

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
April 8, 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. Onofre, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this April 8, 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. If the applicant and the Building Department representative and the secretary would please stand to be sworn in.

Mr. Kolick then stated the oath to those standing.

Mr. Evans – Thank you. Our meetings are divided into two portions. Our first portion is new applications.

1) **NATHAN AND ASHLEY VOORHIES, OWNER**

 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; property located at 17960 Saratoga Trail, PPN 397-19-027, zoned R1-75.

Mr. Evans – Mr. Voorhies, we will need your name and address please.

Mr. Voorhies – Nathan Voorhies, 17960 Saratoga Trail.

Mr. Evans – Thank you. You are here because you are asking for a rear yard setback variance. What is the project and what is involved?

Mr. Voorhies – We are looking at replacing the deck behind the house with a stamped patio. The deck was requiring some maintenance this year. We are also replacing the siding. I deemed it not worth to spend the money on repairing the deck and not have the siding done correctly. We decided

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

Mr. Voorhies continues - to remove the deck and found out it was not graded correctly. So were very lucky that we didn't get water in our basement. We ended up having the deck put back on versus putting in the stamped patio and the benefits to us and the maintenance is better than having the stamped patio. It's more functional for our family and it allows us to fix the grading issues to prevent any water in our basement.

Mr. Evans – Okay. The property backs up to common area on the back and the side of the property there. There was a homeowner association letter that was transmitted electronically. The applicant has a copy. Any questions?

Mr. Houlé – This is a like for like replacement other than from wood to concrete?

Mr. Voorhies – Almost. There is, which we found out after we ripped off the deck, that only a portion of the deck that was permitted. There was a portion of the deck that was put on at some time prior to our knowledge that is not on the original permit. The footprint where the deck was is where it came out a little further. It should have been in a foot and a half.

Mr. Houlé – Thank you.

Mr. Evans – Basically, it's the same but not exactly. I don't think that at this point it's going to be necessary to mark it. You can see where the patio is going in.

Mr. Voorhies – The lot is irregular on the one side because of the common ground.

Mr. Houlé – I have no problem with it.

Mr. Rusnov – Is the patio going to be one of the scalloped ones or is it a perfect rectangle?

Mr. Voorhies – It will be scalloped.

Mr. Rusnov – Okay, so that probably accounts for some of the distance too, correct?

Mr. Voorhies – Yes. The one corner is really the only area that will be out slightly further than the original. There was area that came down and then this part here. The middle part is very close to where it was. It's just that one corner.

Mr. Evans – Anything else?

Mr. Baldin – The walkway is going to be on the left side of the house?

Mr. Voorhies – Yes, the left side.

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

Mr. Baldin – The left side and it's going to be a little bit larger than what your deck was?

Mr. Voorhies – Only very slightly. As far as the width, it's the same. The one corner is different.

Mr. Baldin – You still have to pull the post out.

Mr. Evans – No other questions. I don't see any problem.

Mr. Kolick – Mr. Chairman, I take it that you'll be abstaining from this?

Mr. Evans – Yes, as a trustee, I will be abstaining on this. There will be four people voting on it. Mr. Voorhies, everyone within 500' gets a letter from the City with a description from the agenda, which doesn't tell people a whole lot. It's just going to tell them what you see on the agenda. You may want to knock on doors to explain it within the perimeters of the virus and everything. People generally don't understand what it's about. At least those people in the immediate area will know what you're planning on doing. If you have a drawing show them what you've submitted to the City. At the next meeting on April 22, we invite you back for the Public Hearing and anyone can make any comments. That's why it's a good idea to get to neighbors ahead of time so they don't have to come in. It's at that meeting that we will vote on it. There's a twenty day waiting period after that in which City Council has the opportunity to review it and then after that you could move forward with the project.

Mr. Kolick – Mr. Chairman, I just have one other question. You do back up to a property on Brandywine, don't you? That's where you need the variance.

