

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

**Meeting of  
July 20, 2022**

Board of Appeals Members Present: Ken Evans, Dustin Hayden, John Rusnov  
Administration: Assistant Law Director Daniel J. Kolick  
Assistant Building Commissioner: Brian Roenigk  
Recording Secretary: Kathy Zamrzla

Mr. Evans – I'd like to call this caucus for the meeting of July 20, 2022 to order. Caucus is a time for the Board Members to discuss the items on the agenda. We have minutes from the meeting of July 6, 2022. No changes were requested to the minutes.

The Board members discussed the following:

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS:**

- a) Requesting a variance from Building Code Section 1436.02, which prohibits a gravel driveway and where a gravel driveway to an Accessory Structure is proposed;
- b) Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where two Accessory Structures exist and a 392 SF third Accessory Structure is proposed;
- c) Requesting a variance from Zoning Code Section 1252.15, which prohibits locating an Accessory Structure in a side yard and the applicant is proposing a 392 SF Accessory Structure in the side yard; property located at 14094 Blazey Trail, PPN 398-23-002, zoned R1-75.

Mr. Roenigk stated that complaints were received by a Councilman in May regarding this property. One was for a shed that was installed without a permit, one was for running a business from a residential district, one was for a business sign, and one was for over ¾ ton vehicles in the driveway. The Building Department sent letters. The sign has been removed and the trucks have been removed. The shed was installed and we haven't determined if there is a business there or not. On May 31<sup>st</sup> we received a complaint about a driveway being installed without a permit. On June 3<sup>rd</sup> another complaint was received regarding work still happening on the driveway. The previous owner installed the large structure in the back. Mr. Kolick stated that the size of the doors on the structure determine if a drive is required or not. Mr. Rusnov stated that the drawing they received was from 2008. Mr. Evans stated that there will be an interpreter for this applicant.

**2) JDS MORRIS 6021, LLC, OWNER**

- a) Requesting a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback and where a 60' Front Yard Setback is proposed in order to construct a Single-Family Dwelling;
- b) Requesting a 4.9' Side Yard Setback variance from Zoning Code Section 1252.04 (e), which requires a 15' Side Yard Setback between dwellings (East) and where a 10.1' Side Yard Setback between dwelling (East) is proposed in order to construct a Single-Family Dwelling; property located at 21116 Morris Drive, PPN 393-06-099, zoned R1-75.

Mr. Evans stated that there seems to be enough space between the houses and that the Board has granted the front yard setback for other applicants on this street.

**3) TAMI AND JEFFREY MILLER, OWNERS**

Requesting a 144 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 336 SF Floor Area is proposed in order to construct a Pavilion; property located at 18697 Whitmarsh Lane, PPN 394-26-194, zoned R1-100.

Mr. Evans stated that the lots are only 55 feet wide and that this request is very large for the lot size. There is HOA approval.

**4) TKC CCXCIV LLC, OWNER/Strickland Brothers**

Requesting a 5' Setback variance from Zoning Code Section 1272.12 (e), which requires a 10' Setback from the Pearl Road right-of-way and where a 5' Setback from the Pearl Road right-of-way is proposed in order to approve a Ground Sign; property located at 18488 Pearl Road, PPN 394-26-002, zoned General Business (GB).

Mr. Evans stated that the neighboring signs received the same setback. Mr. Roenigk stated that an address must be visible.

**5) JUDE AND MELINDA SIEFKER, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) Accessory Structure (Shed) exists and a second 168 SF Accessory Structure (Pergola) is proposed; property located at 18143 Fawn Circle, PPN 397-02-051, zoned R1-75.

Mr. Evans stated that this is a pie-shaped lot. Mr. Kolick stated that this backs up to the church lot and there are a lot of trees there.

Mr. Kolick - Council did not take any action before the August recess on the storage trailers.

Mr. Evans – I had a discussion with Councilman Clark about our objection to trailers and storage units. He has some connection to a storage shed business and felt that they were appropriate if they followed the guidelines that were prepared by the Law Department. He felt that other Council people felt the same way.

Mr. Rusnov – I can't agree with him because I've seen enough industrial areas with abandoned trailers used for storage.

Mr. Evans – His opinion was that people would be buying new ones and they would last a long time, and if appropriately decorated, they would be an enhancement. I thought I would let you know about the discussion with him.

