over the course of time, but when Zoning Codes change properties as they exist don't change.

Mr. Klish – Sure.

Mr. Evans – So when we have bigger lots or things that are now put in place to provide more size to a lot, the other lots may have those new standards applied to them that really are no longer applicable. Part of our job then is to make decisions whether or not it's an appropriate situation. As you saw on Cleveland.com today or whatever, a lot of times we've made decisions and some people disagree with those decisions. Part of the reason why we're a Board is because we're given criteria to use to make decisions, and even still people will disagree. At this point though, that's the power that Council has given us; to look at situations, evaluate them, and make a decision based on the criteria that they've established for whether or not we should grant a variance. One of the things we look at are topographical hardships, another is the application of the literal Code to a particular situation, we also look at how it's going to impact neighbors, and we look at whether or not it makes sense to do it. It cannot be a hardship that an applicant has caused or made happen. So those are things that we have to look at when we make these determinations. Yes, you are

7) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative ,  
Cont'd**

**Mr. Evans continues** - correct that we do make decisions on granting variances, we try to minimize them. We try not to grant them in general, but everyone is allowed to ask whatever they want and we have to react based on the criteria that we have to grant them.

Mr. Baldin – There is a large 6’ wooden fence there, correct?

Mr. Klish – Yes.

Mr. Baldin – There’s an awful lot of trees on the other side of the fence, are they on your property?

Mr. Klish – I have...

Mr. Baldin – Or is that common ground?

Mr. Klish – No, there’s no common ground.

Mr. Baldin – I didn’t think so.

Mr. Klish – We have an apple tree all the way on the other side of the yard, and a pine tree on the other side of the yard, but there’s nothing on this side that we’re talking about.

Mr. Baldin – Okay. So what are you really objecting to? The fact that the variance may be granted because it will be an eyesore to you or what?

Mr. Klish – I don’t know what it’s going to look like, that’s true.

Mr. Baldin – He’s not looking for a height variance or anything. He’s just looking for a little addition.

Mr. Klish – That’s all I’m asking for to have it known what or why they would be doing this.

Mr. Baldin – Okay, thank you.

Mr. Evans – Alright.

Mr. Klish – Okay.

Mr. Evans – Is there anyone else who would like to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

7) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative ,  
Cont'd**

Mr. Rusnov – I make a motion to approve a request for a 14' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 36' Rear Yard Setback is proposed in order to construct a 348 SF Addition; also to approve a request for a 10' 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 24' encroachment into the established Rear Yard Setback is proposed in order to construct a 650 SF Deck; property located at 14961 Sherwood Drive, PPN 393-32-039, zoned R1-75; subject to the relocation of the swale as per the Engineering Department of Strongsville.

Mr. Smeader – Second.

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

ROLL CALL:	HOULÉ – YES	MOTION PASSED
	EVANS – YES	
	SMEADER – NO	
	BALDIN – YES	
	RUSNOV - NO	

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. Abukhalil – Okay. Thank you.

Mr. Evans – You are all set for tonight, and you will be contacted by the Building Department if Council chooses not to act on it.

Mr. Abukhalil – Thank you.

8) **GRANT AND KELLY ROSE, OWNERS**

- a) Requesting a 242 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 434 SF Floor Area is proposed in order to construct a Pergola;
- b) Requesting a 2'6" Height variance from Zoning Code Section 1252.05 (g), which permits a 15' Height and where a 17' 6" Height is proposed in order to construct a Pergola;

**8) GRANT AND KELLY ROSE, OWNERS, Cont'd**

- c) Requesting an 8' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 12' Setback from the Main Dwelling is proposed in order to construct a Pergola; property located at 22392 Valleybrook Lane, PPN 392-13-075, zoned R1-75.

Mr. Evans – Next on the agenda is Rose on Valleybrook Lane. Please come up to the microphone and give us your name and address for the record.

Mr. Rose – Grant Rose, 22392 Valleybrook Lane.

Mr. Evans – Okay, and you are looking to build the pergola or pavilion or whatever. You're asking for three variances, one for the floor area, one for the height, and one for the setback. You talked at the last meeting, and you sort of agreed at the fact that this doesn't have a fire pit or anything on the inside of it so it has no risk making it necessary to move it further from the house. We spoke in caucus a little bit that the agenda shows tonight a 2.6' height variance, and I believe that should be a 5.6' height variance since you are proposing 17.5', correct?

Mr. Rose – Correct, if its 12' then it would need to be changed, correct.

