

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

**Meeting of
March 23, 2022**

Board of Appeals Members Present: Ken Evans, John Rusnov, Dustin Hayden, David Houlé
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 March 23, 2022 to order. We have minutes from the meeting of March 9, 2022. Corrections have been made. This is the time that the members have to discuss the items on the agenda this evening. We have two items on the agenda.

The Board members discussed the following:

1) COURTNEY AND JUSTIN WHITT, OWNERS/ Steve Bella with Bella Cement, Representative

Requesting an 11' Rear Yard Setback variance from Zoning Code 1252.16 (e), which requires a 36' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to install a 512 SF Concrete Patio; property located at 19544 Echo Drive, PPN 393-30-017, zoned PDA-2.

Mr. Houlé questioned whether the deck was going to be replaced by the cement pad or if this was going to be an addition. Mr. Roenigk stated that it was going to replace the deck. Mr. Evans stated that there were no topographical issues, just that this was going to be a replacement. Mr. Houlé stated that there is HOA approval.

2) BRIAN JUNEBERG, PRESIDENT OF WESTWOOD FARMS HOA, OBJECTING PARTY

Hearing of the objection by Brian Juneberg, President of Westwood Farms HOA pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for a Fence to be located at 12333 Paddock Circle, owned by Catherine Lietzke.

Mr. Evans stated that the fence is within the City Code. Mr. Roenigk stated that all the permits were correct. Mr. Evans stated that the HOA Covenants and Restrictions do not permit fences and the Trustees do not have the ability to permit fences under any circumstances. This Board is only able to operate under the City Codes and private covenants and restrictions do not fall under this Board's ability to make a decision. If the Board entertains a motion it would be to uphold the Building Department which would be to deny the objection. Mr. Kolick stated that this is correct. Mr. Evans stated that it would be up to the HOA to proceed with civil action if the fence is erected.

Mr. Evans – Is there anything else that needs to come before the Board? I did want to mention that for the April 13th meeting there will be a number of items on the agenda. One item will have a lot of detail and plans to review. This is the project at 82 and Prospect.

Mr. Kolick – We cannot talk about this project at this time because it has not been posted and we would be in violation of the Sunshine Law. Mr. Evans just wanted you to make sure you looked at all the documents in your packet. We can discuss it in Caucus at the next meeting but that's all we can do at this time.

Mr. Evans – We will start Caucus at 7:30 pm for the next meeting.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
March 23, 2022**

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

Present: Mr. Evans
 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 March 23, 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	ABSENT
	MR. RUSNOV	PRESENT

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

Mr. Hayden – Second.

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

ROLL CALL:	ALL AYES:	MOTION PASSED
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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 March 9, 2022. If there are no further 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 administered the oath to those standing.

1) **COURTNEY AND JUSTIN WHITT, OWNERS/ Steve Bella with Bella Cement, Representative**

Requesting an 11' Rear Yard Setback variance from Zoning Code 1252.16 (e), which requires a 36' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to install a 512 SF Concrete Patio; property located at 19544 Echo Drive, PPN 393-30-017, zoned PDA-2.

Mr. Evans – Item number one on the agenda for a public hearing is Courtney and Justin Whitt. Mr. Bella, as the representative, would you come forward and state your name and address for the record.

Mr. Bella – Steve Bella, 12588 South Churchill Lane.

Mr. Evans – Is it correct that this patio is going to replace the existing deck?

Mr. Bella – Yes.

Mr. Evans – So give or take a foot, it's the same layout as what's back there?

Mr. Bella – Yes. It's going to extend to the tarp.

Mr. Houlé – We have the Homeowners Association letter. I also noticed that there is a six foot fence all the way around the yard. Since it's basically a like for like replacement, I have no issues with it.

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 an 11' Rear Yard Setback variance from Zoning Code 1252.16 (e), which requires a 36' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to install a 512 SF Concrete Patio; property located at 19544 Echo Drive, PPN 393-30-017, 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

1) **COURTNEY AND JUSTIN WHITT, OWNERS/ Steve Bella with Bella Cement, Representative, Cont'd**

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. Bella – Thank you.

2) **BRIAN JUNEBERG, PRESIDENT OF WESTWOOD FARMS HOA, OBJECTING PARTY**

Hearing of the objection by Brian Juneberg, President of Westwood Farms HOA pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for a Fence to be located at 12333 Paddock Circle, owned by Catherine Lietzke.

Mr. Evans – Item number two is Brian Juneberg. If you will come forward and state your name and address for the record.

Mr. Juneberg – Brian Juneberg, 12525 Saddlebrook Lane, Strongsville, 44149.

Mr. Evans – The Association is objecting to the issuance of a permit by the Building Department for a fence. The fence conforms with the Code. Your reason for objecting is that this does not meet with the Covenants and Restrictions for the Association. Our Board is required to follow City Code. This Board is not able to do anything with Covenants and Restrictions. The Building Department does send out a letter indicating that you have the ability to object.

Mr. Juneberg – We will be withdrawing our objection as we understand that you are not the enforcement body. We have sent to the resident a certified letter stating our position on it and stating the case law in Ohio that protects our Covenants and Restrictions and if they decide to move forward, even with the permit that the City approved, that we would pursue legal action against them.

Mr. Evans – There is nothing we need to do since the objection has been withdrawn.

Mr. Kolick – That is correct since you have noted for the minutes that the objection has been withdrawn. From the City's standpoint, we are done.

Mr. Evans – If there is nothing else, then we will adjourn the meeting.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathy Zamrzla, Secretary

April 13, 2022

Approval date