Mr. Kolick – Planning Commission gave an affirmative vote to prohibiting them totally. If they want to do something else, which they can, they can amend the ordinance and they would have to send it back to Planning for another recommendation.

Mr. Evans – If there's nothing else.

Mr. Kolick – We are looking at the issue of patios and decks and rear yard setbacks. We have been discussing it internally, administratively, about just reducing the required setbacks to the back property line. We've been playing around with different numbers, so I don't know where it's going. At some point it will go to City Council and Planning Commission. It's in the discussion stage.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**July 20, 2022**

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

Present: Mr. Evans  
Mr. Hayden  
Mr. Rusnov

Also Present: Mr. Kolick, Assistant Law Director  
Mr. Roenigk, Assistant Building Commissioner  
Ms. Zamrzla, Recording Secretary  
Officer Ortiz, City of Strongsville Police Department and  
appointed interpreter for applicant Medina/Carpio

Mr. Evans – I would like to call this July 20, 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	ABSENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	ABSENT
	MR. RUSNOV	PRESENT

Mr. Hayden – I'd like to excuse Mr. Baldin and Mr. Houlé for just cause.

Mr. Rusnov – Second.

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

ROLL CALL: ALL AYES: MOTION PASSED

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. We have minutes from July 6, 2022. If there are no further comments, 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 administered the oath to those standing.

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS**

- a) Requesting a variance from Building Code Section 1436.02, which prohibits a gravel driveway and where a gravel driveway to an Accessory Structure is proposed;
- b) Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where two Accessory Structures exist and a 392 SF third Accessory Structure is proposed;
- c) Requesting a variance from Zoning Code Section 1252.15, which prohibits locating an Accessory Structure in a side yard and the applicant is proposing a 392 SF Accessory Structure in the side yard; property located at 14094 Blazey Trail, PPN 398-23-002, zoned R1-75.

Mr. Evans – Item number one is Medina and Carpio. If you would come forward and please state your name and address for the record. The Board Members have been out and visited each of the properties so we are familiar with the situation that has been presented in your request. We do have two members absent this evening so it would require a unanimous vote for passage. You can request that your request be tabled until the next meeting when all the members are present if you choose to do so.

Mr. Kolick – Just procedurally, since a member has to be present for the public hearing, if the applicant wants to table their request, they should table it when they first up here and ask that it be tabled. Otherwise the members, if you go through a public hearing, won't be present for it.

Mr. Evans – I understand that we will be using interpreter services this evening. We will start with the names and address of the applicants first.

Mr. Medina – 14094 Blazey Trail, Strongsville.

Mr. Evans – Your request is for three items. One is for a variance for a gravel driveway. The second one is for an additional large building and also for the side yard setback. If you would tell us about why you need variances.

Ms. Carpio – My name is Yolanda Carpio. I live at 14094 Blazey Trail.

Officer Ortiz – They already have storage in the back of the property. And if they want to move something to the back on the way there, if it rains, then what they are trying to move gets stuck in the mud. So, they have the drain for drainage and the dirt gets stuck in it. So, they need it to get to the back.

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

Mr. Evans – So the desire is to put a stone driveway to get it from where the concrete ends back to the storage area with the garage doors.

Officer Ortiz – Exactly.

Mr. Evans – There was a question that came up during Caucus as to whether or not you are running a business from the property.

Officer Ortiz – She says no.

Mr. Evans – We do know that there was a sign that was out front that indicated that there was a landscaping business. Are you running a landscaping business?

Officer Ortiz – Yes, they do work in landscaping. When they were fixing up their home, they did put a sign out front that did say what company was doing the work. Because they took it upon themselves to remodel the whole front of the home with their own company, they put that sign out there. As soon as they received notice that it wasn't allowed, they immediately took it down.

Mr. Evans – I will ask Mr. Roenigk from the Building Department to go through the items that have happened over time on this property.

Mr. Roenigk – On May 2, 2022 we received four complaints. One for a shed installed without a permit. One for running a business. One for a commercial sign for a business in a residential district. One for vehicles over  $\frac{3}{4}$  ton in a residential district. On May 31<sup>st</sup> we received a complaint about a driveway being installed without a permit. I went out there personally and posted a stop work order. On June 3<sup>rd</sup>, I received another complaint. I met a police officer and our engineering inspector on site. The driveway was, again, being worked on. I posted a second stop work order for the Engineering Department because of drainage issues with the stone installed without a permit blocking water drainage across their yard.

