

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**
Meeting of
October 9, 2019
7:30 p.m.

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, Thomas 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) DUSTIN AND JACQUELYN HAYDEN, OWNERS

Requesting a 16' 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 30' encroachment into the established Rear Yard Setback is proposed in order to construct a 696 SF Concrete Patio; property located at 15317 Forest Park Drive, PPN 398-15-058, zoned R1-75.

The Board noted that they are surrounded by horse farms and near the Metroparks. They stated that it's a large, fenced-in yard. The Board indicated that if the zoning hadn't been changed, he could have just replaced what he already has.

PUBLIC HEARINGS

2) ANTHONY AND KATHERINE MCGOWAN, OWNERS

Extension of the October 10, 2018 determination of the Board of Zoning and Building Code Appeals:

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

The Board specified that this is an extension of a previous determination of the Board. They indicated no issues with this variance request during the caucus, although they mentioned that they will find out from the applicant why it has not yet been completed.

3) ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits the construction of a new building on an existing non-conforming lot and where a 400 SF Accessory Structure (Detached Garage) is proposed;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1258.11, which requires a 20' Side Yard Setback and where a 5' Side Yard Setback is proposed in order to construct a 400 SF Accessory Structure (Detached Garage);
- c) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1258.11, which requires a 10' Rear Yard Setback and where a 5' Rear Yard Setback is proposed in order to construct a 400 SF Accessory Structure (Detached Garage);
- d) Requesting a variance from Zoning Code Section 1274.07, which prohibits the installation of a new concrete driveway on an existing non-conforming lot and where a new concrete driveway is proposed; property located at 21042 Westwood Drive, PPN 392-12-007, zoned Local Business.

The Board was informed that Engineering does not have a problem with the driveway or the structure that they are planning to put in. The Engineering Department indicated that it is a very flat area, but it drains slightly to the west. They had specified that if the owner has low spots that they are allowed to fill those in to stop any puddling. The Assistant Director mentioned that the structure and the driveway are listed separately in the application because even if the structure isn't granted, he would still like the driveway to be considered separately. The Building Department stated that the structure is allowed to be built as a residential structure. The Board considered that it is still non-conforming to the property. They also mentioned that they believe it should be rezoned to residential rather than commercial.

The Board discussed a minor correction to be made to the minutes of the meeting on September 25th.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 9, 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

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 9th, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	Mr. Evans	Present
	Mr. Baldin	Present
	Mr. Rusnov	Present
	Mr. Smeader	Present
	Mr. Houle	Not Present

Motion to excuse Mr. Houle from Mr. Baldin and Motion to second from Mr. Rusnov.

ROLL CALL:	Mr. Evans	Aye
	Mr. Baldin	Aye
	Mr. Rusnov	Aye
	Mr. Smeader	Aye

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 minutes from September 25th, 2019. We spoke about them in caucus, and if there are no further corrections to be made, we will submit those with our one change. This evening 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 normally divided into two portions. The first half are new applications, and then we'll move onto our public hearings.

NEW APPLICATIONS

1) DUSTIN AND JACQUELYN HAYDEN, OWNERS

Requesting a 16' 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 30' encroachment into the established Rear Yard Setback is proposed in order to construct a 696 SF Concrete Patio; property located at 15317 Forest Park Drive, PPN 398-15-058, zoned R1-75.

Mr. Evans – First on the agenda is Hayden on Forest Park Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Hayden – Dustin Hayden, 15317 Forest Park Drive.

Mr. Evans – Thank you, Mr. Hayden. You are asking for a rear yard setback variance. Please tell us about the project, and why you need the variance.

Mr. Hayden – Sure. We're looking to do a concrete patio across the entire back of the house. In Forest Park, as many of you might know, many of the backyards aren't that deep. Even with the 14' encroachment, I think 36' is in the middle of my living room. The only thing I noticed on here is the square footage of the patio is listed as 696 SF, and I took my measurements directly from my Contractor, and I believe that number was actually closer to 906 SF.

