

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

**Meeting of
January 12, 2022**

Board of Appeals Members Present: Ken Evans, Richard Baldin, John Rusnov, Dustin Hayden, David Houlé

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

Assistant Law Director Kolick swore in Ken Evans as a Board Member of the Board of Zoning & Building Code Appeals.

Mr. Evans – I'd like to call this caucus for the meeting of January 12, 2022 to order. This is a time for the Board Members to discuss the items that are on our agenda. We'll invite your participation at 8:00 when the actual meeting begins. You can stay and listen to the Board Members talk about the items on the agenda. We have minutes for December 15, 2021. No corrections or changes were noted so we'll approve those in the meeting. We have three items on public hearing this evening. Number one is Boyd which is Schumacher Homes of Cleveland requesting two setback variances.

The Board members discussed the following:

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher Homes of Akron/Cleveland, Representative**

a) Requesting an 18' Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Setback to the centerline of Fairtree Drive and where an 82' Setback to the centerline of Fairtree Drive is proposed;

b) Requesting a 43' Setback variance from 1252.04 (e), which requires a 100' Setback to the centerline of Wolzhaven Drive and where a 57' Setback from the centerline of Wolzhaven Drive is proposed in order to construct a Single-Family Dwelling, PPN 391-24-020, zoned R1-75.

Mr. Rusnov stated that he has no problem with this request. Mr. Houlé stated that the house will be sticking out from the other homes. Mr. Evans stated that he is concerned with the height of the house. Mr. Kolick stated that the Board could limit the height of the house. Only as a condition to granting the variances. Mr. Houlé stated that no dimensions were provided in the plans.

2) **MICHAEL AND MARILYN FRANCU, OWNERS**

Requesting a 28' variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in a front yard and where a 6' tall Board on Board Fence encroaching 28' past the front of the dwelling into the front yard is proposed; property located at 17934 Cliffside Drive, PPN 396-09-316, zoned PDA - 2.

Mr. Rusnov stated that a new fence will be an asset and he has no problem with this request. Mr. Evans stated that the topographical requirement would apply. Mr. Kolick stated that there is HOA approval.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klassic Custom Decks, Representative**

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with Permit# 20-002706 and where the applicant did not install handrails on the deck stairs at 22134 Olde Creek Trail, PPN 392-13-105 zoned RT-C.

Mr. Roenigk stated that the final inspection failed because there was no code compliant handrail. Mr. Evans stated that this may be a safety issue.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
January 12, 2022**

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

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

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

Mr. Evans – I would like to call this January 12, 2022 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. HOULÉ	PRESENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	PRESENT
	MR. RUSNOV	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 have to do the election of officers. Are there any nominations for the position of Chairman?

Mr. Baldin – I move to nominate Ken Evans for Chairman of the Board of Building Code & Zoning Appeals for the year 2022 and also request that the nomination for chairman be closed at this time and he be unanimously elected.

Mr. Houlé – Second.

Mr. Evans – We have the motion from Mr. Baldin and the second from Mr. Houlé. May we have a roll call please.

ROLL CALL:	ALL AYES:	MOTION PASSED
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Mr. Evans – Thank you. We will now move on to the Vice Chairmanship position. Do we have a nomination?

Mr. Baldin – I move to nominate Dave Houlé as Vice Chairman of the Board of Building Code & Zoning Appeals for the year 2022 and also request that the nomination for vice chairman be closed at this time and he be unanimously elected.

Mr. Hayden – Second.

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

ROLL CALL: ALL AYES: MOTION PASSED

Mr. Evans – Thank you. We have minutes from December 15, 2021. If there are no changes, we will submit those as they were given to us for the record. If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our secretary and Building Department representative.

Mr. Kolick stated the oath to those standing.

- 1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher Homes of Akron/Cleveland, Representative**
 - a) Requesting an 18' Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Setback to the centerline of Fairtree Drive and where an 82' Setback to the centerline of Fairtree Drive is proposed;
 - b) Requesting a 43' Setback variance from 1252.04 (e), which requires a 100' Setback to the centerline of Wolzhaven Drive and where a 57' Setback from the centerline of Wolzhaven Drive is proposed in order to construct a Single-Family Dwelling, PPN 391-24-020, zoned R1-75.