Mr. Voorhies – Yes.

Mr. Kolick – It's the rear side, for lack of a better term?

Mr. Voorhies – Yes.

Mr. Kolick – Okay, thank you.

Mr. Evans – Okay, and so we will see you back here on April 22. You are all set for tonight.

Mr. Voorhies – Thank you.

Mr. Evans – Thank you. There's a service walk that goes on the side of the house that you alluded to. In the beginning when that addition was put on there they put pavers in there. It is going to be a concrete walk and the High Point Homeowners Association furnished a letter to the City today that we did not have a problem with that because it actually extends about a foot over on the High

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

Mr. Evans continues - Point property. We aren't going to do an easement or anything like that but we passed judgement on that.

Mr. Kolick – Are you saying his walkway is going to extend into the common area?

Mr. Evans – Yes, about a foot. I've have conversations with Brian Roenigk with the Building Department about it.

Mr. Kolick – He can't extend the walkway into the adjoining parcel without a variance because he's going beyond the property line. You're going to need to add another variance on there, Brian.

Mr. Roenigk – Okay.

Mr. Kolick – The walkway can go up to the property line but it can't cross over the property line.

Mr. Roenigk – Yes, because of that addition and the air conditioner it is not a straight path. It's a curvy path. It curves around the air conditioner.

Mr. Kolick – Let's just get it on. I don't want him to be here and then make him come back and say, now you need another variance as well.

Mr. Roenigk – Okay. That's fine.

Mr. Kolick – We'll need something from the Homeowner's Association.

Mr. Roenigk – It's in the letter already.

Mr. Kolick – Okay. I saw the Architectural Review approval but I didn't see any other letter yet.

Mr. Evans – Kristi, do you have those two letters that I gave to you?

Ms. Onofre – I have one.

Mr. Roenigk – I have one and we have one in the office.

Mr. Evans – Alright.

(E) PUBLIC HEARINGS

2) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc., Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits one (1) Wall Sign and where three (3) Wall Signs (North, South and West) are proposed; property located at 16013 Pearl Road, PPN 397-02-082, zoned General Business (GB).

Mr. Evans – Hi, Mr. Briola. We'll get you sworn in first by our Assistant Law Director.

Mr. Kolick stated the oath to Mr. Briola.

Mr. Evans – Mr. Briola, we will need your name and address for the record.

Mr. Briola – I'm Jim Briola with North Coast Sign and Lighting Services at 310 North Broadway Street, Medina, Ohio.

Mr. Evans – All right. This is a Public Hearing for Bank of America. We understand that you are going to ask to table tonight because Bank of America didn't come to a decision yet as to what they wanted to do but this is a Public Hearing so first I'm going to do the Public Hearing and then after that we will approach what you want to do with the motion to table. Is there anyone here this evening who wishes to speak for the granting of the variance?

Mr. Roenigk – There is no one outside.

Mr. Evans – Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the Public Hearing closed and Mr. Briola, is there any other information that you need to get from us or anything that we need to do?

Mr. Briola – No, now that it's tabled, does that mean that it's going to be rescheduled?

Mr. Evans – Your indication is that your customer does not have a decision yet?

Mr. Briola – Yes.

Mr. Evans – Then you need to request to table it. We can't do that. You would be the one asking to table it. Then that would move it to our next meeting, which is April 22. Again, I will tell you that if they are going to change what they are proposing, sizes or where the signs might be, then getting that to us ahead of time would be appreciated so that we have that in advance of the meeting. Otherwise, we will react on April 22 to the proposal from the Bank of America. So, is it your wish to table tonight?

Mr. Briola – Yes.

2) **BANK OF AMERICA/Jim Briola with North Coast Sign and Lighting Services, Inc., Representative, Cont'd**

Mr. Kolick – Mr. Briola, the secretary told me that Bank of America may not be ready on April 22? Do you know that they are?

Mr. Briola – I'm not sure that's a possibility.

