

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

**Meeting of  
September 26, 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) CAROL MOEHRING, OWNER/Pinnacle Custom Decks Ltd., Representative**

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback from any adjoining rear lot line of a single family dwelling lot and where a 26' Rear Yard Setback from the adjoining rear lot line is proposed in order to construct a 168 SF Deck; property located at 18640 Southporte, PPN 396-19-067, zoned R1-75.

**The Board noted that this is behind McDonalds. They mentioned that this will be replacing an existing deck, and that it is a challenging terrain to do the project. They also said that the deck is now, and will continue to be hidden by large shrubs.**

**2) THOMAS AND RHONDA CHAPLIN, OWNERS/ Quinn Development Corp., Representative**

Requesting a 400 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,400 SF Floor Area is proposed in order to construct an Attached Garage; property located at 12291 Arbor Creek Drive Sublot 7, PPN 398-27-057, zoned R-100.

**The Board noted that they need a HOA letter from this developer.**

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

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 noted that they approved this last year, but they never used it. The applicant did not apply for a renewal, and so they are going through the two-step approval process again.**

## **PUBLIC HEARINGS**

### **4) J. SUE ONDERCIK, OWNER/Deck Creator, Representative**

Requesting a 13' 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 27' encroachment into the Rear Yard Setback is proposed in order to construct a 480 SF Deck; property located at 16955 Willow Wood Drive, PPN 397-29-112, zoned R1-75.

**The Board noted the receipt of a letter of approval from the HOA.**

### **5) STEVE BLAGOJEVIC AND JILL BUZI, OWNERS**

- a) Requesting a 380 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 572 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 1'8" Height variance from Zoning Code Section 12523.04 (g), which permits a 12' Height and where a 13'8" Height is proposed in order to construct an 572 SF Accessory Structure; property located at 19823 Bowman Drive, PPN 393-36-010, zoned R1-75.

**The Board noted a needed correction in the agenda. The variance request has been reduced and should be for 1' only, not 1' 8"; which also reduces the square footage to 520 SF. The floor area variance request would instead be for 328 SF as well. They mentioned that the door size does not require a driveway.**

### **6) MICHAEL AND PATRICIA JELINEK, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 144 SF Accessory Structure exists and a second 160 SF Accessory Structure is proposed; property located at 19736 Winding Trail, PPN 393-17-049, zoned R1-75.

**The Board noted receiving a HOA letter of approval. The Board mentioned that this yard backs up to common area, and that the neighbor also has decking.**

### **7) MICHAEL AND DEANNA CLOUSE, OWNERS**

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 Rear Yard Setback is proposed in order to construct a 485 SF Concrete Patio; property located at 9962 Juniper Court, PPN 398-10-048, zoned R1-75.

**The Board noted that they have received a letter of approval from the HOA. They discussed the irregular shape that the applicants are dealing with that creates a problem in one area. The Board did not see another way that they could do this patio because of that problem.**

**8) PAULINE URBAN, OWNER**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where 65' of 6' high chain link Fence on the East side property line in the front yard has been installed; property located at 20176 Royalton Road, PPN 392-34-007, zoned R1-75.

**The Board noted that the fence is already there, and it sits far back on the property. They mentioned it's pretty invisible from the street.**

**9) SOMERA ROAD/Matt Viola and Amanda Lauer with Kohrman, Jackson & Krantz LLP, and Josh Osterhout Langan Engineering as Representatives**

- a) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 1 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned General Business (GB);
- b) Requesting a 5' Parking Setback variance from Zoning Code Section 1260.05, which requires a 5' Parking Setback and where a 0' Parking Setback (South) is proposed on Lot 2 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Office Building (OB);
- c) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 3 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Restaurant - Recreational Services (R-RS).

**The Board noted that the reason for these variances is that there are different Codes for the different pieces of property that sit within the project. They stressed that it's not going to change any setbacks toward any other homes or anything else. That it is all internal on the property for parking variances. Then they reiterated that it does not affect any outbound areas of the development, and that they will say that again on the floor for the record. They noted that Cross Easements, Declarations, and Covenants would be incorporated into the approval process.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
September 26, 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 September 26, 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 August 12, 2018 meeting. We discussed them in caucus, and we found no changes needed. So unless anyone has any corrections to make now we will submit those as they were given to us. 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) CAROL MOEHRING, OWNER/Pinnacle Custom Decks Ltd., Representative**

Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 35' Rear Yard Setback from any adjoining rear lot line of a single family dwelling lot and where a 26' Rear Yard Setback from the adjoining rear lot line is proposed in order to construct a 168 SF Deck; property located at 18640 Southporte, PPN 396-19-067, zoned R1-75.