Mr. Evans – We have three public hearings this evening. Item number one is Boyd, a single family dwelling proposed for the corner of Fairtree and Wolzhaven. Is there a representative from Schumacher Homes here? If you would come forward and state your name and address for the record.

Mr. Gonser – My name is Jeff Gonser. I live at 2256 Countryroad Drive in Hinckley, Ohio.

Mr. Evans – Thank you Mr. Gonser. I don't think you were here during caucus. I had called Natalie Westover from Schumacher and I had requested some information from her. I hoping she got that message and passed that on to you so you are prepared this evening. If you can tell us a little bit about the proposed project. We have the elevations and the plat plans.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Gonser – We would like to build a home on the corner of Fairtree and Wolzhaven. We have a setback off of Fairtree at 52 feet from the right-of-way and also 27 feet off of Wolzhaven. It's my understanding that both directions we are in a bit of a quandary. We need a variance one way or another in order for this project to proceed. That's what we are seeking tonight and hopefully we can get that accomplished.

Mr. Evans – The questions I had asked are the elevations that we have do not have measurements on, so we don't know exactly how tall this proposed house is. I gather this is a model that Schumacher has built before and it's called the Ashton. Is this a two story or this a one story home?

Mr. Gonser – It is a one story. It is 23 feet high. It's 40 feet wide and 48 feet deep.

Mr. Evans – Do you know the approximate square footage?

Mr. Gonser – I don't know if it's on here or not. It's 1,601 square feet.

Mr. Evans – One of the things we talked about in caucus and the other question that I had asked Natalie was the elevation that shows looking at the garage door to Wolzhaven does not have any windows in it. The elevation facing Wolzhaven is going to be pretty stark and my question was whether or not there would be any windows, whether there were any intended or since we don't have the interior of the home we don't know what is on that side of the house. To the vantage point of the people on Wolzhaven that's going to be one gigantic wall with a garage door without any windows breaking it up.

Mr. Gonser – As it stands now that would be your view from Wolzhaven.

Mr. Evans – Right. So, my question is why is it such a stark view because if I was a neighbor I wouldn't be very pleased with that.

Mr. Gonser – Looking at the first floor there is a bath on that side and the owner's retreat off the master bedroom, so we certainly could add windows in there.

Mr. Rusnov – Difficult or you are going to add windows?

Mr. Gonser – If that's what's required, we will add windows.

Mr. Rusnov – Judging by the 23 foot height, is there expansion space up in the attic level or is it like a scuttle that you go up into the attic?

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Gonser – It would be access panels from in the house.

Mr. Rusnov – So it is a scuttle. You have 9 feet ceilings?

Mr. Gonser – Yes.

Mr. Rusnov – So you have about 12 feet of height in the attic from the top of the first floor roof to the peak?

Mr. Gonser – Right.

Mr. Rusnov – The question we were asking is can you cut that height down by changing the roof line?

Mr. Evans – The reason that we're asking that question is that the houses in that area are all pretty much ranches. When you have one that's going to be 23 feet tall, in particular, because this is the smallest lot and you're going to be 23 feet away from the one behind it, this is going to be a towering house compared to all the others in that area. The fact that it's not going to be used as a second floor, could the pitch be changed so the roof could be lower? I'm gathering that the gentleman back there is the proposed owner and if that's the case he can come forward but we need to have his name and address for the record.

Mr. Boyd – Yes. Clinton Boyd, 295 Bonaire Avenue, Elyria, Ohio. It a cathedral ceiling so there's not a second floor. It's all open on the inside.

Mr. Rusnov – When you say cathedral ceiling. . . This is the roof (indicating). Does the vaulted ceiling go all the way up?

Mr. Boyd – I don't know the exact difference that it would be on here.

Mr. Rusnov – So there would be no attic?

Mr. Boyd – Right.

Mr. Baldin – So there's not going to be a livable space up above? That's what we're asking.

Mr. Boyd – Correct.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Rusnov – With a cathedral ceiling, it sucks up most of the attic area, so then in effect you have no attic.

Mr. Evans – But the cathedral ceiling would normally not be throughout the entire house.

Mr. Gonser – Correct. There will be an attic, it just won't be in that cathedral ceiling area.

Mr. Rusnov – And that would be where your living room or family room would be which would be a two story, literally, family room or living room. What about the foyer? Would that be a cathedral ceiling?

