

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

Meeting of
March 13, 2019
7:30 p.m.

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

The Board members discussed the following:

NEW APPLICATIONS

There are no New Applications.

PUBLIC HEARINGS

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

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

The Board indicated that this is for a large, luxury-class home. There are a number of large homes in this subdivision. The Board specified no issues during the caucus regarding this variance request.

2) **FIRESIDE PLANNERS LLC, OWNERS/ Gino Caroscio, Representative**

- a) Requesting a 2.08' Side Yard Setback (West) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (West) and where a 7.92' Side Yard Setback (West) is proposed in order to construct a Single Family Dwelling;
- b) Requesting a 4.05' Side Yard Setback (East) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (East) and where a 5.95' Side Yard Setback (East) is proposed in order to construct a Single Family Dwelling; property located at 10616 Rosalee Lane, PPN 398-12-054, zoned R1-75.

The Board indicated that there is a topographical issue with this property. They specified that Pine Lakes gave their approval of the project. They also mentioned that this is not a sizeable request from the applicant.

3) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative**

- a) Requesting a 1' Side Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Side Yard Setback and where a 14' Side Yard Setback is proposed in order to construct a Single Family Dwelling;
- b) Requesting an 8.4' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (4), which requires a 100' Front Yard Setback from the center line of Westwood and where

a 91.6' Front Yard Setback from the center line of Westwood is proposed in order to construct a Single Family Dwelling; property located at Westwood Drive Sublot 3, PPN 392-24-014, zoned Residential Townhouse Cluster (RT –C).

The Board discussed the odd shape of the lot, and they did not see any other way they could do this project. They also noted that he's building it to match the adjacent property. They also examined the setbacks and deemed that they were appropriate. They stated this is really the only place to put this house on this lot.

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

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

Present: Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Smeader

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 March 13, 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 EXCEPT FOR MR. HOULÉ

Mr. Baldin – I'd like to make a motion to excuse Mr. Houlé for just cause.

Mr. Smeader – Second.

Mr. Evans – I have a motion and a second. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

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 February 27th, 2019 meeting. That meeting was not recorded due to a technical failure of the equipment. I thank those people who were responsible for putting together the minutes. They were presented to us, and we discussed them in caucus, so unless anyone has anything else to add, we will submit those as they were given to us for the official record. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who wished to participate.

Mr. Evans – Our meetings are divided into two portions. We will start with new applications, and then move on to our public hearings for the evening. Tonight there are no new applications, so we'll move right on with public hearings.

NEW APPLICATIONS

There are no New Applications.

PUBLIC HEARINGS

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

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

Mr. Evans – Item number one on our agenda is Bryan and Stephanie Panteck. Please have a representative come up and give us their name and address for the record.

Mr. Schill – I'm Steve Schill, I'm their Architect. My office is 1650 Crossings Pkwy, Westlake, Ohio.

Mr. Evans – Thank you, Mr. Schill, you are asking for a variance for the garage size. If you would, please give us a quick, brief description of what that entails.

Mr. Schill – Sure, as I mentioned when I did the preliminary presentation, this house is a rather large house. It's over 10,000 SF. Proportionally this garage fits with the same size of a house that might be 2800 or 3000 SF. I've designed it so nothing faces the street so it won't be visible to the neighbors.

Mr. Evans – Thank you. We noted in caucus, and I'll make the statement here that there are a number of houses on Arbor Creek that are all big. We've already done another variance for somebody else that wanted a larger garage, and this individual at the last meeting said they had a car collection that they needed to house those so they could all be indoors. Are there any other observations that anyone needs to make? We do have the HOA's recommendation for this. Mr. Schill, I looked at the minutes from the last meeting when we came out here, and we did not ask the specific question that we normally do about larger garages. So the applicant does not intend to run a business out of the garage, is that correct?

Mr. Schill – That is correct.

Mr. Evans – Thank you, just so we have that for the record. Are there any other questions or comments from anyone on the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Baldin – No, other than the fact that in that particular area and in that small subdivision there's probably not a house under 5000 SF, and they have large parcels of land. I don't think it's a problem.