1) **CAROL MOEHRING, OWNER/Pinnacle Custom Decks Ltd., Representative,**  
**Cont'd**

Mr. Evans – First on the agenda is Carol Moehring. Please come up to the microphone and give us your name and address for the record.

Ms. Moehring – My name is Carol Moehring, I live at 18640 Southport Drive in Strongsville.

Mr. Evans – Thank you. You're asking for a variance on a rear yard setback. Give us a description of what you're planning on doing, why you need the variance, and what alternatives you may have looked at first.

Ms. Moehring – Sure, first of all the reason I'm doing it is because I'm getting very old and a little decrepit and the six steps going down to my slab patio are very steep. It makes me a little nervous going down them. I thought that the best thing to do is to put a deck on the backyard, and then that way there's only a couple of steps to go down. Plus it would add to the value of the property. It's a very secluded area as you had mentioned in caucus. On each side of the slabs for the whole neighborhood, and there are 13 units, there are very tall trees or bushes. It's a very private area. In regards to the variance, going back toward the street behind me, the homes there have bushes and different kinds of trees and items that separates us. It really is a private situation, and the deck will be made of the Treks. It will be 14' by 12'. It's nothing fancy, but very classy. It'll add a little decorum to the back of my condominium there. I'd appreciate any help you can give me. Any questions?

Mr. Evans – A couple of our members have been out there. Gentlemen, do you have any questions or observations?

Ms. Moehring – You should have told me you were coming, I would have made you coffee.

Mr. Houlé – It was very slippery back there.

Ms. Moehring – Yes it is.

Mr. Evans – All of us will be out to visit the site prior to the next meeting. What happens now is that on October 10<sup>th</sup> we will have a public hearing. Prior to that time there will be a notice that goes out to everyone within 500'. If you have curious neighbors who ask a lot of questions, you may want to contact and explain to them what your plan is prior to that meeting to save time. There is a HOA, and we have already been notified by them of their approval. At this point there is nothing else to do other than maybe talking with neighbors. They don't need to agree to it or sign anything. It is worded like it is in the agenda and that can be confusing to some. If you have a plan you can show them it will help.

Ms. Moehring – I would be happy to do that.

1) **CAROL MOEHRING, OWNER/Pinnacle Custom Decks Ltd., Representative,  
Cont'd**

Mr. Evans – You're welcome to stay for the rest of the meeting, but you are also free to leave and come back on October 10<sup>th</sup>. We will see you then.

Ms. Moehring – Thank you very much. May I say that I went to see Kathy a couple weeks ago, and she was a tremendous help to me. I want to publicly thank her. Thank you.

Mr. Evans – Not many people do that so that was kind of you to do that. Thank you.

2) **THOMAS AND RHONDA CHAPLIN, OWNERS/ Quinn Development Corp.,  
Representative**

Requesting a 400 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,400 SF Floor Area is proposed in order to construct an Attached Garage; property located at 12291 Arbor Creek Drive Sublot 7, PPN 398-27-057, zoned R-100.

Mr. Evans – Item number two on the agenda is Thomas and Rhonda Chaplin. Please come up to the microphone and give us your name and address for the record.

Mr. Ligget – My name is Tom Ligget. I'm with the Argus Group Architects. I'm the architect for the Chaplin residence. What we are asking for is a variance for this size of a garage that we are planning on putting on this house. It is a neighborhood that is of decent sized homes. We're trying to give them a four car garage that is a good size with storage around the outside of it. It also has stairs to the basement as well. We're trying to be as reasonable as we can, and give them a good-sized garage for their good-sized home. The house is about 5400 SF.

Mr. Rusnov – This is a custom built, luxury class home.

Mr. Ligget – Yes it is. The whole development is going in that particular route.

Mr. Rusnov – The purpose for having a four car garage is so you don't have out-buildings as well.

Mr. Ligget – Plus people don't have to park out in the driveway. There are quite a few extra people there.

Mr. Evans – Are there questions from Board members. As we discussed, a bunch of variances have already been approved back in there and we'll probably have many more of them. We do need to get a letter from the HOA. I realize that is the developer or the builder right now, but we will need to have that.

2) **THOMAS AND RHONDA CHAPLIN, OWNERS/ Quinn Development Corp.,  
Representative, Cont'd**

Mr. Ligget – Okay.