Mr. Evans – I wanted Mr. Roenigk to recount those is to make them a part of the record. That is what has brought us to this point. We try to determine why you need to have such a large building.

Officer Ortiz – When they recently moved here they brought so many things. My husband did not want it to all inside the house because there was so much. They came to an agreement that he was going to install another shed for her for all the things that she likes to keep. They talked to the person who sold them the house and how it wouldn't interfere with their residence or their neighbors. So, they decided on the spot and they put it there because they thought it wouldn't bother anybody. The main reason that they didn't put it all the way in the back of the property is because she suffers from some back issues and didn't want to make that trip every so often.

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

Mr. Kolick – Are there garage door on this structure so they could put vehicles in it?

Officer Ortiz – It does have garage doors, but she said that cars cannot fit in there.

Mr. Kolick – Can you give us the dimensions? The height and the width of those doors?

Officer Ortiz – Those doors are 7' x 10'.

Mr. Kolick – If they are 7' x 10', we're looking at a vehicle storage building pursuant to C. O. 1252.15 (b), which requires a hard surface driveway.

Mr. Roenigk – I'd like to clarify something. Are we talking about this new structure up by the house or are we talking about the old structure in the back?

Mr. Kolick - Is this the new structure or is the current structure that's there?

Officer Ortiz – On the new one. On the new one there's like an 8" step that prevents any cars from going inside. They decided to use those doors so that it would look beautiful.

Mr. Kolick – The Code is set up, not just because they're doing it, but because they have the ability to do it with these size doors. That's what the Code is concerned about. If you could relate that to them, not necessarily that their plans are, but next week the plans may change and there may be vehicles going in there. That's what the concern of the City Code is.

Officer Ortiz – They keep harping on the issue that there is a big step and cars would have to go over it.

Mr. Roenigk – The new structure that they put in without a permit is not the driveway. A small portion of it is paved.

Mr. Kolick – But even if the one in back has garage doors on it, there has to be a hard surface to it. Even if it's existing because they're changing something on the property now.

Mr. Roenigk – I understand.

Mr. Kolick – Then the other thing is, if they are not storing vehicles, why do they need the high and wide garage doors?

Officer Ortiz – They already stated that just because they look more beautiful.

Mr. Evans – The new one is close enough to the driveway but that's not where the issue is.

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

Mr. Kolick – I understand, but it's going to the size of these structures and if the new one is going to have these large doors on it too and if you're not putting in cars, why would you need those large doors. Is there landscape equipment being stored in these?

Officer Ortiz – A lot of furniture, sofas, old beds, old tables. When the supervisor came she asked him to see inside so he could see it was her personal things.

Mr. Evans – That's in the new shed?

Officer Ortiz – Yes.

Mr. Kolick – What's being stored in the old shed?

Officer Ortiz – His own personal cutting tools. Grass and landscaping tools.

Mr. Kolick – Just for his property?

Officer Ortiz – Only for the home he says. At any time you can come and open the doors and see.

Mr. Evans – This is a public hearing. 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? If you will come forward and state your name and address for the record.

Mr. Kolick – Before he starts, Mr. Roenigk, the drainage that was blocked, was it because of the gravel driveway that was blocking it or was it something else?

Mr. Roenigk – They raised the grade with the stone. Engineering wants a pipe put in to make sure that the drainage is not blocked.

Mr. Evans – If we get to that point, that would be the requirement.

Mr. Kolick – Right.

Mr. Denny – My name is Kenneth Denny. My address is 12063 Webster. If you visited the site, my property is immediately west of the individual's property. My house sits back about 350 feet off of Webster Road. My house fronts on Webster. Their house fronts on Blazey. I am to the left of their house. In all fairness, we share about 850 feet of property line from the center of Blazey all the way back to the turnpike. I've lived there for 46 years. These are the fourth neighbors I've had. It's a different area. It's not a development. It's more of a rural type area. In the relation to the variances that are being asked for my contention would be first of all to the gravel driveway extending from the back of their house to the building. When I redid my gravel driveway about



**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

**Mr. Denny continues** - 20 years ago and it entered into my garage at that time, the City made me, per their ordinances, put in a concrete driveway. I'm a little bit hesitant with allowing someone else to put in a gravel driveway when I had to put in a concrete driveway. I have a 750 foot driveway. I had to put in about 400 feet of concrete. With the gravel driveway where their property goes down into a swale and then goes up a little bit, two years ago I closed where my driveway crosses that swale in two locations, the City made me, per the permit, put in Schedule 35 pipe. And they made me put a cleanout in the middle of a 100 foot section to keep the water flowing when we had heavy rains. All of that water comes from north of Albion under the turnpike in two different areas and works its way down through that swale. I got stuck putting in Schedule 35 pipe in order to close off or put my driveway across. I had to take out the old corrugated culvert pipe.