Mr. Evans – Okay. Alright, obviously height concerns with other things all considered when it's really high it just makes it stand out more particularly for neighbors and everything. Is there a possibility that it could be not as high? Or is the height determined by the type of structure.

Mr. Rose – The height is really determined by the way it has to be built. If you look at the post that are holding it up, there's only 4, and it's a 36' area across the back. So the trusses have to be enormous to be able to distribute the weight properly so the architect and engineers were all happy with the way it is. They are crazy engineered trusses, and they have to be a certain height and expanse to be able to do that. So because the grade goes down a good 2', I need the width to cover the whole bottom on the patio, but the height when you walk up to it is 8'. When you measure for the 17' though you're measuring from the back which is now 10'. So you don't feel like you need to duck when you come into it, we wanted the 8' ceiling there. Also since I don't want 5 poles covering the back to hold it up, we need these giant engineered trusses, like I said. All our neighbors are happy or okay with it, and since it's behind me there's a giant mound with pine trees. It wouldn't even go over those. The way it's designed now, when I sit on my second floor, I can see straight out the window over the top of it. We wanted to make sure we could see over the top of it too, so we could look out into the yard without obstruction to Westwood. Due to the grade it's sort of a weird 17'.

Mr. Rusnov – Can I interrupt you a second? So the reasoning for the height variance is because of the topography of this property.

**8) GRANT AND KELLY ROSE, OWNERS, Cont'd**

Mr. Rose – Correct. There's a grade that continues down even past that.

Mr. Rusnov – Okay. That's one of our criteria.

Mr. Evans – It is, and one of the other things would be that in looking at the 434 SF that's a pretty big area. That's bigger than a lot of the things the City has around town. I'm not sure that we talked about the size of the pavilion is necessary at the last meeting.

Mr. Rose – The lower section of our poured concrete patio is a semi-circle. So for this to cover the entire semi-circle, it has to be shaped almost like a trapezoid. It's 36' across the back which just covers the edge of the patio, and 26' across the front because it's a semi-circle. So because of the roof line, and the trusses and everything else it's just a bigger structure to get a shaded area since there's no trees back there being a new development. If we put half of it, then half of the patio would stick out, and it just wouldn't look right. It wouldn't be functional or aesthetically pleasing at all. So the whole top part of the patio is all open, but the sunken part where the grade goes down in order to get that shaded, this is the size it needs to be.

Mr. Evans – It's just me, but I guess I'm just not convinced that at 36' in the back and 26' in front by a 14' trapezoid is necessary. That's just really huge.

Mr. Rose – If you look at the size of the patio, it's exactly the same size. It doesn't extend over it 5' either way. If we make it smaller, the semi-circle which is like a retaining wall because you go down three steps, but if you look out either way now you just have a retaining wall. I don't want to put anything on top of the retaining wall, it has to go outside of that. If we go on the inside of the retaining wall it'll look ridiculous. Then we would have posts in the middle of a patio. So it's kind of driven by the topography, the patio, and how it's really going to work for us. Since we're on like a circle, because it's almost like a cul-de-sac that I'm on, the house to the west of me is actually in front of my house, and so is the house to the east. So I'm kind of in my own little area back there. Then with that giant mound and all those pine trees that are already 15' tall and growing.

Mr. Baldin – Is this covering all the patio? The first and second levels of it?

Mr. Rose – Only the sunken part.

Mr. Baldin – Only the sunken part. So the length and width of this pergola is exactly what?

Mr. Rose – It's exactly the same as the lower part, the semi-circle.

Mr. Baldin – Which is?

**8) GRANT AND KELLY ROSE, OWNERS, Cont'd**

Mr. Rose – Which is 36' which is the diameter of the circle, and then it comes across, and then the pavilion comes all the way to the steps. So it's shaped like a trapezoid meaning it's longer in the back and then it comes up to the steps and there it is only 26' across where the posts are. Again that's driven by the trusses, and how they have to be to hold the structure. The front posts end up in the area where the plants are so we don't have to go into the upper concrete area and drill holes in that.

Mr. Baldin – Looking at your drawings, this being on your lower patio, this is so much larger than if you're out there standing on your patio. It just seems like this thing is going to be a monster.

Mr. Rose – It's going to be a good size. No doubt about it, well it's the same size as the patio.

Mr. Baldin – Yes.

Mr. Evans – Are there other questions from Board members?

Mr. Rusnov – No.