Mr. Gonser – That's where it comes down.

Mr. Rusnov – So it would not be. It would be the 9 foot. It would have been helpful to have this on the plans.

Mr. Evans – That's why I made the call two weeks ago. This is a plan that Schumacher has, do you understand our concern with this house being so much taller than anything else in that area?

Mr. Gonser – Yes.

Mr. Evans – Unfortunately when you're coming into an existing neighborhood, we have to be careful about what we allow in, that changes the situation for people that live there.

Mr. Boyd – There's like four or five houses down there that are a bunch of two stories that are all higher.

Mr. Evans – Yes, that's correct. At the intersection of Fairtree and Wolzhaven they are all ranches in that area and in particular, the house that is across the street, which is a very similar corner lot, is a ranch which is a small one. You're proposing to be 23 feet from the lot line in the back of the house so that person behind you on Fairtree, that house is going to be huge behind it. Absolutely huge at only 23 feet away. If you were building on a lot in Strongsville that was a quarter acre or bigger, I don't think we would have a problem if there were two story houses. The fact that it is that close on a small lot in an area where there's only single family ranches that are in the immediate area, to us that's an issue.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Rusnov – The height of a typical ranch from the ground to the peak is between 12 and 15 feet. You are 9 to 10 feet higher with your peak. That's one of the areas that we're worried about. If we create a precedent then we have to live with it. So, think about that and also the windows to break it up to make it more aesthetically pleasing.

Mr. Evans – We know it's an expense to put windows in.

Mr. Rusnov – We would like to see some continuity in the neighborhood. We realize the lot is difficult to work with and you can only do so much with the lot. I have no problem with the setbacks, but the height of the house is going to stick out like a sore thumb. That section is almost all ranches. The colonials are further away.

Mr. Boyd – I'm not one hundred percent sure, but aren't some of the houses across the street two story? Like straight across the street, that one's not a two story? Around the corner?

Mr. Rusnov – What we're going to suggest if you could go back to the drawing board to see what you could do. You could table this and maybe revamp the drawings and give is a little bit more information, because you're not going to start digging right now. Are you?

Mr. Gonser – No.

Mr. Rusnov – If you give us a week or two and just maybe think about this and listen to what our concerns are and see what you can come up with. Some of the prints are one size fits all. This is a different situation.

Mr. Kolick – Let's have the public hearing.

Mr. Rusnov – Also, if you're going to have cathedral ceilings, give us a clue as to what the height is going to be. Or vaulted ceilings, whatever term you use.

Mr. Evans – Cathedral would be usually a lot taller that a vaulted ceiling would be.

Mr. Gonser – The cathedral ceiling is in the great room and in the kitchen.

Mr. Rusnov – Which are probably contiguous.

Mr. Gonser – Right. It's a 10 foot ceiling.

Mr. Rusnov – And that's probably almost half of the house.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Gonser – Yeah, about.

Mr. Rusnov – I'm just trying to make a suggestion, just to make it a little bit more palatable for everybody. We understand your situation. Please consider what we had to say.

Mr. Gonser – That pitch on that roof is already a six twelve, so in order to make that shorter we would have to make it go below to a four twelve or something like that.

Mr. Rusnov – You do this for a living. You can play your cards for today, but I strongly suggest you might want to go back to the drawing board and see what you can come up with.

Mr. Gonser – What height are we looking to achieve?

Mr. Evans – In the area of where you're looking at, the immediate homes nearby being ranches, I would think that you're going to want to be somewhere between a single story and the 24 feet that you're proposing. Schumacher does a wonderful job of customizing homes so I'm guessing there are things you can do to change that to a four twelve and if that brings it down four feet or something like and that cathedral or vaulted ceiling is still acceptable to the individual who wants to build the home, then I think you're going to cross the bridge that we need to get to because being at 24 feet, it's just going to be a lot bigger than anything else.

Mr. Gonser – 23 is where we're at.

Mr. Rusnov – If we pass this as is, the City Council could still overrule us. That's another thing to consider. What do you want to do? Table it? Or take your chances tonight?

Mr. Kolick – We can have the public hearing first and then we can talk with them after that because there may be people from the public who want to talk about it.