Mr. Evans – The Engineering Department looked at this situation and it was their determination that if a driveway went in that they would have to do that also.

Mr. Denny – I was bringing it up for another reason. I know about the big pole barn that's there. I know when it was built and everything. The fellow that lives there before had a small outbuilding and they want to add a third building which is already in place. I don't have a big problem with it. I do have a problem with it in regards to the fact that I honestly believe a business is being run out of the property. It's not a small business. There is a 7 or 8 ton dump truck. He has a smaller dump truck. He has excavating equipment. He has excavating trailers. He has Bobcats. That's what part of the pole barn is for but they're also parking it outside. I didn't know any complaints were filed against the property. It wasn't from me. Because my house sits back so far off the road, when I look out the front windows, what I see is construction equipment and his buildings.

Mr. Evans – So your observation is that was and still is the case? The applicant indicated that they redid their landscaping around the house.

Mr. Denny – There's more to it than that. I have pictures of what the property looks like today. When I look out my windows, it looks like the parking lot behind the City Service Department. The sign that you made them take down was erected half on my property. I didn't even complain. Somebody else obviously did. These variances that they are asking for, I have a problem with them from the standpoint that those variances are going to contribute to the business that is being run out of there. I'll guarantee you three things: if that property existed next to any of the properties on Avery Walden, any of the properties on Chasemoor or any of the properties on Arbor Creek, it would not be there.

Mr. Kolick – Do you know or have you observed what's being stored in the existing, not the new building, but the older building?

Mr. Denny – I have not. The door faces the other way. I believe it's 20 x 40, but it might be 20 x 30. That's about all I have. I'm mostly concerned with the affect on the value of my property. I

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

**Mr. Denny continues** - own 4 acres there. I'm going to sell that property sooner or later. Right now, I have land enough and frontage enough for three homes on the property. If people had to look at landscaping equipment and large storage buildings, the value of my property goes down. I'm trying to be a good neighbor, but I have to protect my interests. Having a business on a residential property is just not right.

Mr. Kolick – You said your house is setback 420 feet. Where are these accessory structures in relation to your house? Are they set back further back behind it?

Mr. Denny – They are in front of my house and to the side of my house. The big building is directly to the side and the smaller dog shed and the new one is in front of my house.

Mr. Evans – Is there anyone else who wishes to speak against the granting of the variance? If you will come forward and state your name and address for the record.

Mr. Winwood – Robert Winwood, 13801 Blazey Trail. We live five houses in the creek area east of Webster Road. We are fairly close to where Roberto and Yolanda live. They are nice people but I don't like the business being run out of their house. Whether they agree to that or not, that's what I think is happening there. I'm speaking for myself and my wife, but I'm also speaking for what we officially call the Blazey Creek people who live on the west end of Blazey in this area. There are many other people who are in line with what I'm saying here. Blazey is a residential area. We want to keep it that way. I have nothing against Roberto and Yolanda. I just don't think they should be running a commercial business from their property. They say they are not. My observation is that they are. Our neighborhood is very diverse and I want to be a good neighbor. I've seen all the equipment there and it looks like a commercial business. I'm imploring you to look at this carefully.

Mr. Evans – Is there anybody else who wishes to speak against the granting of the variance? Mr. Medina and Ms. Carpio if you would back up to the microphone. What we've heard is a little bit different than what you have said. There is a lot of equipment there. For a residential area, it could be that they were working, but my guess is the equipment was there for more than working on your property since you own a landscaping business.