Mr. Evans – We just need it for the next meeting. Are there any other questions? Okay again those of us who have not been out there will be out there before the next meeting. Is it staked out or being built?

Mr. Ligget – No.

Mr. Evans – Okay, I don't think that will be necessary so we'll be alright. You're set for a public hearing on September, and just make sure you get the letter from the HOA. Thank you.

Mr. Ligget – Thank you.

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

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 – Item number three on the agenda is Anthony and Katherine McGowan on Albion Road. Please come up to the microphone and give us your name and address for the record.

Mr. McGowan – Good afternoon. My name is Anthony McGowan, and I reside at 20460 Albion Road.

Mr. Evans – You are looking for a side yard setback variance for a garage. Give us a description of what you're planning on doing, why you need the variances, and what alternatives you may have looked at first.

Mr. McGowan – Alright. I converted my existing garage over the past year or so to a living space. Since then obviously I don't have a garage so I'm looking to build a detached garage at this point. This is my second time doing this process. I let the original permit lapse. I was doing that addition at the time, so here I am again. My lot is more of a pie shape at the end. I live on a corner, and there is a development behind me. I have a fence so it would still be 4' inside that fence also.

Mr. Evans – So this is basically what you proposed the first time. You just didn't get it done. That's fine. Again all the neighbors within 500' will get a letter so if there were questions the last time, they are going to want to know. Our letter is not going to say that this is exactly the same as

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

**Mr. Evans continues** - what was proposed last time. So if there were those people, you may want to get to them first. Gentlemen, are there questions or observations?

Mr. Houlé – I can't quite remember from a year and a half ago, but I know you have two fences in the backyard. There's a wooden one and metal one.

Mr. McGowan –The chain-link fence is my neighbor's.

Mr. Houlé – Is the wooden one coming down completely or will there still be part of that left?

Mr. McGowan – I'm going to have to remove an L shape where the garage will be. It'll still be inside the fence so I'll just attach the fence to the side of the garage. I want to fence in my yard. I have two small boys and I live on a corner lot.

Mr. Evans – The size of the building and the height of the building, none of that has changed?

Mr. McGowan – No. I originally downsized it for you when it was approved the first time, but no it hasn't changed since then.

Mr. Evans – Okay.

Mr. Smeader – Do you have plans to run a business out of there?

Mr. McGowan – No. I wish I had a business to make some money.

Mr. Evans – Okay, so the public hearing will again be October 10<sup>th</sup>. We invite you back at that time, and you've done everything you need to do tonight.

Mr. McGowan – Thank you very much.

Mr. Evans – Okay, thank you.

**PUBLIC HEARINGS**

**4) J. SUE ONDERCIK, OWNER/Deck Creator, Representative**

Requesting a 13' 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 27' encroachment into the Rear Yard Setback is proposed in order to construct a 480 SF Deck; property located at 16955 Willow Wood Drive, PPN 397-29-112, zoned R1-75.



**4) J. SUE ONDERCIK, OWNER/Deck Creator, Representative, Cont'd**

Mr. Evans – Item number four on our agenda is Ondercik on Willow Wood Drive. Please come up to the microphone and give us your name and address for the record.

Mr. Hawn – My name is Fred Hawn. My address is 12235 York Road.

Mr. Evans – This is a public hearing. I didn't pay attention when I flipped the page. You were here at the last meeting, and we talked about the deck. I don't think we had any outstanding questions. We do have the HOA letter of approval. Are there any questions?

Mr. Rusnov – None.

Mr. Smeader – No.

Mr. Baldin – No questions.

Mr. Evans – We spoke about it in caucus and felt that it's basically a replacement for what's there. There's not a whole lot of difference in it. This 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. Rusnov – I make a motion to approve a request for a 13' 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 27' encroachment into the Rear Yard Setback is proposed in order to construct a 480 SF Deck; property located at 16955 Willow Wood Drive, PPN 397-29-112, 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 variance has been granted again pending a 20 day waiting period during which time Council may review our decision. A notice from the Building Department will go out when that time has passed, and then you can start the project. Thank you very much.

Mr. Hawn – Thank you.

5) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS**

- a) Requesting a 380 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 572 SF Floor Area is proposed in order to construct an Accessory Structure;
- b) Requesting a 1'8" Height variance from Zoning Code Section 12523.04 (g), which permits a 12' Height and where a 13'8" Height is proposed in order to construct an 572 SF Accessory Structure; property located at 19823 Bowman Drive, PPN 393-36-010, zoned R1-75.