Mr. Evans – If you will have a seat and I will do the public hearing and find out if there is anybody here that wishes to speak about it tonight. After we're done with the public hearing, we'll bring you back up and figure out what to do then. This is a public hearing. I will ask if there's anybody in the audience who wishes to speak for the granting of this variance. Is there anybody in the audience who wishes to speak against the granting of this variance? Please come up and state your name and address for the record.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Ezinski – My name is John Ezinski, 9977 Fairtree Drive. I've been a homeowner there for 33 years. I'd like to see a house there but I don't want to see a Taj Mahal. I don't want to see something ugly either. I want to see something that fits into the neighborhood. I know I'm an older person and the younger people have their plans.

Mr. Evans – Did you see any of the drawings for what is proposed?

Mr. Ezinski – No. That's why I'm here because when I got the notice I was like it's not telling me nothing.

Mr. Rusnov – The house is not going to be a Taj Mahal. It's going to be typical quality for the area. You heard what our concerns were.

Mr. Ezinski – I like what you guys are doing.

Mr. Evans – Let me do this. This is a set of the elevations which you should see. If there is anything further you can say that at the mic, but go ahead and take that back to your seat and you can take a quick look at it. Is there anybody else who wishes to speak against the granting of the variance? Not necessarily against, but when we send out the notices we don't send the plans. You can go to City Hall and view them and that will give you a much better idea of what it is they're proposing for the lot. So, no one else wishes to speak at the public hearing? Come up to the microphone and state your name and address for the record.

Mr. Straka – I'm Bill Straka, 10025 Fairtree. I've been here 47 years on Fairtree and it's unanimous in that area that everybody says what a great neighborhood. Quiet, off the beaten path, away from 82 and the mall, but here's my concern about this whole thing. What's the address of this house?

Mr. Evans – The address would be on Wolzhaven.

Mr. Straka – Here's my real concern. Where do you hook up sewers to? Being in that area we've had this sewer issue forever and ever and ever. How is this going to impact our sewers? Because we've watched over the years the City come into the sewers and look around and determine what's going on and we know previously that another person that bought the lot walked away from it because of the sewer issue. I don't know the details and I'm not that concerned about that, I'm just concerned about our property, my property, which is directly across the street. After investing in some sewer work myself this year, I just want to make sure I'm looking at this the right way.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Evans – In theory, there should be no impact to the area into the sewers. The sewers in the area should be able to handle one additional house. That would be something our Engineering Department or Building Department would both work together to ensure that it's hooked in the right way so it doesn't cause any impact. Now having said that, we all understand that the sewers in Strongsville, particularly older sections in older neighborhoods, they weren't designed for the traffic that's flowing through them today. Even the newer developments aren't designed necessarily for the traffic that flowing through the sewers today. We're doing our best as a City to work on that. It is a planned work over time, it's not something you waive a magic wand and everything changes or anything like that.

Mr. Houlé – The records we have here show the address as being on Fairtree. Is the garage going to coming in off of Wolzhaven?

Mr. Roenigk – I was going to talk to you about that. I was waiting until you were done to mention that. It's a sideload garage.

Mr. Straka – The reason I asked you what the address is, is because across the street that house has a Fairtree address although it faces Wolzhaven.

Mr. Evans – The front door faces Fairtree.

Mr. Roenigk – I believe the sewers are the same across the street.

Mr. Straka – Towards my house?

Mr. Roenigk – According to this topo, it is.

Mr. Evans – Those are all fair questions and that's why we have the public hearing. Is there anybody else who needs to speak? Mr. Gonser if you will come back up. You heard some of the concerns from us. I don't think there are any real concerns from the neighbors except what we've already expressed in terms of height and the elevation that faces Wolzhaven in terms of looking more residential. With that in mind, do you think that it's appropriate to talk with the client and see what you can work out or do you want to roll the dice and go tonight or how do you want to do it?

Mr. Gonser – Well, when you say roll the dice, we're going to go for a vote and whatever it is, it is?

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher
Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Evans – That would be what would happen . . . Our job is to adjudicate the request from the applicant. You heard what our concerns are. If you say the applicant really wants this house and they're only willing to do this, then at that point if you want to do the vote tonight then I will declare the public hearing closed and we will go to a vote and whatever the vote is, that would be the vote. If you feel that there is room to work on this to address some of the concerns that we've expressed, which might inhibit our granting a variance, then at that point if you want to table it, that is an acceptable thing and it would be tabled until the next meeting or until you are ready with the proposed owner to present a modified plan that we would consider at that point.