Mr. Kolick – Okay, well then if that's the case, rather than having you come back again and ask to table it again, why don't you ask that it be tabled until you notify us that you want to be back on the agenda. If we set it for April 22, you'll have to come back again and if you're not sure then with your permission we'll just table it until you notify us that you want to come back on the agenda.

Mr. Briola – That is what I would like to do.

Mr. Kolick – Fine, that is what we'll do.

Mr. Evans – Please notify us by the Friday ahead of the meeting. Two of us on the Board have worked for banks for a long time and we understand the decision process. Hopefully, they will be able to move that along because I know the building is going to be under construction. They are going to want the signage done.

Mr. Briola – Thanks very much.

Mr. Evans – We look forward to hearing from you then.

3) **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.

Mr. Evans – Good evening. I will ask the Assistant Law Director to get you sworn in.

Mr. Kolick stated that oath to Mr. Haun.

Mr. Evans – Mr. Haun, you are the representative for the deck company. Would you state your name and address for the record, please.

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

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

Mr. Evans – Thank you, Mr. Haun. This a 6' rear yard setback variance where 36' is required and they're proposing 30'. Board members, we've all been out to take a look at this. Any questions, comments or observations?

Mr. Baldin – Mr. Chairman, I don't really see any problem there. They are right next to common area and they are looking for a little expansion. I think it will be a nice addition. I have no objections at all.

Mr. Kolick – Mr. Chairman, did we get a letter from the Homeowner's Association that we requested at the last meeting? Deerfield Lake?

Mr. Haun – Not yet. With everything going on the Homeowner's Association hasn't responded.

Mr. Roenigk – They still have twenty days if it does pass.

Mr. Houlé – It would be contingent upon the letter.

Mr. Haun – Okay.

Mr. Kolick – We can't do that. Otherwise we would be delegating to the Deerfield Lake Homeowner's Association our authority to determine whether or not you get a variance. We can't do that. Do you know when they will be meeting?

Mr. Haun – I spoke to them today and he was going to follow up with them. I don't have that information. I can call them tomorrow.

Mr. Kolick – Mr. Chairman, normally I would say that we can act on it but this is backing up against common ground and we're a little more reluctant to say, "Go ahead and do it" because if there's anybody's property that would be affected, it's theirs.

Mr. Evans – Right, it is common ground. I think maybe the route to take, Mr. Kolick, is to do the Public Hearing and we get our comments on the record so that they are taken care of and at that point, I believe, that if this comes up on the agenda and we get the letter from the Homeowner's Association that is in favor of it we would not necessarily have Mr. Haun back. We could take action on it with the Public Hearing being done and see where we go with it then.

Mr. Kolick – Okay, we have a choice. We can either act on it tonight but without that Homeowner's Association letter I'm not real clear that it would be approved. Or you can ask us to table it after the Public Hearing and then we can act on it at another meeting in the future, but we'll go forward

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

Mr. Kolick continues - and have the Public Hearing. Go ahead, Mr. Evans, and have the Public Hearing and then we can explain the alternatives.

Mr. Evans – First, any other comments from Board members? No, okay, this is a Public Hearing. I will ask is anyone in the audience who wishes to speak for the granting of the variance? Brian, you have indicated that there is no one outside.

Mr. Roenigk – There is no one outside.

Mr. Evans – Okay. Is there anyone who wishes to speak against the granting of the variance? Hearing none and seeing none I will then declare the Public Hearing closed. So, Mr. Haun, the opportunity here, as Mr. Kolick indicated is that we have to have a letter from the Homeowner's Association. We cannot make it contingent upon the letter because if the Homeowner's Association votes against it that is the end of it and that would remove our authority over the project. Even if they vote against it we might still grant the variance. The other opportunity would be that we could act on it without the Homeowner's Association but that's not a way that we like doing it. Given the unusual circumstances of these times I hate to delay them but since construction and everything else is in the same boat I'm thinking that is the right way to go.