Mr. Evans – Item number five on our agenda is Blagojevic. Please come up to the microphone and give us your name and address for the record.

Mr. Blagojevic – My name is Steve Blagojevic. The address is 19823 Bowman Drive.

Mr. Evans – You are asking for a couple of variances in order to construct an accessory structure. We have revised plans that you have brought. We appreciate you making the change in that. Tell us about the revisions that you proposed on this. Also remind us about the reason you need the 9' height.

Mr. Blagojevic – I brought the walls in 2'. It was originally 22', and I brought it down to 20'. We kept the setback at 26'. I brought the actual roof height down a foot. It's at a 9' level now. I'm planning on using it for storage.

Mr. Evans – Okay. Are there questions or observations.

Mr. Rusnov – No questions. You cut the height and the square footage down.

Mr. Evans – Right. We know that on Bowman there are a lot of storage buildings out there. We asked at the last meeting whether you're planning to run a business out of it, and you had indicated that you were not. That's still the case, correct?

Mr. Blagojevic – Correct.

Mr. Rusnov – The door size is conducive with what they are doing.

Mr. Evans – It does not require a hard surface driveway. Okay, is there anything else? This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I declare the public hearing closed, and I will now entertain a motion.

5) **STEVE BLAGOJEVIC AND JILL BUZI, OWNERS, Cont'd**

Mr. Baldin – I make a motion to approve a request for a 328 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 520 SF Floor Area is proposed in order to construct an Accessory Structure; also to approve a request for a 1' Height variance from Zoning Code Section 12523.04 (g), which permits a 12' Height and where a 13' Height is proposed in order to construct an 572 SF Accessory Structure; property located at 19823 Bowman Drive, PPN 393-36-010, zoned R1-75.

Mr. Houlé – 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 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, and then you can start your work. We appreciate you cutting the size down for us. Have a good project.

Mr. Blagojevic – Thank you.

6) **MICHAEL AND PATRICIA JELINEK, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 144 SF Accessory Structure exists and a second 160 SF Accessory Structure is proposed; property located at 19736 Winding Trail, PPN 393-17-049, zoned R1-75.

Mr. Evans – Item number six on our agenda is Michael and Patricia Jelinek. Please come up to the microphone and give us your name and address for the record.

Ms. Jelinek – Patricia Jelinek, 19736 Winding Trail.

Mr. Evans – You are looking to build an accessory building because you have the gazebo already with a pool. You're using this building for the pool supplies. You're not running a business out of it because it's really not that big of a shed. Is there anything that has changed in the project?

Ms. Jelinek – No.

Mr. Evans – We have all been out to look at it. Are there questions or comments?

Mr. Rusnov – No questions.

6) **MICHAEL AND PATRICIA JELINEK, OWNERS, Cont'd**

Mr. Evans – You've done a lot of improvements to the yard, and it's a very nice place. We have the HOA letter. Is there anything else? No. Okay. 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 a request for a variance from Zoning Code Section 1252.18, which prohibits two Accessory structures on a residential lot and where one 144 SF Accessory Structure exists and a second 160 SF Accessory Structure is proposed; property located at 19736 Winding Trail, PPN 393-17-049, 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 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, and then you can go ahead with the work. You're all set. Thank you.

Ms. Jelinek – Thank you.

7) **MICHAEL AND DEANNA CLOUSE, OWNERS**

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 Rear Yard Setback is proposed in order to construct a 485 SF Concrete Patio; property located at 9962 Juniper Court, PPN 398-10-048, zoned R1-75.

Mr. Evans – Item number seven on the agenda is Michael and Deanna Clouse. Please come up to the microphone and give us your name and address for the record.

Mr. Clouse – My name is Michael Clouse, and my address is 9962 Juniper Court.

Mr. Evans – You are asking for a rear yard setback variance. We do have the HOA letter. Remind us of the project you're doing and why you need the variance.

Mr. Clouse – We are just installing a stamped concrete patio.

Mr. Evans – All of us have been out to look at it. Are there any questions?

7) **MICHAEL AND DEANNA CLOUSE, OWNERS, Cont'd**

Mr. Baldin – No, it'll be nice.

Mr. Rusnov – No questions.