Mr. Gonser – Could I speak with him for a minute?

Mr. Evans – You certainly may.

Mr. Baldin – I think everything is very valid, what we're bringing up here. I'm about 19 feet to my peak and I'm on a corner lot.

Mr. Rusnov – You brought up a lot of valid points and those are the same areas of concern that we all have and again the City Council could overrule us.

Mr. Evans – They have been known to do that.

Mr. Kolick – We need to do something with the applicant. If you would come up and tell us if you would like to table it or whatever you want to do.

Mr. Gonser – I think we are going to table it and see what our options are and then come back.

Mr. Evans – You may come back with exactly the same thing and say we've looked at the options and can't change it, and that's okay, but you've heard our concerns.

Mr. Gonser – I can't make a call on the roof pitch because I'd have to talk to our CAD operator and see what we can do. The windows are a no-brainer.

Mr. Evans – So we will table it. The step would be for you to notify the Building Department. Our next meeting is scheduled for January 26. That's only two weeks away, so you may need a little bit more time than that. If you stay in touch with the Building Department, as soon as you are ready we will get you onto the agenda. We want to assure you and the prospective homeowner, we're not trying to be tough guys. We're trying to help you blend in so that you are happy with what you're building and that the neighbors are happy with what goes in as well.

1) **CLINTON AND BRITTNEY BOYD, OWNERS/Natalie Westover with Schumacher Homes of Akron/Cleveland, Representative, Cont'd**

Mr. Kolick – For the applicant, if you want us to act on your current plans as they are, just make a phone call. If you modify them, then just get us the revised plan as quickly as you can before the meeting rather than bringing it in the night of the meeting. We would appreciate it. Just get them to City Hall so they can be distributed with the packets.

2) **MICHAEL AND MARILYN FRANCU, OWNERS**

Requesting a 28' variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in a front yard and where a 6' tall Board on Board Fence encroaching 28' past the front of the dwelling into the front yard is proposed; property located at 17934 Cliffside Drive, PPN 396-09-316, zoned PDA - 2.

Mr. Evans – Item number two is Francu on Cliffside Drive. Please state your name and address for the record.

Mr. Francu – Michael Francu, 17934 Cliffside Drive.

Mr. Evans – We are familiar with the area because we did a variance very similar to this for a neighbor of yours not too long ago. If you can give us a quick description of what it is that you need to do and why you need to do it.

Mr. Francu – I need to replace the fence in my front yard. I have no backyard. I have no side yard. The front yard fence is rotted, as you have probably seen, and it is probably 40 years old. It should have been replaced years ago. That's about it. It's an eyesore for our street and our development.

Mr. Rusnov – You have no place else to sit or entertain other than your front yard, which is typical of the other ones in the neighborhood and the ones that we've granted variances for.

Mr. Francu – Absolutely.

Mr. Evans – This is a topographical situation because of the way that Cliffside is built and where your house is located there is a drop-off. The front yard fence was done back in the early days.

Mr. Houlé – We do have HOA approval.

2) **MICHAEL AND MARILYN FRANCU, OWNERS, Cont'd**

Mr. Evans – Any other questions or comments? This is a public hearing. I will ask if there is anybody in the audience who wishes to speak for the granting of the variance. Mr. Francu if you would have a seat in the front there. If you would come forward and state your name and address for the record.

Mr. Kenzig – My name is Jim Kenzig. I live at 18153 Trailside Place. I'm on the Board for the Cliffs Association. I've been on the Board for over seven years. I'm speaking in support. Mike is a good neighbor. He recently moved in and he joined the Board with us. We're happy to have him on the Board. When I joined the Board seven years ago they kept talking about this property that Mike's in now and apparently it had been in foreclosure for many years and owned by the bank and they did nothing to it. There were weeds higher than the fence. The people that bought it before bought it to flip it and they were there for two years. They cleaned up the leaves in the courtyard, they did nothing to the fence. The fence is falling apart and it does need to be replaced.

