

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

**Meeting of
October 24, 2018
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlé, 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) FRED AND BARBARA LEYBA, OWNERS

Requesting a 1' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 13' Height exists in order to approve an existing Accessory Structure; property located at 19064 Clinton Circle, PPN 399-26-046, zoned R1-75.

The Board stated that this variance was approved for a certain height, and after it was constructed and the final inspection was completed, it was decided that they had bought a different, larger unit than was originally approved for construction. They mentioned that there are lots of pine trees around it so it's pretty well hidden from view. There is one house on the street that it is in view of that. They also stated that there is no electricity, and it has a loft. They also commented that it is the same footprint that was approved by the City. It's just taller due to the roof pitch, and the walls are still only 8' tall. They also mentioned that due to the pitch of the roof, you couldn't stand up in the loft. It's only meant for storage and aesthetics. They also mentioned that the man that lives there will have trouble even getting up the stairs due to a hip replacement.

PUBLIC HEARINGS

There are no Public Hearings.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 24, 2018**

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

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

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this October 24, 2018 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 October 10th, 2018 meeting. If there are no corrections, then we will submit these minutes for the 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.

NEW APPLICATIONS

1) **FRED AND BARBARA LEYBA, OWNERS**

Requesting a 1' Height variance from Zoning Code Section 1252.05 (g), which permits a 12' Height and where a 13' Height exists in order to approve an existing Accessory Structure; property located at 19064 Clinton Circle, PPN 399-26-046, zoned R1-75.

Mr. Evans – First on our agenda under new applications is Fred and Barbara Leyba on Clinton Circle. Please come up to the microphone and give us your name and address for the record.

1) **FRED AND BARBARA LEYBA, OWNERS, Cont'd**

Mr. Hall – My name is Gary Hall. My address is 16130 Lake Forest Drive in Strongsville.

Mr. Evans – Thank you, Mr. Hall. You are representing the applicant then? What is your capacity? Are you a relative?

Mr. Hall – I'm the Contractor that made the mistake.

Mr. Evans – Okay. You are here asking for a variance for 1' on the height. The obvious question is what caused the difference between the approved plans and the actual construction of another?

Mr. Hall – My son and I just became General Contractors here in Strongsville in probably July or August. We're relatively new. We had built a deck for the same owner, so I went through that process with the deck. At the time I was given a pamphlet with all the requirements for a deck. It showed me exactly what had to be done. So the customer wanted us to build a shed also. So when we originally talked about it, he was fine with the gable roof, and I went back into City Hall and asked if they had one of these and showed them the pamphlet. I asked if they had one of those for the requirements for a shed. They said they don't. There was another contractor sitting there and he said that he usually just puts stone down and builds it on the stone after I asked if it needed a footer. So I went ahead and drew that up, and it was taking some time. It takes the 10 days. Mr. and Mrs. Leyba reached out to me and said that if they have to wait the 10 days, then they'd like it to be a gambrel roof. I went over the price difference and everything else that went along with it. I made a foolish choice at that time, and neglected to contact the Building Department to let them know there was a change. I was basically told originally that there were no requirements. So once the inspector came, red-tagged it, and said that it's a foot too high I told him that I asked for requirements and I didn't get them. I have the permit, and it doesn't say anything about 12' in there, and he said that it was online. I went online and sure enough, it is online. I didn't do it to get away with anything. I wasn't trying to be defiant; I was ignorant, and that's the truth.

Mr. Rusnov – The difference in height could be attributable to the difference between a gable roof and a gambrel because there's 2 additional sides. That raises the height.

Mr. Hall – It definitely is. I drew it up as a gable, we agreed for a gable, and then during that time they just asked me to change it to a gambrel. I should have come to the City, and let them know the client had asked for a change, but I did not.

Mr. Evans – Are there other questions?

Mr. Baldin – Gary, just a simple mistake. Did they go out and see this shed someplace else, and decide that it looked neater and nicer, and would maybe gives them some more storage up above? Did they say anything like that to you?

1) **FRED AND BARBARA LEYBA, OWNERS, Cont'd**

Mr. Hall – No, at first when I gave them the price they said it was too much. They said they'd buy a shed and have it delivered here. I think after he realized he had just planted new grass along the edges that he didn't want to do that. He started showing me other sheds in the area, and he said I'm not going to be happy with that and pointed at a gable roof. He said I'm going to be much happier with that, and pointed at a gambrel roof. We went back and forth over a period of probably a week before we decided that I should build it as a gambrel. It truly was an honest mistake.

Mr. Rusnov – It's also a question of aesthetics on the part of the property owner.

Mr. Hall – Yes. There are a lot of sheds in that area. Most of them are gambrel. I'd say probably 60% of the sheds in there are gambrel. There's a few that are gable. When he started looking at it he had just decided he wouldn't be happy with the original design.

Mr. Evans – We do have a letter of approval from the HOA. What will happen is that this will be posted for public hearing at the November 7th meeting of this Board. Everyone within 500' will get a notice of this application for the variance. My advice to the homeowner is that if they have people that they think might want to challenge it, they may want to get to them ahead of time and explain what has happened. The public hearing will give anyone an opportunity to say anything about it; to talk negatively or whatever they might say to us. If they get to them ahead of time it might just cut them off. The only thing they are going to see is what is technically written here in our agenda. It's much easier to describe it to a person at their house rather than having them come out to a public hearing. We will make a decision at the November 7th meeting then. That notice will go out relatively quickly, like Friday, correct?

Ms. Zamrzla – Tomorrow.

Mr. Evans – Tomorrow. Yes. So they should get to those people who are closest to it in proximity. Since it's already existing, they are already going to know it's there, and the notice will just draw their attention to it.

Mr. Hall – Very good.

Mr. Evans – Anything else from the Board? Okay, so we will see you or the owner back here on November 7th for the public hearing, and you're all set.

Mr. Hall – Thank you very much.

PUBLIC HEARINGS

There are no public hearings.

Mr. Evans – There are no public hearings this evening. Is there any other business to come before the Board? Hearing none, then we will stand adjourned.

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| <u>Signature on File</u> | <u>Signature on File</u> | <u>November 7, 2018</u> |
| Mr. Evans, Chairman | Kathryn A. Zamrzla, Sec'y | Approval Date |