Mr. Evans – We spoke about it in caucus and that is really the only place that it could be done, and where it would make sense to do it. There are also others in the area that are very similar to it. Nothing else? Okay. 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. Rusnov – I make a motion 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 Rear Yard Setback is proposed in order to construct a 485 SF Concrete Patio; property located at 9962 Juniper Court, PPN 398-10-048, 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 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 and then you can start your project and you are all set.

8) **PAULINE URBAN, OWNER**

Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where 65' of 6' high chain link Fence on the East side property line in the front yard has been installed; property located at 20176 Royalton Road, PPN 392-34-007, zoned R1-75.

Mr. Evans – Alright. Number eight on our agenda is Pauline Urban on Royalton Road. Please come up to the microphone and give us your name and address for the record.

Ms. Urban – Pauline Urban, 20176 Royalton Road.

Mr. Evans – Thank you. You are here before us because you had relatives that put up the fence and you didn't get a building permit so the first thing we do is slap you on the wrist and then after that we carry on with business here. Are there questions or comments? We talked about this in

**8) PAULINE URBAN, OWNER, Cont'd**

**Mr. Evans continues** - caucus, and the observation was made that this sits well back from the road and it is not visible. Are there other observations? No. Okay. 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 a request for a variance from Zoning Code Section 1252.17 (a), which prohibits a Fence along the side property lines in the front yard and where 65' of 6' high chain link Fence on the East side property line in the front yard has been installed; property located at 20176 Royalton Road, PPN 392-34-007, 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 variance has been approved with our admonition that the next time you are doing a project you will kindly come to the Building Department and get their help first. There will be a 20 day waiting period during which time Council has the opportunity to review our decision. You'll be notified by the Building Department at the end of that time, and you don't have to do anything because the project is already done. Thank you.

Ms. Urban – Thank you very much.

**9) SOMERA ROAD/Matt Viola and Amanda Lauer with Kohrman, Jackson & Krantz LLP, and Josh Osterhout Langan Engineering as Representatives**

- a) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 1 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned General Business (GB);
- b) Requesting a 5' Parking Setback variance from Zoning Code Section 1260.05, which requires a 5' Parking Setback and where a 0' Parking Setback (South) is proposed on Lot 2 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Office Building (OB);

9) **SOMERA ROAD/Matt Viola and Amanda Lauer with Kohrman, Jackson & Krantz LLP, and Josh Osterhout Langan Engineering as Representatives, Cont'd**

- c) Requesting a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 3 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Restaurant - Recreational Services (R-RS).

Mr. Evans – Item number nine on our agenda is Somera Road project. Please come up to the microphone and give us your name and address for the record. We have an easel set up for you to use, and also a portable microphone. Make sure it's turned on. Thank you.

Mr. Viola – Matt Viola, 1375 East 9<sup>th</sup> Street, Cleveland, Ohio.

Mr. Dempsey – Chris Dempsey, 12815 Detroit Ave., Lakewood, Ohio.

Mr. Evans – Alright, gentlemen can you take us through the three variances that you are requesting? This is a project on the site of the Medical Mutual building across from the mall. There are a number of proposals in terms of the rezoning of the areas in there. Council has already acted on that. Take us through what the variance requests are related to please.

Mr. Dempsey – Basically we're asking for three variances for the three new lots that we are creating. The variances are for the parking setback. Instead of having the parking lot set at the specified distance off the property line, the interior lines the parking lots are going to cross the parking lot line because of the shared parking lot. There's no setback violation along the exterior boundary lines of the property. The site plan has been presented, and it has not been changed. The only changes that we are creating are three new lots.

Mr. Evans – Thank you.

Mr. Viola – So we were able, as you know, back in December to rezone the property from office to retail and restaurant/recreational. Since that time we've achieved site plan approval from the City. The project is moving forward. We have very interested tenants for the retail part, and this will be a first class project as promised. At this point, we're requesting to split the property into three. One being the rear office parcel and the other two being the front area on either side of the drive aisle. This lot split causes the need for the parking setback variances which we are asking that you approve. The variances are only necessary because the lot lines will now run through the parking lot. The lot split and thus the variances are necessary mainly because of two reasons. We need financing for the millions of dollars' worth of improvements that are going into the office building. That is separate from the millions of dollars that are needed for the retail and restaurant area. Those can't be crossed collateralized. We have a third party that is very interested in purchasing the office building, and obviously they can't do that if it's one big parcel. Just a few

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**Mr. Viola continues** - things that I wanted to point out is that this has absolutely, as Chris mentioned, no impact on the site plan that has already been approved. We're not changing a single thing. There are restrictions in place to protect the homeowners in the neighboring communities. This has zero impact on those as well. They are enforceable and will remain so in perpetuity. We have presented the Assistant Law Director with an easement and restriction which would facilitate the contiguity of the entire site regarding access, parking, utilities, and construction. The site will flow together as one big, single project. We hope that this is merely a formality. Thank you for your time.