Mr. Evans – Okay, so this is a public hearing. So I will ask if there anyone who would like to speak for the granting of the variance? Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Smeader – I make a motion to approve a request for a 242 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 434 SF Floor Area is proposed in order to construct a Pergola; also to approve a request for a 2'6" Height variance from Zoning Code Section 1252.05 (g), which permits a 15' Height and where a 17' 6" Height is proposed in order to construct a Pergola; also to approve a request for an 8' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 12' Setback from the Main Dwelling is proposed in order to construct a Pergola; property located at 22392 Valleybrook Lane, PPN 392-13-075, zoned R1-75.

Mr. Rusnov – Second.

Mr. Evans – Thank you, I do want to mention that we have the HOA approval letter in hand. Okay, now may we 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. You're set for tonight.

Mr. Rose – Okay. Thank you very much.

Mr. Evans – Thank you.

9) **RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 300 SF Patio encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 19340 Whispering Pines Circle, PPN 397-25-025, zoned R1-75.

Mr. Evans – Our last public hearing for this evening is Miller on Whispering Pines Circle. Please have a representative come up and give us their name and address for the record.

Mr. Miller – Ryan Miller, 19340 Whispering Pines Circle.

Mr. Evans – Thank you, Mr. Miller. You are looking for a variance because the Strongsville Zoning Code says that when a patio goes beyond the footprint of the building it's called side yard. The Code requires that it be behind that. In caucus you may have heard us talking. That area that extends 9' beyond the footprint of the house we are wondering if the patio could be made fatter instead of longer so it doesn't extend into the side yard? Or could the entire patio be redistributed behind the back of the house so it doesn't extend onto the side? I know we have all looked at it, but I can't remember what's on the other part of the house which might be restricting its location.

Mr. Miller – Sure. The yard is very graded. So the patio now comes out about 12' off the house, and then the yard slopes pretty severely, and it's then graded down a hill. We bought the house three years ago with an above ground pool. The deck was built around the pool. So in March when that bad storm came through, we had a 100' pine tree fall onto the pool. It took out the pool and some of the deck and then clipped the house. The pool was depreciated, and we didn't get much insurance money for it. So we decided just to take the pool out. Obviously then there was an enormous hole there. We filled that with dirt, but the natural slope of the yard comes up and crests right at that 12' mark. So in terms of making it fatter, that would be really tough. In terms of placing it elsewhere, the deck was built at different times so it wasn't a fluid deck. This deck was connected, but it was a couple steps down, so we ended up keeping the deck on the other side of the house. So we had that essentially redone, and put some composite slats on it because we had to get it flashed. The previous homeowner that built that pool didn't flash it properly. So we had a sill plate issue, and we made sure we took care of all that and kept that little piece of the

9) **RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative, Cont'd**

**Mr. Miller continues** - deck. That's pretty nice. So then also the house is an addition so again the yard slopes, there's kind of a walking path that's maybe 8', and then it gets to the other main part of the house where the pool deck was, and then there was the hot tub. So we're going to put the hot tub kind of in the corner to hide it. Then we want to put that out mainly because we have a pergola there so it's covered. That kind of makes some fluidity to the space. The space, if you keep going past the property line, is wooded right where that is. There's two lots there so the home is on Windward, and then there's another small lot so our neighbors are pretty far away. They came over when they got the letter and took a look at it. Hopefully you didn't hear from them. They seemed to be perfectly fine with it. There's also right where that space is, a nice white vinyl fence that is kind of right there, then the pergola kind of starts after that.

Mr. Evans – Alright, thank you. Are there questions from the Board? Comments? Observations? Anything? 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? Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Baldin – I make a motion to approve a request for a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 300 SF Patio encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 19340 Whispering Pines Circle, PPN 397-25-025, zoned R1-75.

Mr. Houlé – Second.

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

ROLL CALL:	SMEADER – YES	MOTION PASSED
	BALDIN – NO	
	RUSNOV – YES	
	HOULÉ – YES	
	EVANS - YES	

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. You are all set for tonight.

Mr. Miller – Thank you, I appreciate it.

**OTHER BUSINESS**

**10) RONALD AND LAURA KUBALSKI, OWNER**

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to install a 540 SF Patio with Firepit;
- b) Requesting a 20' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 540 SF Patio with Firepit encroaching 20' beyond the main dwelling into the Side Yard Setback; property located at 22129 Olde Creek Trail, PPN 392-13-108, zoned Residential Townhouse/Cluster (RT-C).

Mr. Evans – Lastly on the agenda for this evening is Kubalski on Olde Creek Trail. Please come up to the microphone and give us your name and address for the record.