Mr. Evans – Thank you Mr. Kenzig. Is there anybody else who wishes to speak for the granting of the variance? Is there anybody who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and I will entertain a motion.

Mr. Rusnov - Mr. Chairman, requesting a 28' variance from Zoning Code Section 1252.17 (a), which prohibits a fence to be located in a front yard and where a 6' tall Board on Board Fence encroaching 28' past the front of the dwelling into the front yard is proposed; property located at 17934 Cliffside Drive, PPN 396-09-316, zoned PDA - 2.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. If Council chooses not to act, you will be notified by the Building Department at the end of the twenty days and then you can begin the process of replacing the fence.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klasic Custom Decks, Representative**

Mr. Evans – Item number three on our agenda is Akey on Olde Creek Trail. Do we have someone here representing Klasic Decks? If you would come forward and state your name for the record.

Mr. Kolick – We'll let Brian present first for the City on any Building Code matter.

Mr. Evans – Okay. Let me get your name for the record.

Mr. Bunjevac – Rob Bunjevac, 3584 Trailview Court, Brunswick, Ohio.

Mr. Evans – Why don't you have a seat in the front row and we're going to have the City present its information first because this is an objection to the Building Department decision.

Mr. Roenigk – Permit was pulled by Klasic Custom Decks. The job was completed and the final inspection was on March 2, 2021. The inspector found that the stairway did not have a code approved graspable handrail. That would be page one of the packet that I handed out. That's the inspection report. Page two the code states that any stairway with four or more risers is required to have a graspable handrail. As you can see on page two there are fifteen risers for this stairway. Page three shows the type of graspable handrails that are approved. If you go back to page two and see that the top flat part of the what we would call guards, not a railing. These are called guards when they run up and down stairs. The top part would not be an approved graspable rail as required by code. Page four, this is a page out of our handout that our Department put together many years ago, available to all contractors and residents. It shows the type of graspable rails, required dimensions and also if you look at the bottom with the asterisk in red, that the decking of lumber on top of posts is not an approved railing. We have had this issue before with contractors and homeowners so that's one of the reasons why this packet was put together. As you can see on the left hand side of the page, the two top plates with the red asterisk would be the same as the picture on page two, the grey material on top of the guard. If you flip over to page five, this is a section of the code 2019 Residential Code of Ohio Section 311.7.8 which states handrails are required for four or more risers, that's the red underlined section. And 311.7.8.5 are the two types of required handrail grasps. It gives dimensions and measurements that are required. Page six would be the picture of a typical railing guard going down the stairs that does have an approved graspable rail on top of it rather than the flat decking material that was put on at this residence.

Mr. Kolick – Is the purpose of the graspable railing so someone could hold it so that they don't slip and fall or if they do slip and fall they can grab onto it?

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klassic Custom Decks, Representative, Cont'd**

Mr. Roenigk – That is correct. Lack of a handrail is a hazard for people especially these stairs being at least ten feet off the grade. That would be a hazard to anyone that slips.

Mr. Kolick – So this is a safety reason not an aesthetic one?

Mr. Roenigk – This is not an aesthetic issue. It is a safety issue.

Mr. Evans – I did neglect to mention that we have all been out to look at all of the items on the agenda and that includes this particular deck and handrail situation as well. Mr. Bunjevac, please address the reason for the appeal and as a part of that would be why the handrails don't comply. Klassic Deck is a company that we're familiar with. You have built a lot of decks and to my knowledge this is the first time that we've ever had an appeal of a decision. I suspect there is a good reason for that because you usually follow code pretty closely.

Mr. Bunjevac – We try to. I wasn't sure if this was an ADA issue because most of the codes are reading the inch and a half graspable. If it's an ADA issue or anything other than that because we build a lot of decks in the area and most of them don't meet that requirement of an inch and a half. Most of the manufactured handrails are larger than that. I explained it to the homeowners and the homeowners absolutely do not want that rail, an additional rail to the inside of those steps because its width was not acceptable to the homeowners also.

Mr. Evans – When you say additional rail, that would be one option. The other, of course, is to change the flat piece that's there to a regular railing, which we would have expected would have been the normal way the stairs would have been done.

Mr. Bunjevac – I guess this is the question we had was we weren't sure if it was an ADA or a safety issue because we never were called out on something like this.