Mr. Evans – So let me take that and convert in plain and simple language. I'm guessing that some of you in our audience are here specifically for this item tonight. The site plan that was approved is staying exactly as it was. So everything on the exterior boundaries remains exactly the same. What Matt indicated is that for financing reasons or banker reasons, they are splitting that parcel into various areas. Some of them are going to be retail, some are going to be office. If you think of that parcel as being a pie, and you split the pie into three portions, one of the portions is going to be the entrance driveway that already exists. Because of the way the parking is going to be shared between those parcels, and we already have all those agreements in place to make sure the drainage and everything stays exactly as it is or is improved the way it's been said that it would. Those driveways and the parking areas are closer to each other than what the Code would normally allow, but because these are all within that one parcel the Planning Director looked at it all and said he agreed with that. We have looked at it as well, and what we are voting on tonight is the parking setbacks changing where their parcels butt up against each other. This has nothing to do with the residential areas that are outside the pie. The change in the variances would be only on the interior of the property. So I want to make sure that everybody understands that we're not changing anything as it pertains to the boundaries, the area outside of the project, or anything. All of the site plan things that had been put into place will remain exactly the same. This is only an interior situation that now changes where the retail and the office and the retail and the retail butt up against each other. It's because of the shared parking. One of the concerns that we always have is that areas of development like this have sufficient parking. The only way to accomplish this and because the office is going to be used during the day time on weekdays, and the retail and restaurants will be used on evenings and weekends, perhaps more, they will be sharing that parking. There has to be a distribution of parking to make sure that at the right time of the day all the parking is adequate for all those different uses. Is there anything else that you guys need?

Mr. Rusnov – Just one question. Did our Chairman adequately describe the zero parking setback here? Okay. There is no impact upon the residents. This is really a financing-type motivation to split the three parcels to make them easier to finance to assure the success of the project. Okay. That's it.

Mr. Evans – Is there anything else gentlemen?



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Mr. Baldin – No, you did a great job Mr. Chairman.

Mr. Evans – Alright, so this is a public hearing, is there anyone who wishes to speak in favor of granting the variance? That would include anyone who wants to ask any questions. You are welcome to come forward. We will ask you for your name and address.

Ms. Zabrocki – Erin Zabrocki, 17488 Ridge Creek Road, Strongsville. The variances you claim are just going to be the way it was.

Mr. Evans – The plan doesn't change. The site plan is the total development which includes all the setbacks to the residential areas, all the landscaping and everything else. The variances only pertain to the internal project where the parking areas abut each other and where they abut the entrance drive coming in.

Ms. Zabrocki – The office building is for sale?

Mr. Dempsey – Anything is for sale.

Ms. Zabrocki – That's what I heard you say that you had an interested party. Is it going to stay office?

Mr. Dempsey – Yes.

Mr. Evans – It is zoned office so it will remain office. That's to the betterment of the City because office will bring in a much higher income. It's a large office area. We expect a good tenant to be in there.

Ms. Zabrocki – That's what we want, we want more offices in Strongsville. My only concern is that because I live in Ledgewood, I've gone through a lot living there. Costco was one of them, and we had certain boundaries for them to adhere to with stipulations, and they didn't. After it was done, I called my Councilman and told him that they took more property, and they didn't culvert the water underneath, and he said that they watch it. That's what I'm talking about is that we don't have a lot of faith in the City anymore because we come to these meetings, and it's discussed and decided on and then all the sudden bulldozers come in, and they don't adhere to it. Who's going to oversee that they adhere to what they approved?

Mr. Evans – The site plan which is in place is to be monitored by the Building Department. I firmly believe that with the track record of things that have not gone according to Hoyle, that this particular plan will be executed to the letter of the agreements that are in place. Everything that

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**Mr. Evans continues** - has been negotiated to protect the homeowners will be accomplished the way it has been planned and agreed to.

Ms. Zabrocki – I hope that happens. Also I was told, but it could be rumor, that they're going to something with the water, the swale, behind Akita. I heard there was a large water basin that they were going to enlarge and consequently enlarge the swale behind the condos there, is that true?

Mr. Evans – The water retention is going to be improved in that area, yes. I don't know where exactly it is located. Brian?

