

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
April 22, 2020

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

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

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 April 22, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL FIVE MEMBERS 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 do not have any minutes this evening to approve. If you are here this evening and plan to speak I will ask that you now stand and be sworn in by our Assistant Law Director as well as our secretary and Building Department Representative.

Mr. Kolick then stated the oath to Mr. Voorhies and those standing.

Mr. Evans – Thank you. Mr. Voorhies, if you will make your way to the podium please.

1) NATHAN AND ASHLEY VOORHIES, OWNER

- a) Requesting a 13' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 512 SF patio and 260 SF walkway;
- b) Requesting a 9' variance from Zoning Code Section 1240.08 (c) (18) (C), which prohibits a sidewalk encroachment and where a sidewalk encroaching 9' onto PPN 397-19-043 is proposed; property located at 17960 Saratoga Trail, PPN 397-19-027, zoned R1-75.

Mr. Evans – There are Lysol wipes there for you if you need them. We have a Public Hearing this evening. There are no New Applications. Item Number 1 on our agenda is Nathan and Ashley Voorhies on Saratoga Trail. Mr. Voorhies, when you were here at the last meeting we talked about the rear yard setback and we have come to determine that you also needed a second variance for the side yard service walk. As I indicated at the last meeting that I will be abstaining but I will

1) **NATHAN AND ASHLEY VOORHIES, OWNER, Cont'd**

Mr. Evans continues - inform you that if you look at the way that the house was built, the extension that was built by Michael Evans, no relation to me, back about fifteen years ago comes very, very close to the property line and the air conditioner that extends out beyond that and then the service walk goes beyond that the Homeowner's Association has authorized up a nine foot variance. I don't think that it will require that much but in looking at where I believe the property is and two of the other High Point Trustees looked at it and we felt that nine feet was the appropriate measurement and just to ensure that we have it and David Allen, an attorney who is also a Trustee at High Point, is working on an easement for the Association to grant the access to the applicant for that as well. That is in process and will be completed. I just wanted to make you aware of those things. Does anyone have any questions or comments about this?

Mr. Baldin – No, I think that you covered it, Mr. Chairman.

Mr. Houlé – The side yard setback is still remaining on his property, just what is the variance?

Mr. Evans – The side yard variance is because that service walkway is going to cross over onto the common property of the High Point Association. So, the permanent parcel number that you see the walk is coming onto is actually common ground. There is a stub that is about thirty foot wide that goes from the recreation area out to Saratoga Trail and there are burning bushes that are planted along that as those are on the common property and the service walk is going to extend about seven feet but we said nine feet to be sure that we had enough extension to provide for it.

Mr. Kolick – Mr. Chairman, we will need to do this in two motions. (a) will have to be separate from (b) because (b) needs to be made subject to the applicant working out an agreement with the High Point Homeowner's Association to go on to its property. So, that will be the contingency on (b). Now, just so you're clear we don't normally do this contingent on the homeowner's approval but this is actually on the homeowner's land so we have to do it on this particular case, which is different than the other situation that we have so (a) would not have any contingencies and (b) would have to have that contingency added to it.

Mr. Houlé – What was the revised letter? I thought that was the contingency.

Mr. Evans – The revised letter was indicating the second variance but at this point there needs to be a legal document in place and the letter from the High Point Homeowner's Association is just regarding the variance, not the encroachment.

Mr. Kolick – If we didn't get the second letter we wouldn't even be looking at this but since the home owner has already indicated there are going to do it, we just have to make sure they formalize what they need to formalize.

Mr. Houlé – What is the wording for the contingency then?

1) **NATHAN AND ASHLEY VOORHIES, OWNER, Cont'd**

Mr. Kolick – It's subject to the applicant working out an agreement with the High Point Homeowner's Association to go onto its property.

Mr. Evans – Any other questions or comments? This is a Public Hearing. For the Building Department Representative, are there any people at the door wanting to speak on this?