Officer Ortiz – She understand the point of view of everybody. But five months ago they moved to that property. With the property that big you do need some type of equipment to maintain it and they keep adding that their neighbors, as well, have tractors, excavators. All of the neighbors have the same equipment. She respects what her neighbors have, but the issue is on them right now. He's saying that on his street, in fact, there are like four businesses that are not registered and are working from their residences, but that's not our issue right now. All she wants to do is resolve their situation. The mini excavators and the dump trucks are there specifically for the driveway. All the residents, they are harping on his residence, all eyes are on his residence. His

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

**Officer Ortiz continues** - residence is not gravel road. The biggest problem that they know is the drainage issue. That's why they took it upon themselves to make it gravel instead of cement. When they started they did not know that they needed a permit and that's when you guys arrived and stopped them. Before that situation, they sent two letters to Mr. Brian about their shed and both times that permit was denied. The moment we met them was when all the neighbors started to complain and he doesn't understand why they couldn't fix it as normal human beings, normal neighbors instead of going directly to the City. He understands all the issues that all his neighbors, especially the one sitting up front, are bringing. His driveway as well, he also has gravel that is stone. If the same things are trying to be imposed on his property, then why does my neighbor have the same type of gravel all around his home.

Mr. Kolick – If I could jump in. At one time the City permitted gravel drives. We don't anymore, so you can't compare it to anybody else on the street. There could be people who have had it for years and years. Number two the City now requires a hard surface like concrete for a drive just as this individual, when he had to redo his house, had to put in a concrete drive. We are here not to talk about his house, just yours. When you apply for your permits the Building Department was required to turn them down because you don't meet the provisions of the Code. You are only permitted one accessory building and you have to have a concrete drive.

Officer Ortiz – The old owner had already thrown in the cement driveway. All of the cement right now. Around 13 or 20 years ago the City authorized the old owner, Mr. Grega that's here right now, to build that storage in the back of his house. His question is how does he get from his property all the way back there if he doesn't have a road, just like every other neighbor who has a road.

Mr. Kolick – The way he has to get back there is to have a concrete driveway. That's what the Code requires is a concrete drive.

Mr. Evans – His neighbors that have lived there had the stone before the law changed.

Officer Ortiz – They have no problem putting in cement in the future, but right now they are stating that they just bought the house, they renovated like \$100,000 in it. But the gravel, from the start, was only meant to be temporary to be able to get to the rear of where that shed is located. In the future they are more than willing to install a concrete drive.

Mr. Rusnov – The City will work with you. I'm certain they are reasonable people. Explain the situation. They don't expect you to pour a concrete driveway in two weeks. If you have to put the pipe in, with the short supply of pipes and building materials, what happens if it takes two years?

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

Officer Ortiz – He does not only want to fix his situation, he wants to fix his neighbor's situation as well with the water that comes into his residence. With his equipment and his knowledge, he is ready to even help out the drainage that is the main problem here.

Mr. Roenigk – Does he understand that the Engineering Department will tell him what he has to do. It's not what he wants to do, it's what the Engineering Department will have him do as required by the Code.

Officer Ortiz – He's saying he's willing to work hand-in-hand and to even unclog and fix the manholes which are currently blocked. He is interested in looking at the whole issue. He's saying instead of focusing on such a little situation on his property, let's focus on the big issue which is the drainage, which he, again, is willing to work hand-in-hand with the City. With the drainage problem, he is the one who suffers the most. He will work hand-in-hand and be good neighbors and fix this problem together. My neighbor to the side has the same issue I'm having.

Mr. Kolick – We need to bring this to a close, but anything involving drainage is not the province of this Board. It's the province of the Engineering Department. So, it's no use addressing it with us because he will need to address that with Engineering. We're just here to determine whether or not to grant a variance for hard surface drive and whether or not to grant a variance for an additional accessory structure.

Officer Ortiz – So how can we resolve this issue with the ground?

Mr. Evans – There are two issues. The driveway and the shed are separate issues. Overriding that is whether or not there is a business being run out of a residential property. Is there a location that the landscape business is being run or is this the only location where the equipment is right now because there is no other location for the landscape business?

Officer Ortiz – They rent the patio of Colonial Roofing. Where is that located? In Olmsted Falls. One of the reasons that they also store a couple of their business vehicles at their residence is because they have three acres of land, four acres here; but they do rent that location in Olmsted Falls that they have most of their equipment at.

Mr. Hayden – Once the work is finished will the heavy equipment be removed from the residential property?

Officer Ortiz – They are saying no, not outside what they use on their own land, because they bought it intentionally for that storage. They started to invest into that for that exact purpose.