Mr. Haun – Table it?

Mr. Evans – Yes.

Mr. Kolick – So, since you asked us to table it we can certainly do that and tell your customer, please, to get us the letter one way or another, however the Homeowner's Association feels about it. We don't have to go the way they want but we at least want to get their input because they are most directly impacted by this. I do suggest you or a representative come to the next meeting.

Mr. Haun – Okay.

Mr. Kolick – If you learn for some reason that they aren't going to give you a letter then let us know that too.

Mr. Haun – Okay.

Mr. Evans – Basically, in asking us to table it what I would recommend is that you ask us to table it until you notify us that you're ready to come back. I'm hoping that they will have that done soon and by the April 22 meeting they can do that. But if they haven't gotten to it by April 22 then you would still have to come back on April 22 and then again after that. If you ask us to table it until you notify us then the next meeting is April 22 and then please let us know by the Friday before

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

Mr. Evans continues - that you have the letter. You can get it to the Building Department and that way we could actually put you on the agenda for April 22 and move the process along.

Mr. Haun – Okay. So, please table it until I notify you.

Mr. Evans – Okay. That finishes it up for tonight. Please have the Homeowner's Association get that to you. They use a management company anyhow so it shouldn't be a big deal.

Mr. Haun – The homeowner was taking care of that portion of it and whether he was busy, I don't know. You never know what's going to happen after nineteen years in this business.

Mr. Evans – Understood. Thank you.

4) **ERIC BODKIN, OWNER/Steve Bella with Bella Cement, Representative**

Requesting a 11' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 333 SF Patio and Walkway encroaching 11' beyond the main dwelling into the Side Yard Setback; property located at 12531 Cooper's Run, PPN 392-11-094, zoned R1-100.

Mr. Evans – Alright, Mr. Bella, I need for the Assistant Law Director to swear you in.

Mr. Kolick stated the oath to Mr. Bella.

Mr. Evans – We'll need your name and address, Mr. Bella for the record.

Mr. Bella – Steve Bella 12588 South Churchill Way, Strongsville.

Mr. Evans – Thank you, you are here for the property at 12531 Cooper's Run, which is Eric Bodkin. Gentlemen on the Board, we have all been out to look at this. Any questions that you may have, or comments that you need to make on the record?

Mr. Rusnov – We covered it all pretty much last time. So, it's well covered.

Mr. Houlé – And we have a Homeowner's Association letter.

Mr. Evans – Okay, this is a Public Hearing. I'll ask is there anyone in the audience who wishes to speak for the variance. Is there anyone in the audience who wishes to speak against the variance?

Mr. Roenigk – There is no one outside, sir.

4) **ERIC BODKIN, OWNER/Steve Bella with Bella Cement, Representative, Cont'd**

Mr. Evans – Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Baldin – Mr. Chairman, I would like to make a request for an 11' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 333 SF Patio and Walkway encroaching 11' beyond the main dwelling into the Side Yard Setback; property located at 12531 Cooper's Run, PPN 392-11-094, zoned R1-100 be approved.

Mr. Houlé – Second.

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

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans – All right, the variance has been approved. There is a twenty day waiting period during which time City Council has the opportunity to review the decision. You will be notified by the Building Department at the conclusion of the twenty days. I did notice that you are getting ready to pour concrete at the corner of Saratoga and Lexington, which was one that we acted on a while back. Please do a good job on that one because that's in my Homeowner's Association and I'm sure the owner will appreciate that. With that, you are all set for this evening, sir. Thank you.

Mr. Bella – Thank you.

5) **INDUSTRIAL LAND PARTNERS/Jim Cygan with Premier Development, Representative**

Requesting a 9' Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Parking Setback from the Commerce Parkway right-of-way and where a 41' Parking Setback is proposed in order to construct a Commercial Building; property located at Commerce Parkway, PPN's 394-05-004 and 394-03-012, zoned General Industrial (GI).