Mr. Roenigk – No sir.

Mr. Evans – Okay, is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will close the Public Hearing and entertain a motion.

Mr. Houlé – Mr. Chairman, I would like to make a motion to approve a 13' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 512 SF patio and 260 SF walkway.

Mr. Baldin – Second.

Mr. Evans – Thank you, Mr. Houlé, for the motion and Mr. Baldin for the second. May I have a roll call please?

ROLL CALL:	MR. RUSNOV	AYE
	MR. HOULÉ	AYE
	MR. EVANS	ABSTAIN
	MR. HAYDEN	AYE
	MR. BALDIN	AYE

Mr. Evans – The variance has been approved. There is a twenty day waiting period during which City Council can review our decision. I will entertain a motion for item (b).

Mr. Houlé – I'd like to make a motion to approve a 9' variance from Zoning Code Section 1240.08 (c) (18) (C), which prohibits a sidewalk encroachment and where a sidewalk encroaching 9' onto PPN 397-19-043 is proposed; property located at 17960 Saratoga Trail, PPN 397-19-027, zoned R1-75 contingent upon the applicant reaching an agreement with the High Point Homeowner's Association regarding the encroachment.

Mr. Baldin – Second.

Mr. Evans – Thank you Mr. Houlé and Mr. Baldin, may I have a motion please.

ROLL CALL:	MR. RUSNOV	AYE
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1) **NATHAN AND ASHLEY VOORHIES, OWNER, Cont'd**

MR. HOULÉ	AYE
MR. EVANS	ABSTAIN
MR. HAYDEN	AYE
MR. BALDIN	AYE

MOTION GRANTED

Mr. Evans – The second variance has been approved subject to the review of City Council. You will need to continue to work with Mr. Allen who is doing the write up on the easement and we'll have to get that filed between you and the High Point Homeowner's Association. You'll be notified by the Building Department after the twenty days.

Mr. Voorhies – Thank you.

Mr. Roenigk – Mr. Chairman, will the Building Department be getting a copy of that easement agreement for our records?

Mr. Kolick – All we would need is something from the Homeowner's Association saying that it's been completed.

Mr. Roenigk – Before we release the permit I would need that as record that it's been taken care of.

Mr. Kolick – All we need is a letter. If you feel you're far enough along and it's taken care of.

Mr. Evans – With the coronavirus situation I don't know how fast this will move.

Mr. Kolick – As long as we have a letter saying it's okay to go forward.

Mr. Evans – Okay, will do. Thank you.

Mr. Roenigk – Thank you.

2) **PATRICK AND ANNETTE KLANAC, OWNERS/Fred Haun with Deckcreator, Representative**

Requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a 201 SF Deck Expansion; property located at 19417 Misty Lake Drive, PPN 397-29-062, zoned R1-75.

2) **PATRICK AND ANNETTE KLANAC, OWNERS/Fred Haun with Deckcreator,
Representative, Cont'd**

Mr. Evans – Mr. Haun, welcome. I'm going to ask that we swear you in.

Mr. Kolick stated the oath to Mr. Haun.

Mr. Evans – Mr. Haun, we'll need you name and address for the record please.

Mr. Haun – Fred Haun, my address is 12235 York Road, North Royalton.

Mr. Evans – You are representing Patrick and Annette Klanac. We did receive a letter from the homeowner's association but this evening we hit another bump in the road. We received a letter from a neighbor on Currier Drive and basically this was in reference to the Public Hearing. It didn't get to us in time but it indicates that the Klanac's are doing large fires on their existing deck. The letter reads they have a large or some type of deal for the fire. I understand this violates city and state law regarding the 20 to 50 foot setback from structures. The Strongsville Fire Department has shut them down but they continue to do fires. If you are going to ram this through like some sort of kangaroo court without addressing this issue, I will be very disappointed. I believe there should be a proper fireplace or other certified item for proper fire management included in this so-called expansion. If I see what I believe to be an illegal fire after the expansion I will contact my friend Mayor Perciak, who is the Mayor of Strongsville and we'll fix it. Thank you for your attention. Sorry, due to the quarantine I am not able to be present. So, we received this letter from the neighbor. The Public Hearing had been held. My concern is at this point your customer needs to understand that a formal complaint has been filed and I'm going to ask Brian to explain from the Building Department's standpoint what people can and cannot do on decks regarding fire pits. This letter writer indicates that they are having large fires without having an appropriate container for the fire. Brian, can you perhaps talk about what our code permits on a deck regarding fire pits.