**1) ROBERTO F. MEDINA & YOLANDA CARPIO, OWNERS, Cont'd**

Mr. Kolick – Any shed that has garage doors on it would have to have a hard surface to it, so you can't separate that. They have three accessory structures and they're only allowed one, so you'll have to determine which one, if that's what you want to allow.

Mr. Rusnov – Go with what you've got. I wouldn't split it. We've been here for an hour and everyone has had adequate time to explain what they're doing.

Mr. Evans – What we're going to do is take all three variance requests as one. We're not separating them. We will act on the three together. Now I will declare the public hearing closed and entertain a motion.

Mr. Hayden – Mr. Chairman, (a) requesting a variance from Building Code Section 1436.02, which prohibits a gravel driveway and where a gravel driveway to an Accessory Structure is proposed; (b) requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where two Accessory Structures exist and a 392 SF third Accessory Structure is proposed; (c) requesting a variance from Zoning Code Section 1252.15, which prohibits locating an Accessory Structure in a side yard and the applicant is proposing a 392 SF Accessory Structure in the side yard; property located at 14094 Blazey Trail, PPN 398-23-002, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL NAYES:

MOTION DENIED

Mr. Evans – The variance has been denied by this Board. That means that the structure that was erected, that third structure is not permitted there and the gravel driveway would not be able to be completed or put in.

Mr. Kolick – They will still need to remedy their drainage problems though because if they caused them by putting stone down, that's going need to be remedied, too. That's not something this Board will take of. The Building and Engineering Departments will take care of that. They should be made aware of that.

Mr. Evans – The drainage problem that they created by the gravel being there prohibiting the water from going its natural way, that's going to have to be addressed. The Building Department and Engineering from the City will have to look into that to try to determine whether the gravel should be removed or moved or what may have to happen with that. Thank you, Officer Ortiz, for your interpretation services.

**2) JDS MORRIS 6021, LLC, OWNER**

- a) Requesting a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback and where a 60' Front Yard Setback is proposed in order to construct a Single-Family Dwelling;
- b) Requesting a 4.9' Side Yard Setback variance from Zoning Code Section 1252.04 (e), which requires a 15' Side Yard Setback between dwellings (East) and where a 10.1' Side Yard Setback between dwelling (East) is proposed in order to construct a Single-Family Dwelling; property located at 21116 Morris Drive, PPN 393-06-099, zoned R1-75.

Mr. Evans – Item number two on our agenda is JDS Morris on Morris Drive. If you could come forward and state your name and address for the record.

Mr. Stracensky – My name is John Stracensky. I live at 4969 Sleepy Hollow Road, Brunswick Hills.

Mr. Evans – You are asking for two variances. One for a front yard setback and also a side yard setback. I don't know if you were here during Caucus. We've done a number of variances on Morris. The side yard variances give us problems because that makes the houses closer. The question is can it be reconfigured so that you don't need the side yard variance.

Mr. Stracensky – Just a little history. We've done the two houses across the street. Same exact footprint house on the same exact lot. I believe we had a side variance.

Mr. Evans – One was done with a side yard variance, not both.

Mr. Stracensky – It's the same plan, same everything. I assumed we were going to be here anyway. We had more than enough room on both sides, so I told the surveyor to center it up. We can certainly move it to one side or the other. It's the same house we built on the other two lots. We'll work with you on what you would like us to do, but I thought centering it up would be equal on both sides.

Mr. Evans – By adjusting it to one side or the other, the second variance could be eliminated.

Mr. Stracensky – I'm not sure about that.

Mr. Roenigk – You would if you moved it to five feet, you would have only a 1.4' variance.

Mr. Stracensky – I don't know how that happened, but it did.

**2) JDS MORRIS 6021, LLC, OWNER, Cont'd**

Mr. Rusnov – If that's agreeable to you.

Mr. Stracensky – If you'd like it, that's not a big deal to us. Just from a building standpoint, that five feet, it's really tough to get equipment back through it. Like you said in Caucus, these are narrow, little lots. We're doing the best we can to keep the neighbors appeased and not disturb anybody.

Mr. Evans – So that would be making it a 1.4 variance on the side.

Mr. Roenigk – Which side does he want?

Mr. Stracensky – Judging by the neighbors, I'd like to kick the house to the east. Facing the house, it would be to the right.