Mr. Kolick – This is not part of the ADA. It's part of our Residential Code for safety purposes whenever there is more than four risers.

Mr. Bunjevac – I understand that. I don't know what to tell the homeowners. They like that rail system they have. They do not want that graspable rail on their deck.

Mr. Evans – When you said graspable are you talking about a secondary rail inside of what's already there?

Mr. Bunjevac – Yes. They wanted that flat rail. They like the look of it and that's the reason we're here. I guess I was confused with it, is graspable considered ADA.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klassic Custom Decks, Representative, Cont'd**

Mr. Kolick – No, it's strictly a Building Code issue.

Mr. Bunjevac – We have a separate set of rules and regulations for the Americans with Disabilities Act.

Mr. Kolick – It's not part of that. The idea is that if someone is coming down that stair and they go to grab it they can slide off that wider wood piece and fall and that is what we don't want to see. I'm sure the homeowner doesn't want to see that either. That's the reason for the Code. Somethings are in the Code for technical purposes. This is a real health, safety issue though in the Code.

Mr. Evans – The key word is graspable and that flat piece of wood is not graspable. It's high enough that it would be a real problem for a senior citizen, certainly a child to grab. The Code requires it to be 34 to 38 inches and that is considerably higher than that, so while aesthetically the homeowner may want that, it's a blatant safety issue. This Board would be pretty foolish to approve something that was a violation of a safety situation.

Mr. Rusnov – Just to clarify. We're here for our Code enforcement. FHA, VA their standards don't apply. They do if they're getting financing, but what we're here for is strictly our City Code and how it was interpreted, and that is a graspable handrail period.

Mr. Baldin – You had mentioned twice something about an inch and a half. What are you alluding to?

Mr. Bunjevac – Inch and a half being the area that you actually grab onto.

Mr. Baldin – What's up there now?

Mr. Bunjevac – It's five and a quarter.

Mr. Bunjevac – Most of the manufactured handrails on the market don't meet that requirement. We had this situation in the same neighborhood where we had to actually do some type of plowing on the backside of the rail where if somebody grabbed it, but it's one of those manufactures that don't know all the codes for each individual political entity.

Mr. Baldin – There are quite a few decks in that neighborhood.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klassic Custom Decks, Representative, Cont'd**

Mr. Kolick – I am surprised that the manufacturers don't know that because this isn't just a Strongsville requirement, this is the Residential Code of Ohio. Any municipality that has adopted the Residential Code of Ohio would have the same standard. The bulk of the municipalities have adopted it. In Ohio it's sort of a standard.

Mr. Bunjevac – For example, the rail that is in this packet, is larger than an inch and a half. The one in this picture, that is larger than an inch and a half. That doesn't meet the Code then, which that rail is done every day.

Mr. Evans – If you look at the Code though, it does meet the Code because it's two and a quarter inch, page number four.

Mr. Roenigk – The minimum is inch and a quarter; the maximum is two and three quarters.

Mr. Bunjevac – Okay, then the picture standard does meet the Code.

Mr. Evans – Most of those are done by State minimum standards. I think that you'll find that it does meet the Code requirement, the sample on page six.

Mr. Bunjevac – Yes it does. I didn't catch the two and three quarter part. It definitely is. No more than two and three quarters but smaller than an inch and a quarter.

Mr. Kolick – Is there any reason other than aesthetics that the homeowner didn't want to go with the graspable handrail?

Mr. Bunjevac – Because the staircase is a four foot staircase that comes down with a six inch rail posts which, I guessing it just aesthetics, they don't like the look of that. They don't have young children that would need it.

Mr. Kolick – One thing we have to be concerned about is we can take aesthetics into account, but safety has to trump aesthetics, number one, and number two, we have to be concerned once it's approved and up that there could be children there, the next owner, that's what we have to be concerned about. We don't want to see someone fall on that staircase.

Mr. Bunjevac – They have made that statement that if they were to sell the house, that they would add that additional rail on there for the next homeowner for a point of purchase or something along those lines.

Mr. Kolick – That isn't something we can do because we can't go out and check it.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klasic Custom Decks, Representative, Cont'd**

Mr. Baldin – Let me ask this question, you're looking for an appeal from the City but has the homeowner or you as the contractor, have you guys spoken? Do they want to make any changes or leave it as it is?