Mr. Evans – Gentlemen, whichever of you that may be speaking I need to ask that you be sworn in by our Assistant Law Director?

Mr. Kolick stated the oath to those standing.

Mr. Evans – Thank you. I need your names and addresses for the record please.

5) **INDUSTRIAL LAND PARTNERS/Jim Cygan with Premier Development,
Representative, Cont'd**

Mr. Piszczak – Spencer Piszczak, Premier Development Partners, 5301 Grant Avenue, Suite 100, Cleveland, Ohio 44125.

Mr. Pietrantone – Dave Pietrantone with Riverstone Company, 3800 Lakeside Avenue, Cleveland, Ohio 44114

Mr. Evans – All right. Thank you, gentlemen. We are here for the Public Hearing for item number five which is Industrial Land Partners. Would one of you give a little bit of background on this and tell us what we are looking at?

Mr. Rusnov – Can I help you a little bit? This was a private street, which was changed to a public street, which is what is creating the issue with the parking.

Mr. Piszczak – This is an extension off of Commerce Park that is a private drive currently. We would like to get it dedicated.

Mr. Kolick – If you could show your presentation to the other Board members because everyone is spread out.

Mr. Evans – The issue is the street exists and the parking exists.

Mr. Evans – Okay. And it is only the one parking lot that has that problem.

Mr. Piszczak – Correct.

Mr. Evans – Okay, questions from Board members?

Mr. Houlé – Where is the parking on the site plan?

Mr. Piszczak – This is the Brighton Best parking down here (indicating to drawing).

Mr. Kolick – The industrial building on the south side of the road, Mr. Houlé, that is called Brighton Best and they are within the 50' setback from the roadway. It's not going to change anything. The roadway is going to stay right where it is now. The parking is going to stay where it is now. It's just a technical matter that needs to be cleaned up now that they are requesting that it be turned into a public roadway.

Mr. Rusnov – No questions.

**5) INDUSTRIAL LAND PARTNERS/Jim Cygan with Premier Development,
Representative, Cont'd**

Mr. Baldin – I've been to the location. I don't have any problems.

Mr. Evans – This is a Public Hearing. Do we have anyone outside?

Mr. Roenigk – There is no one outside.

Mr. Evans – All right. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone who wishes 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. Houlé – Mr. Chairman, I would like to make a motion to approve a request for a 9' Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Parking Setback from the Commerce Parkway right-of-way and where a 41' Parking Setback is proposed in order to construct a Commercial Building; property located at Commerce Parkway, PPN's 394-05-004 and 394-03-012, zoned General Industrial (GI).

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES MOTION GRANTED

Mr. Evans – Gentlemen, the variance has been approved by us. There is a twenty day waiting period during which time the City Council has the opportunity to review our decision. You will be notified by the Building Department at the conclusion of the twenty days. Mr. Kolick, they have other things they have to do?

Mr. Kolick – After the twenty days you can get on the Planning Commission agenda so you can contact Carol Brill and she will monitor the twenty days. The first Planning Commission after the twenty days you can get on the agenda.

Mr. Evans – That does seem like it was an awful easy process tonight but I want to assure you that the road gets steeper and higher as you go further into the process. We are the nice guys at the front end. We always try to take care of businesses. Now you have to go before the other folks that make sure it's all done right. We just sort of move you along the process. Hopefully everything will work out and you are all set for tonight then.

Mr. Piszczak – Thank you.

5) **INDUSTRIAL LAND PARTNERS/Jim Cygan with Premier Development,
Representative, Cont'd**

Mr. Evans – Thank you. Is there any other business to come before the Board tonight?
Thank you, Kristi, for filling in for our secretary.

Ms. Onofre – You're welcome.

Mr. Evans – Then we are adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>May 27, 2020</u>
Mr. Evans, Chairman	Kathy Zamrzla, Sec'y	Approval date