Mr. Evans – Thank you, Mr. Baldin. 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 now entertain a motion.

2) **FIRESIDE PLANNERS LLC, OWNERS/ Gino Caroscio, Representative, Cont'd**

Mr. Baldin – Yes we do.

Mr. Evans – Nothing else?

Mr. Rusnov – No.

Mr. Smeader – You talked to the neighbors on either side, is that correct?

Mr. Schill – I did.

Mr. Smeader – Okay.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? If you will come up to the microphone please and give us your name and address for the record. Thank you.

Mr. Estafan – Dan Estafan, 10650 Rosalee Lane. I'm the house that is east of the house that is being built. So I'm the house that you are potentially looking for that 4'5" variance. The thing is that as I had time to process this after speaking to Gino, I feel like that variance is a pretty big variance to ask for based on what the lot size is and how it's going to be positioned. We plan on living in Strongsville for a long time, and part of the reason we choose the lot we choose is based on how the land sits, and how the house sits on that land. I think as I had time to process it, I think coming over 4' is a pretty big chunk, right? When we're talking 10', and you're asking for a 4' variance which leaves you only 6' to the property line. That doesn't include anything else obviously after the home is built. After the builder leaves, if people want to do any sort of additional building to that, you know, so as I'm looking at it I just felt like the encroachment was a little bit on the large side looking for 4'.

Mr. Evans – Have you seen the topographical that shows how the triangle is what the variance is about?

Mr. Estafan – I have.

Mr. Evans – Okay, because at least in my opinion, and I'm only one of the Board members here, but the pie-shaped lots we run into a lot of situations from time to time. In this particular case, because the pie-shape is meeting the Code at the front, it's at the back that as you go further it encroaches into the property line there. It's probably not as egregious to us because that happens a lot with pie-shaped lots. It's only because today people want bigger garages, people want bigger houses, and within the context of things, it's a reasonable request for someone to make that. When you're saying that it's going to impact you, all of us have been out to look at the lot that is proposed, yours sits in a position there, that I don't really see that there is going to be a lot of impact. If it was at the front that we were doing the variance, I'd say that it makes it a lot closer to you, but

2) **FIRESIDE PLANNERS LLC, OWNERS/ Gino Caroscio, Representative, Cont'd**

Mr. Evans continues - because the houses go back at an angle, even though the setback isn't being met there, it's not as big of a deal as it would be if they were doing it at the front of the pie-shape, or at least in my estimation. I live on a cul-de-sac where we have those similar situations, and because all the houses are all built around it, they all look closer at the front and fan out to the back. It's just the way that things normally are. So I'm appreciative of you expressing your opinion. That's good that you're here. Are there questions from the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Baldin – No.

Mr. Estephan – Just one other thing if you don't mind, I mean, obviously it's ideal to have three cars, right? I mean that's what a lot of people want, but it's not the only house that's going to end up having potentially a two car garage because the next four houses down have a two car garage, and the house across the street has a two car garage. As a homeowner you always want to protect your land, right? That's what you have, it's your investment, that's why you choose to build where you did. So I wanted to express my view point on it, and I appreciate you taking the time, and consideration to hear it. I thought it would be important to come here and represent my position on it.

Mr. Evans – Not a problem, the only other thing I would say is that we have had situations in the past where we have granted variances, and where we haven't for this type of thing. Because today people are in a very mobile society, I know that we've had people in the past where we've said no to a variance in a similar situation for a three car garage. They have said later on that we should have let them do that because then they would have put the car inside instead of always having one parked out. So that's just an observation, sometimes you get what you wish for.

Mr. Estephan – I understand, thank you.

Mr. Evans – Okay, thank you. Is there anyone else who wishes to speak against the variance? Mr. Caroscio, are there any comments on your part?

Mr. Caroscio – No, I think that pretty much sums up the project. The pie-shaped lot, and the way it meets the Code in the front, and flares out to four feet in the back.