Mr. Evans – Oh.

Mr. Baldin – That makes a big difference.

Mr. Hayden – I don't know if that makes a difference with the actual setback from the house.

Mr. Evans – You do have that on the drawing that you gave us. The photograph shows it, now that I look at it. Let's go ahead and make that correction in here.

Mr. Baldin – 906 SF, alright.

Mr. Evans – For the patio size.

Mr. Rusnov – Basically you're just putting a patio across the whole back of the property.

Mr. Evans – Back of the house, right.

1) **DUSTIN AND JACQUELYN HAYDEN, OWNERS, Cont'd**

Mr. Hayden – Yes.

Mr. Rusnov – Okay, so you're not up to your ankles in mud.

Mr. Hayden – Or weeds.

Mr. Rusnov – Less grass to cut.

Mr. Evans – Alright, we do have the HOA approval letter from Forest Park. I think all of us have already been out there. Are there any questions or comments?

Mr. Baldin – No problem.

Mr. Smeader – No.

Mr. Evans – Okay. What happens now is that 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 October 23rd. We will invite you back at that time. If we were to approve the variance there is a 20 day waiting period during which time Council has the opportunity to review our decision. So even if we grant it in a couple weeks, there is still another waiting period after that just so you're aware. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

PUBLIC HEARINGS

2) **ANTHONY AND KATHERINE MCGOWAN, OWNERS**

Extension of the October 10, 2018 determination of the Board of Zoning and Building Code Appeals:

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

Mr. Evans – Next on the agenda takes us into public hearings. The first one is McGowan on Albion Road. Please come up to the microphone and give us your name and address for the record.

2) **ANTHONY AND KATHERINE MCGOWAN, OWNERS, Cont'd**

Mr. McGowan – Good evening Council, my name is Anthony McGowan. I live at 20460 Albion Road.

Mr. Evans – Good, we do have an email that you sent to Kathy that requested an extension because you weren't able to get the construction done in time. Tell us where you are in the project and why there is a need to extend the variance.

Mr. McGowan – I apologize for taking up another hearing here. I did the variance in late fall of last year, and through the spring and the summer and the way everything worked out the concrete guy kept pushing everything back. So we poured it in late July. The first builder I used was a nightmare, so I had to cancel with him. They won't start on anything until the concrete and the foundation is done, so it pushed me two weeks past my deadline. They are supposed to do the building on Tuesday, and it should only take one day they told me.

Mr. Evans – Okay, alright. Are there any questions?

Mr. Rusnov – No questions.

Mr. Smeader – No.

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. 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.

Mr. Rusnov – I make a motion to approve an extension of the October 10th, 2018 determination of the Board of Zoning and Appeals which is a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The extension of your variance has been granted, and we wish you well on completing the project. You are all set.

Mr. McGowan – Thank you very much.

3) ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS

- a) Requesting a variance from Zoning Code Section 1274.07, which prohibits the construction of a new building on an existing non-conforming lot and where a 400 SF Accessory Structure (Detached Garage) is proposed;
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- d) Requesting a variance from Zoning Code Section 1274.07, which prohibits the installation of a new concrete driveway on an existing non-conforming lot and where a new concrete driveway is proposed; property located at 21042 Westwood Drive, PPN 392-12-007, zoned Local Business.

Mr. Evans – Item number three on our agenda is Velasquez and Sherry on Westwood Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Valasquez – Albert Valasquez, 21042 Westwood Drive.

Mr. Evans – Thank you, you were at the meeting a couple of times ago. We asked for our Engineering Department to pass judgement on whether there would be any implication to the drainage on the property, and Brian I'll ask that you repeat their findings please.

Mr. Roenigk – The Engineering Department has no issues with the concrete for the driveway or the concrete and building structure. They said that if there are puddling issues in the backyard you are allowed to fill those low spots in, you just can't change your grade. They said that the slope is very minimal going to the west, but that they have no problem with the request you have made for extra concrete on the property. They felt there would be no issues with water drainage.