Mr. Evans – So the larger setback would be on the west side and the smaller would be on the east.

Mr. Roenigk – So the west side would be the 1.4' variance and the other side would be five feet.

Mr. Stracensky – Yes.

Mr. Evans – This is a public hearing. 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 declare the public hearing closed and entertain a motion.

Mr. Hayden - Mr. Chairman, (a) requesting a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback and where a 60' Front Yard Setback is proposed in order to construct a Single-Family Dwelling; (b) requesting a 1.4' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback (East) and where a 8.6' Side Yard Setback is proposed in order to construct a Single-Family Dwelling; property located at 21116 Morris Drive, PPN 393-06-099, zoned R1-75.

Mr. Rusnov – Second.

Mr. Evans – Thank you Mr. Hayden for the motion and Mr. Rusnov 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

**2) JDS MORRIS 6021, LLC, OWNER, Cont'd**

**Mr. Evans continues** - not to act, you will be notified by the Building Department at the end of the twenty days and then you can move forward with the project. You are all set.

Mr. Stracensky – Thank you.

**3) TAMI AND JEFFREY MILLER, OWNERS**

Requesting a 144 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 336 SF Floor Area is proposed in order to construct a Pavilion; property located at 18697 Whitemarsh Lane, PPN 394-26-194, zoned R1-100.

Mr. Evans – Item number three on our agenda is Miller on Whitemarsh Lane. If you would come forward and state your name and address for the record.

Ms. Miller – Tami Miller, 18697 Whitemarsh Lane.

Mr. Evans – You are asking for a variance for a pavilion. Tell us why you need the pavilion. That is a very, very, very large pavilion.

Ms. Miller – The reason I want it so long is because we have a bump-out on our house. I've seen it much smaller and it doesn't look right. I was trying to make it go with the house.

Mr. Evans – The problem that we have with a 55' lot is that you may want it and then your neighbors want one too.

Ms. Miller – I spoke to all my neighbors and they are totally fine with it.

Mr. Evans – They may well be, but our problem is that when we grant variances, we set precedent. When we allow something that big on a 55' lot, we're going to have a lot a people use that as a reason to come back to us. Your HOA did approve it. Is this a prefabricated unit or will it be built?

Ms. Miller – It will be custom built.

Mr. Evans – Could you reduce the size so that it's not as big. Perhaps a 10' x 20' or a 14' x 16'?

Ms. Miller – We have a big bump-out which is where I got the figure from. Just going from the one side of the house to where the bump-out is. That's where the 24' came from.



**3) TAMI AND JEFFREY MILLER, OWNERS, Cont'd**

Mr. Evans – What we're saying is a 14' x 24' is huge. That's not a big backyard. Not just for your property, but anybody else with a 50' or 55' will say that we allowed one for you and we want one that's as big or bigger. Once we allow them, it is a precedent that we have to live with.

Ms. Miller – How much smaller do you think it would have to be? The bump-out is 24'.

Mr. Evans – A 14' x 16' is still going to be large. If you want the 14' x 24', we'll act on that.

Ms. Miller – It sounds like you have decided.

Mr. Evans – We don't decide until we take a vote. City Council does have the opportunity to review our decisions and they can overturn us. We try to help people get to an agreeable point where we think it will pass our judgment and pass City Council.

Mr. Rusnov – It's not the width. It's the depth at 14 feet. If you went 10' wide by 24'.

Ms. Miller – That would be okay?

Mr. Rusnov – I'm just making a suggestion.

Mr. Evans – It would certainly be better. It's still going to be awfully big.

Mr. Hayden – Which is more important to you?

Ms. Miller – I viewed a pavilion on the same house as mine, same bump-out, and it was 14 x 14 or something. It looked silly.

Mr. Hayden – What if you went 14 x 18? Since it's custom.

Ms. Miller – I think my neighbor next door is like 12 out. So maybe 12 by what would be okay?

Mr. Hayden – I would say 20 at the most.

Mr. Evans – Maybe 12 x 18?

Ms. Miller – If it did 10 could I do the 24? I just want you to know how I came up with the idea.

Mr. Evans – The 10 feet wide might not be wide enough.

Ms. Miller - That's why I said 12.

**3) TAMI AND JEFFREY MILLER, OWNERS, Cont'd**

Mr. Rusnov – 12 x 24 is 288 square feet. That's considerably smaller than 336.