Mr. Evans – Okay.

Mr. Caroscio – My Engineer will work with the City Engineer to make sure that there are no drainage problems, and that will be the final say in the matter if it all works properly.

2) **FIRESIDE PLANNERS LLC, OWNERS/ Gino Caroscio, Representative, Cont'd**

Mr. Evans – Alright, very good, thank you. Then I will close the public hearing, and I will now entertain a motion.

Mr. Smeader – I make a motion to approve a request for a (a) 2.08' Side Yard Setback (West) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (West) and where a 7.92' Side Yard Setback (West) is proposed in order to construct a Single Family Dwelling; and also to approve a request for (b) an 4.05' Side Yard Setback (East) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (East) and where a 5.95' Side Yard Setback (East) is proposed in order to construct a Single Family Dwelling; property located at 10616 Rosalee Lane, PPN 398-12-054 zoned, R1-75.

Mr. Evans – Thank you, Mr. Smeader.

Mr. Baldin – Second.

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

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

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. I will encourage you to work with the neighbors in the immediate area as you're going forward with the plans. Do what you can to work so they are as amenable to the construction as I think they will help you sell the house and get neighbors in there. Then you can go from there.

Mr. Caroscio – I understand, thank you very much.

3) **DJ BAILEY, LLC, OWNER/Dan Bailey, Representative**

- a) Requesting a 1' Side Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Side Yard Setback and where a 14' Side Yard Setback is proposed in order to construct a Single Family Dwelling;
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3) DJ BAILEY, LLC, OWNER/Dan Bailey, Representative, Cont'd

Mr. Evans – Item number three on our agenda is DJ Bailey, and it's for the property on Westwood. If you'll come forward please. We'll need your name and address for the record. I'm Dan Bailey, and I own DJ Bailey, LLC. I have my office at 12945 Hampton Club Drive, Ste 309.

Mr. Evans – Thank you, Mr. Bailey. You are asking for two variances for a property on Westwood as a part of the Edge Brook subdivision there. Give us a 30 second rundown on what it is you're intending on doing there. You heard us talk about it in caucus, but just for the record.

Mr. Bailey – I designed a home that would complement the rest of the homes in the area, and go along with that type of architecture and square footage. I designed one for Sublot 4, which fits on the lot. I would want to use the same plan on Sublot 3, but the issue is that when a cluster home adjoins a common area, there is a 15' side yard setback rather than a 5' set back like when it's adjoining another residence. So the same plan was 1' too large, and it encroaches into the 15' side yard setback. We'd still have 14', which is quite enough, I think.

Mr. Evans – Except that for the record, I just need to flip what you said since Sublot 4 is the one we're talking about, not Sublot 3. That's the one you already built.

Mr. Bailey – No.

Ms. Zamrzla – Oh, this didn't get changed.

Mr. Evans – It didn't get changed?

Ms. Zamrzla – The agenda didn't get changed. It should be 3.

Mr. Rusnov – It should be Sublot 3.

Mr. Evans – It should be Sublot 3. Sorry, I didn't bother to go back and look at the old one. I just thought we had changed it. Okay, I stand corrected.

Mr. Kolick – The public hearing notice is correct, which is the main thing we're concerned about tonight.

Mr. Bailey – Otherwise, because Westwood Drive is not a straight road so to speak at that lot, the building front yard setback line would be perpendicular with the street which would cause it to be shoved back pretty far on the lot, so I stopped at the neighbors and I showed him what would happen if I didn't get a variance, and he wasn't too enthused about it because he'd have no view out of his morning room then. I did maintain the proper setback on the southeast corner of the garage, but I'm asking for a small variance so I can put the home straight across the lot, even with the house next door so it'll look appropriate and he'll still have his view. While I was coming for the 1', I thought I'd do that too because it's an appropriate situation.

Mr. Evans – Alright, comments and observations?

Mr. Baldin – I think the way it's placed, there is no other choice, and with the creek and so forth, I don't think there's any problem.