Mr. Roenigk – That's Engineering Department, not Building Department. Sorry.

Mr. Kolick – I know that they are expanding the retention basin. If there are any questions about what is happening to any of the individual swales that run back there and how they interact with that retention basin, if you contact our Engineering Department they can fill you in on all the details. They are the ones that will approve all the engineering plans, and anything dealing with drainage. Those plans if they are not in, will shortly be in. So please feel free to go up to City Hall, look at the Engineering Plans, and our Assistant Engineer, Lori Daley, or our City Engineer, Ken Mikula, can show you exactly what is being done with any swales that run behind any of the condominium projects there.

Mr. Evans – The direct answer is that there are improvements that were a part of the agreement that's in place.

Mr. Rusnov – The key word is improvements. Improvement on a retention basin benefits everybody and prevents flooding.

Ms. Zabrocki – I understand that. I just want to know where it's going to run.

Mr. Rusnov – That's what we have the Engineering Department for.

Mr. Evans – I don't think we have those plans here tonight because that is really not germane to what we're doing, but as Mr. Kolick said, Mr. Mikula or Ms. Daley would be happy to show those to you and you can see exactly where they are at.

Ms. Zabrocki – Okay, thank you.

Mr. Rusnov – You're welcome.

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Mr. Evans – Is there anybody else who wishes to speak for or ask questions? Is there anyone who wishes to speak against the granting of the variances? Please come up to the microphone and give us your name and address for the record.

Ms. Peterson – Good evening, I'm Kathy Peterson. I live at 17275 Iyami Court. I have some questions. I've been against this from the beginning when John presented the whole thing. When I got your letter about this meeting, I had a lot of questions because I didn't understand a thing in it. I called Mr. Schonhut Mr. Carbone, and Mr. Schonhut kindly returned my call. He explained some things. My big concern is that first of all this is all I have, the most recent. They don't show where Iyami, Otani, where Akita are on this plan so it's really hard to be sure where these things are going to be put in. To the best of my ability I estimated it, and it looks like the parking is expanding northward to the middle of the cul-de-sac of Iyami. My concern has been keeping the mound and the mature trees that block us from this thing. Their parking lot shows all head-in parking all along our east line. So we don't want to see headlights shining into our cul-de-sac. I asked Mr. Schonhut about that and he said that they were going to take a little off the mound by Jamie's house which is this condo that is right at the end of the cul-de-sac. Then they were going to build a retaining wall. If this is true, we haven't been told of these plans. Where's the drawings of this? We haven't seen one.

Mr. Evans – Mr. Kolick, do we know whether or not?

Mr. Kolick – Yes, they went before the Architectural Review Board for that whole landscaping plan down that side. So there will be an improved plan before the Architectural Review Board that will show if there's retention walls or mounds. It will show trees and how far those trees are apart or how high they have to be. I remember their initial plans we required them as a City to put in taller trees. That plan would not be before this Board, but that plan is approved and up at City Hall. If you go up there and probably ask for Carol Oprea or Carol Brill now. Ask for Carol Brill. She will be able to show you the Architectural Review Board's plan that would have been approved by them and then modified or changed, whatever needed to be done, by the Planning Commission, and that will show everything down that eastern border and what was approved by the Commission.

Ms. Peterson – This shows me how the communication is not so hot. None of us knew that was being done. None of us knew about this split of the land from west to east was happening. I mean, when do we find out these things? If I hadn't talked to him I wouldn't have even known any of this.

Mr. Kolick – We try to post all the meetings, we put it on our website whenever these are on, it's on our Planning Commission agendas as to what is going on. It's on our Architectural Review Board agendas as to what is going on. We advertise it everywhere we can. We try to notify the

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**Mr. Kolick continues** - Associations if we receive a request from them to notify them, we do. I'm sure Carol would have notified anyone who we have, but you did receive this notice here. You and some other people did because you must be within 500'. We notify everyone individually within 500' of anything requested here this evening. Those are our notifications. They are all transparent. All the plans are up there, and you can review them at any time by going up to City Hall. They are all public documents, and you are entitled to view them. They will show you what's up there and what's been approved. They show you how big the mound is, how many trees there are, and if there are any walls and where they would be located. Same thing with the individual asking about the drainage, Engineering will have all those drainage plans to show how deep the retention basin is, how long it is, and whatnot. All these public documents are available to you up there.