Mr. Kubalski – Ron and Laurie Kubalski, 22129 Olde Creek Trail.

Mr. Evans – Thank you. Welcome back. We appreciate you meeting with the Building Department and taking care of business. We've already done the public hearing on it. We have the drawings that have been redone. Are there questions, comments or anything from any of the Board members?

Mr. Baldin – My only question is, are you people planning to put some landscaping up around this like tall or short bushes?

Mr. Kubalski – No, I mean obviously since they are all in clusters we want to put up something tall for screening. Even on the right of our property where we don't even approach anyone on right, we even indented it. We want to get a little more seclusion as much as possible.

Mr. Baldin – Thank you.

Mr. Evans – Anything else?

Mr. Baldin – No.

Mr. Evans – Well we've already done the public hearing so we can go straight to a motion.

Mr. Houlé – I'd like to make a motion to approve a request for a 5' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to install a 540 SF Patio with Firepit; and also approve a request for a 20' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant

**10) RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

**Mr. Houlé continues** - is proposing a 540 SF Patio with Firepit encroaching 20' beyond the main dwelling into the Side Yard Setback; property located at 22129 Olde Creek Trail, PPN 392-13-108, zoned Residential Townhouse/Cluster (RT-C).

Mr. Baldin – Second.

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variances have been granted, there will be the same 20 day waiting period during which time Council has the opportunity to review our decision. You will be notified by the Building Department at the conclusion of the 20 days if Council has decided not to act or revisit our granting of the variance. You are all set then, so you're done.

Ms. Kubalski – Thank you.

Mr. Kubalski – Thank you.

Mr. Evans – Thank you. Alright, if there is no further business to come before the Board this evening? Mr. Kolick I believe there was one thing.

Mr. Kolick – There is one thing, Mr. Chairman, we've been getting a lot of variance requests as the Board is aware for these pergolas not being within 20' of the structure. Universally the Board has been granting them. I don't find and fault with that, but I guess the question comes that maybe we're thinking it's time to consider a Code change and instead say that we are not going to apply that 20' restriction if it's just a pergola. I mean ones that have no fireplaces or firepits or that type of thing; just a pergola because there isn't really any reason for it to be enforced. I think it just got caught up in the section where it says you need a 20' distance for an accessory structure, but if the Board is on board with that I can request that the Planning Director take a look at it. Then they could put that before Council. It makes sense because right now if they attach a pergola to the house, it's fine. Then they don't need a variance at all, so if their patio is out here, it's kind of crazy to say that we need it attached to the house or at least 20' away. So with the input of the Board, I will request that change and we'll put it before Council.

Mr. Smeader – It's a decorative piece to begin with. It's not functional so I find it difficult that we considered the height based on the top of the pergola when it's a decorative thing instead of something functional or a utility piece.

Mr. Kolick – Well, I'm not looking as much at the height because I think we need to be careful with the height. We still may want to keep the height reasonable.

Mr. Smeader – The height of the structure and then the pergola is decorative on top of that.

Mr. Kolick – I understand, but at any rate, I'm just looking right now at the 20' separation from the main structure, and I would think that this may be an exception rather than having everyone come before the

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**10) RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

**Mr. Kolick continues** - Board and I don't remember any of them getting turned down for that 20'. It's for good reason, there's really no reason to have that restriction so why not just do a Code change and omit it.

Mr. Smeader – Good idea.

Mr. Baldin – I don't know. I mean this one had a particular circumstance because of the land and everything, and there's nothing back there on this particular one. If you recall though, way back in Stony Point at Chandler Commons, and this has never been enforced by the City, did that guy ever take that ceiling down? That was like 10 years ago.

Mr. Roenigk – I wasn't even born yet.

Mr. Kolick – Which one are you thinking of? The one that's by the lake over there?

Mr. Baldin – By Chandler. By the lake, yes.

Mr. Kolick – I thought that was down.

Mr. Rusnov – No.

Mr. Baldin – I had to go by there today, and it sort of reminded me of it. The lot next door is so grown up that you can hardly see the thing anymore.

Mr. Evans – But it's there.

Mr. Baldin – But it's still there.

Mr. Kolick – Okay, no I was not aware of that.

Mr. Smeader – It's past my bedtime, so you're right I meant cupola not pergola.

Mr. Baldin – I kind of figured, but I wasn't going to say anything.

Mr. Smeader – As they used to say on Saturday Night Live, never mind.

Mr. Evans – Alright, we're for it. Is there anything else? Then we stand adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Recording Sec'y

August 14, 2019  
Approval Date