Ms. Miller – If I could do 12 x 24 that would be perfect. I really do want to go to the bump-out.

Mr. Rusnov – That becomes a 96 square foot variance.

Mr. Roenigk – That sounds good to me. Just to reiterate that it's a twelve foot height.

Ms. Miller – That's fine. I don't want it super high.

Mr. Evans – This is a public hearing. 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 declare the public hearing closed and entertain a motion.

Mr. Rusnov - Mr. Chairman, requesting a 96 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion; property located at 18697 Whitmarsh Lane, PPN 394-26-194, zoned R1-100.

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 move forward with the project. You are all set.

Ms. Miller – Thank you. Do I need to have the builders submit anything new?

Mr. Roenigk – No.

Ms. Miller – I just need to tell him 12 x 24 is okay.

**4) TKC CCXCIV LLC, OWNER/Strickland Brothers**

Requesting a 5' Setback variance from Zoning Code Section 1272.12 (e), which requires a 10' Setback from the Pearl Road right-of-way and where a 5' Setback from the Pearl Road right-of-way is proposed in order to approve a Ground Sign; property located at 18488 Pearl Road, PPN 394-26-002, zoned General Business (GB).

Mr. Evans – Item number four on our agenda is TKC-Strickland Brothers. If you would come forward and state your name and address for the record.

Ms. Nichols – My name is Linda Nichols. Our company is at 3097 State Route 59 in Ravenna.

Mr. Evans – We talked in Caucus about the signs on either side of the property are pretty much in line with where you are suggesting this one be. They accommodated putting the fence out in front. They have been open for business and I'm sure the signage will help. Is there an address proposed on the endcap?

Ms. Nichols – I don't recall seeing it on the drawings, but would a reflective white for their address work?

Mr. Evans – For Fire Department and everything else.

Ms. Nichols – That's fine. It's a double posted sign and I believe the one is black, so if we use white reflector it would be nice.

Mr. Evans – Excellent.

Mr. Evans – This is a public hearing. 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 declare the public hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 5' Setback variance from Zoning Code Section 1272.12 (e), which requires a 10' Setback from the Pearl Road right-of-way and where a 5' Setback from the Pearl Road right-of-way is proposed in order to approve a Ground Sign; property located at 18488 Pearl Road, PPN 394-26-002, zoned General Business (GB).

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?

**4) TKC CCXCIV LLC, OWNER/Strickland Brothers, Cont'd**

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 move forward with the project. You are all set. Mr. Kolick, does she need to go to ARB or anything?

Mr. Kolick – Yes, if you haven't been. Just go to the Building Department and they will direct you where to go next.

Ms. Nichols – Thank you.

**5) JUDE AND MELINDA SIEFKER, OWNERS**

Requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) Accessory Structure (Shed) exists and a second 168 SF Accessory Structure (Pergola) is proposed; property located at 18143 Fawn Circle, PPN 397-02-051, zoned R1-75.

Mr. Evans – Item number five on our agenda is Siefker on Fawn Circle. If you would come forward and state your name and address for the record.

Mr. Siefker – Jude Siefker, 18143 Fawn Circle.

Mr. Evans – This is an open structure for the back yard.

Mr. Hayden – This will be a nice addition.

Mr. Evans – This is a public hearing. 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 declare the public hearing closed and entertain a motion.

Mr. Rusnov - Mr. Chairman, requesting a variance from Zoning Code Section 1252.18, which permits one (1) Accessory Structure and where one (1) Accessory Structure (Shed) exists and a second 168 SF Accessory Structure (Pergola) is proposed; property located at 18143 Fawn Circle, PPN 397-02-051, zoned R1-75.

Mr. Hayden – Second.

**5) JUDE AND MELINDA SIEFKER, OWNERS, Cont'd**

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 move forward with the project. You are all set.

Mr. Siefker – Thank you.

Mr. Hayden – Can we put the more controversial items at the end of an agenda or do we have to list them in the order that they applied?

Mr. Kolick – We don't have to set up the agenda in the order that the applicants are received. We arrange our own agenda.

Mr. Evans – We need Findings of Fact and Conclusions of Law for the first item on the agenda. If there is nothing else to come before the Board I will declare the meeting adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Secretary

August 10, 2022  
Approval date