Mr. Evans – The reason we're here is because it is a non-conforming use of the property due to the zoning. At the prior meet where you presented your request, you said that you were entertaining the idea of requesting a Zoning Code change to residential. Is that still ongoing?

Mr. Valasquez – That's still the plan. I obviously want to get through this project. It's an issue selling non-conforming property. Right now we have no plans to sell it though, I've owned it since I got out of the Navy, and I don't think we're going to sell it. It is an issue though having to drop 5 to 8 yards of stone every couple of years on the property for the driveway. I don't think that's a good thing either.

3) **ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd**

Mr. Rusnov – I have just a couple of comments. These are the items that we covered the first time.

Mr. Valasquez – Right.

Mr. Rusnov – We're totally aware of your situation. That you're improving this property. We're not worried about it turning into a commercial change to the property anymore. You're looking to improve a lot that would become much more marketable with a two-car garage and a hard surface driveway. That would shine up the house, and improve its marketability, plus all the other issues we covered before.

Mr. Valasquez – Right.

Mr. Rusnov – So essentially this is to improve its marketability, and your intention if we heard you correctly is to go in for a zoning change to eliminate the non-conforming use.

Mr. Valasquez – Yes. It will help the marketability of it, plus the insurance will go down for me as well.

Mr. Rusnov – Plus the ability to finance the property.

Mr. Valasquez – Right, you can't get a VA or FHA loan on that property because it's a non-conforming use. It comes up on the title search.

Mr. Rusnov – Unless you can rebuild the property if it burns down.

Mr. Valasquez – Then I'd be back to you asking that question. I have it insured right now to cash me out because I know that I'd have to come back to a meeting in that case, and to raise it and finish raising it if I do have over 50% damage. We were aware of how we had to insure it, but that's why my policy is going to go down.

Mr. Rusnov – If you got the variance tonight, when would be your timeline to go in for the zoning change, tomorrow morning?

Mr. Valasquez – I have the paperwork. I had to get a survey done which was part of this process too. I'm hoping to get it done through the wintertime. It'll be slower for me for work. Hopefully this project will get done then too.

Mr. Rusnov – I would get the ball rolling because the process could be a slower process. So if you started right away...

3) ALBERT VELASQUEZ AND RENEE SHERRY, OWNERS, Cont'd

Mr. Valasquez – Right, I have the title stuff done, and now I have to request it all over again because there's a 30 day window on that. I can't tell you that it would be next week.

Mr. Rusnov – No, I'm talking about the application for a change. That's your intent.

Mr. Valasquez – Right, my intent is that we have to do this.

Mr. Rusnov – That's what we want to see is your intent.

Mr. Valasquez – I put it off for 10 years because it hasn't been an issue, but I'm just tired of the issues that we do have now because of not having a driveway or a garage. It needs it now. It needs a new fence too, but we'll address that later. The fence is falling in areas.

Mr. Rusnov – We're fully aware of these issues.

Mr. Valasquez – The fence is encroaching too. So I have to deal with that.

Mr. Rusnov – Alright, that pretty much sums it up.

Mr. Valasquez – Perfect, thank you.

Mr. Evans – Is there anything else?

Mr. Smeader – I have a question for Mr. Kolick. Since Item (d) deals with the prohibition of the installation of a new concrete driveway, if Items (a), (b), and (c), are approved are those then subject to the installation of a hard surface?

Mr. Kolick – Yes, if items (a), (b), and (c) are approved, you need to approve Item (d) because we want a concrete driveway to lead back to a garage. Yes.

Mr. Smeader – So Items (a), (b), and (c) by themselves are not subject to having a hard surface?

Mr. Kolick – It's not subject to, I would just vote on the whole group together.

Mr. Rusnov – Do the whole group and be done with it.

Mr. Evans – Is there anything else? 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.