Mr. Roenigk – Yes sir, it's in reference to the Ohio Fire Code, which is what we follow. The requirement is a minimum of fifteen feet from any combustibles. That's a dwelling, a deck, a pergola and anything made of combustible material like a wooden fence. They must maintain fifteen feet away.

Mr. Kolick – Mr. Haun, do you know, is there a fire pit on this premise? You've been there obviously because you're looking at doing it? You are sworn here to tell us what you're found.

Mr. Haun – I have not seen a fire, or any kind of fire structure on their deck. They do have one of those little tiny chimeneas in their yard.

Mr. Evans – Yes, I saw that in the yard too.

Mr. Haun – That's all I saw. It's tiny.

2) **PATRICK AND ANNETTE KLANAC, OWNERS/Fred Haun with Deckcreator,
Representative, Cont'd**

Mr. Evans – About three foot tall.

Mr. Haun – It's ceramic.

Mr. Kolick – Regardless of what it is, it has to be kept fifteen feet from any type of structure as noted by the Building Department.

Mr. Haun – It is. It's kind of in the corner to where they were going to do the addition. So, it's like fifteen or sixteen feet away from the house towards the corner of the property. It's not even close to the house. I don't see how you can get a fire in that thing that would summons the Fire Department.

Mr. Evans – My purpose in reading the letter is to make you aware of it and I think you need to make your customer aware of the fact. It's someone from Currier Lane behind them and they may know who it is.

Mr. Haun – They didn't express any of this to me. I know nothing about it.

Mr. Evans – For our purposes, I don't know that it's germane to the applicant's request other than if they were intending on putting the fire pit on the deck then that would be a problem.

Mr. Rusnov – If I understood the letter, the Fire Department has already been there, or called, or a complaint was filed?

Mr. Evans – It says they had already been shut down. That may or may not be a true statement. They are not under oath in writing the letter. I'm disposed to say it might be and it might not necessarily be. Again, I don't believe that that has an impact on it looking at the variance.

Mr. Rusnov – As one of the kangaroos I would suggest that we put that in the minutes.

Mr. Kolick – Mr. Chairman, we could also include it in a letter indicating that you cannot keep it within fifteen feet of any combustible material with a copy of the section of Fire Code. We know that you're going to let your customer know, we could send something as well. It also is in the minutes.

Mr. Roenigk – Okay.

Mr. Baldin – Do we want to add anything?

2) **PATRICK AND ANNETTE KLANAC, OWNERS/Fred Haun with Deckcreator,
Representative, Cont'd**

Mr. Kolick – No, we don't want to have any contingencies. You can act as it is. We can put that in the action letter. Thank you.

Mr. Evans – All right. Any other comments? We have already had the Public Hearing. We have the document from the homeowner's association. I will entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 6' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a 201 SF Deck Expansion; property located at 19417 Misty Lake Drive, PPN 397-29-062, zoned R1-75.

Mr. Baldin – Second.

Mr. Evans – Thank you, Mr. Rusnov, for the motion and Mr. Baldin for the second. May I have a roll call?

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – So, they should be aware that they should not have any fires on the deck. I'm sure that City Council will enjoy reading this. Thank you, Mr. Haun for coming back the third time.

Mr. Evans – Is there any other business to come before the board tonight? If nothing else then we are adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

June 10, 2020
Approval date