Ms. Peterson – I know I go to the library all the time, and I look in that little folder on the wall, and I haven't seen any drawings or any plans. I thought it was ironic that I got a letter from you guys to come to this meeting, but I didn't get anything about the Architectural meeting. The things I really care about, I didn't know about.

Mr. Evans – There's a couple things that I can add to what Mr. Kolick said, Ms. Peterson. One is that the drawings and plans are never going to be distributed at the library. Those just announce the meetings. It describes what the meeting is. The reason you got a notice for us is because a variance is a different process than going through the approval process. They are asking for something that is divergent from what the Code allows. That's why we have these three variances that we're considering. The notice to you is because it's something different. In this case, as you've heard tonight, we've had a lot of different people asking for a lot of different variances. This one is a little bit different because it's on the interior of a project. As we look at it, it isn't impacting any neighbors because it's impacting only their parcels that are within the project. The actual plans and the process that those plans go through, through Planning Commission, Architectural Review, and a number of other places. Generally if the Homeowners Association, in this case Ledgewood, would have asked the Building Department and Engineering to be aware of those things as they go on, they would have been furnished with that information in particular so they could be aware of it. Most of our HOA's in Strongsville advocate on behalf of their residents and will intercede to get that information to make sure that it's communicated. Obviously to communicate with each resident in Ledgewood would not be an easy process to do. We rely on the HOA to be the impartial distributor of that information during that process.

Ms. Peterson – Might I suggest how about our own Councilman communicating to his constituents too. That would be a big help.

Mr. Evans – I believe Mr. Daymut is your Councilperson?

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Ms. Peterson – Yes.

Mr. Evans – I will tell you it's been now two months that he's been hospitalized. He had a massive heart attack.

Mr. Rusnov – Massive heart attack.

Ms. Peterson – I'm sorry to hear that, but don't you guys have a backup?

Mr. Evans – No actually, there is no backup. You do have Councilmen at large and there are three of those.

Ms. Peterson – Which is why I called Mr. Schonhut and Mr. Carbone.

Mr. Evans – Normally they would be the ones to pinch-hit for someone like Mr. Daymut during a medical emergency like this.

Ms. Peterson – I just feel that this whole thing has been not a good communication situation. Mr. Phiney promised not to touch our mound and the mature trees. I asked Mr. Schonhut where the 10' trees that they are putting in are going. If they are going to whittle away at the mound and put in a retaining wall, how much of that are they going to chop out? Those are concerns. I may be at the wrong meeting, but I didn't know about the other ones. I'm sorry.

Mr. Evans – They are very valid concerns and I'm glad you came to this meeting. That's why we're here, to be able to reach out to the residents and be able to provide information. Unfortunately we don't have the landscaping and mound information that you're looking for. As Mr. Kolick said, if we can get you to go to City Hall, you can see it all. You may first want to talk to the folks at Ledgewood on your HOA. Okay?

Mr. Peterson – There's obviously a lack of communication from the HOA too. So thank you for time.

Mr. Evans – As long as we get it corrected. That's what we hope to do. Is there anyone else who wishes to speak against the granting of the variance? Have we answered everyone's questions? Okay. I will then declare the public hearing closed and will then entertain a motion.

Mr. Houlé – I'd like to make a motion to request approval of a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 1 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned General Business (GB); and also approve a request for a

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Mr. Houlé continues - 5' Parking Setback variance from Zoning Code Section 1260.05, which requires a 5' Parking Setback and where a 0' Parking Setback (South) is proposed on Lot 2 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Office Building (OB); and also approve a request for a 5' Parking Setback variance from Zoning Code Section 1258.11, which requires a 5' Parking Setback and where a 0' Parking Setback (North) is proposed on Lot 3 in order to approve a Lot Split; property located at 17800 Royalton Road, PPN 396-12-002, zoned Restaurant - Recreational Services (R-RS), subject to Cross Easements and Declarations of Covenants and Restrictions as approved by the Law Department.

Mr. Baldin – Second.

Mr. Evans – We have a motion and second, 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. Those of you that have questions, we again encourage you to go to the City, or your HOA, and see the plans. They should also have the plans because they've been involved in those discussions. Our intent is to make it a good project both for people in Strongsville that live here, and the people who are going to be running a business out of the new development.

Mr. Kolick – The applicant will need to return to the Planning Commission after that waiting period to ask them to approve the parcel split and to get our office the final documents. Thank you.

Mr. Evans – Thank you, Mr. Kolick. Is there anything else to come before the Board this evening? Then we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>October 10, 2018</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date