Mr. Bunjevac – They like the rail the way it is and they don't want to make any changes, that's why we're here. I've actually ordered a graspable rail and when we went out there to put it up, they said you're not putting that on my deck.

Mr. Rusnov – That settles that.

Mr. Kolick – I think you've heard the comments of the Board. Do you want to withdraw the request or do you just want them to go ahead and act on it? We'll do either one.

Mr. Bunjevac – Just go ahead and act on it.

Mr. Kolick – Anything else from the City? Any other questions the Board Members may have? Procedurally the motion would be to approve the appeal from the decision. If you don't agree with the appeal you would vote no. If you do agree with the appeal you would vote yes.

Mr. Evans – I would entertain a motion.

Mr. Houlé – I would like to make a motion to grant the appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with Permit #20-002706 and where the applicant did not install handrails on the deck stairs at 22134 Olde Creek Trail, PPN 392-13-105 zoned RT-C.

Mr. Rusnov – Second.

Mr. Evans – Thank you Mr. Houlé for the motion, Mr. Rusnov for the second. May we have a roll call please.

ROLL CALL:

ALL NAYS:

MOTION DENIED

Mr. Evans – The motion for the appeal has not been granted by this Board, so you would need to go back to the homeowner and let them know. Mr. Kolick, should they not choose to comply, the City would then . . .

Mr. Kolick – They need to let us know what they're doing and we'll act accordingly. If they comply we will need someone to go out and inspect it to make sure it's in compliance, so if you have any doubts before installation, check with the Building Department. They can advise you.

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klassic Custom Decks, Representative, Cont'd**

Mr. Bunjevac – We're familiar with it. We had the rail ordered and when we went out there to put it up, they did not want it.

Mr. Kolick – It just needs to be corrected to meet the Code.

Mr. Bunjevac – Now does that fall on Klassic because they don't want it or how does that work?

Mr. Kolick – Did Klassic pull the permit?

Mr. Bunjevac – They did pull the permit.

Mr. Kolick – Then it falls on Klassic's behalf. You are required to meet the Building Code because you pulled the permit. If it did not come about, Klassic would be suffering the consequences, which could be taking the license away in the City. I'm saying that's one remedy the City has for someone who's not complying with the Building Code. Just so you understand.

Mr. Bunjevac – I understand. We tried to comply but they don't want it, so I guess that's where I'm at with things. If we can't do it how can we be responsible?

Mr. Kolick – You're responsible because when you pulled the permit you said you were going to comply with all the ordinances of the City, so if the property owner doesn't want it, then you have to walk away from that job. You can't be building something in the City that doesn't comply with the Building and Zoning Codes and the laws of the City. That's on Klassic and if you build something that doesn't comply, you pulled the permit, you're responsible for it.

Mr. Evans – One of the remedies would be to take the stairs down and block that area off and not allow . . .

Mr. Kolick – They can come in with any remedy that they want. They just need to bring it into the Building Department to see that the remedy that they come up with complies with our Code provisions. So, if that's what they want to do, then that's what you need to do.

Mr. Bunjevac – They'll probably do whatever it takes to meet the Code, like I said, we already have the rails they just won't let us put them up.

Mr. Baldin – Did you realize that before or after it was turned down by the City?

Mr. Bunjevac – After it was turned down by the City.

Mr. Kolick – What I can suggest to you as a representative of Klassic, to go back and remedy the situation. If the property owner won't let you on the property to do it, so notify the City as well and we'll act accordingly, but we have certain remedies we have to follow under the Code. I'm not going to second guess what happens, but just let us know. The property owner won't let you,

3) **KEITH AND SAMANTHA AKEY, OWNERS/Rob Bunjevac with Klasic Custom Decks, Representative, Cont'd**

Mr. Kolick continues - let us know that and there may be a different remedy as we can also proceed against the property owner.

Mr. Bunjevac – What if we put it up and the homeowner takes it down?

Mr. Kolick – Then it's not on you. Once you comply with the permit that's up to you. If the homeowner does something then our recourse at that point would be with the homeowner. It's just that you installed it this way, so our recourse is to you now.

Mr. Bunjevac – Thank you.

Mr. Evans – Is there anything else to come before the Board? Then we are done. Meeting adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

February 9, 2022
Approval date