

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

**Meeting of
April 12, 2023**

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

The Board members discussed the following:

1) DALFEN INDUSTRIAL, OWNER/Tyler Ratliff with Fastsigns, Representative

Requesting a 20 SF Sign Face Area variance from Zoning Code Section 1272.14 (b), which permits a 50 SF Sign Face Area and where a 70 SF Sign Face Area is proposed in order to install a Wall Sign; property located at 13325 Darice Parkway, PPN 392-06-001, zoned General Industrial (GI).

Mr. Rusnov stated that the building is secluded and he couldn't see any wall sign. Mr. Evans stated that he doesn't want to set a precedent by granting a larger sign variance and the larger sign isn't necessary. He also said that he doubts this sign would need to meet the businesses national standard. Mr. Hayden said on his visit to the site he didn't see the reason for the hardship for the larger sign and there is a monument sign with the business name on it already there.

2) CUYAHOGA LANDMARK, INC./Major Harrison with Major Source LLC, Representative

- a) Requesting a 3' Ground Sign Height variance from Zoning Code Section 1272.14 (a), which permits a 5' Ground Sign Height and where an 8' Ground Sign Height is proposed in order to install a 55 SF Sign;
- b) Requesting a 5 SF Ground Sign Face Area variance from Zoning Code Section 1272.14 (a), which permits a 50 SF Ground Sign Face Area and where a 55 SF Ground Sign Face Area is proposed; property located at 21083 Westwood Drive, PPN 392-15-099, zoned General Business (GB).

Mr. Rusnov stated that the larger sign is unnecessary because the business has been there so long. Mr. Evans stated that the Board turned down a larger ground sign for PSE Credit Union. Mr. Evans stated that the current sign is visible from north and south on Prospect Road.

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo, Representative**

- a) Requesting a 22' Front Building Setback variance from Zoning Code Section 1252.04 (d) (2) Appendix IV, which requires a 100' Front Building Setback from the centerline of Howe Road and where a 78' Front Building Setback from the centerline of Howe Road is proposed in order to construct a Garage Addition;
- b) Requesting a 104 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,104 SF Floor Area is proposed in order to construct a Garage Addition; property located at 18097 Howe Road, PPN 397-33-001, zoned R1-75.

Mr. Kolick stated that the garage addition is towards the front of the house. Mr. Evans stated that there are at least a dozen homes on Howe Road that don't go all the way back to I71. He stated that other homes have the same setback as what the applicant is asking for. Mr. Kolick stated that, if granted, the applicant's home will set in front of those near him. The Board agreed to hold off on judgement until any neighbors come in to speak in favor or against the request. Mr. Evans stated that there is reasonable justification for the variance.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative**

Requesting a 5.12' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 27' Rear Yard Setback and where a 21.88' Rear Yard Setback is proposed in order to construct a 264 SF Addition; property located at 13461 Jacqueline Court, PPN 398-16-078, zoned R1-75.

Mr. Evans stated that the hardship for the applicant is a physical hardship. Mr. Hayden stated that there is a HOA approval. Mr. Rusnov stated there is nothing behind the property and asked if the request would fall under the ADA or Fair Housing Act. Mr. Kolick said no. Mr. Evans stated that this applicant does have a viable hardship. Mr. Hayden stated that this applicant has a wooded lot with minimal impact to any neighbors. Mr. Kolick stated that there are privately owned lots on Webster Road behind the applicant. He also stated that the property has varied setbacks because of the plat rather than by Code definition.

(G) Any Other Business to Come Before the Board

- 5) Discuss adoption of rule and regulation pursuant to Zoning Code Section 1248.03 changing the meeting times commencing May 10, 2023 to 6:30 p.m. for caucus and 7:00 p.m. for the meeting.**

There was no caucus discussion about this subject.

The Board members approved the minutes from March 22, 2023.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
April 12, 2023

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

Present: Mr. Evans
Mr. Hayden
Mr. Rusnov

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

Mr. Hayden – I would like to call this April 12, 2023 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. Rusnov – Mr. Chairman, I would like to make a motion to excuse Mr. Baldin and Mr. Houlé for just cause.

Mr. Evans – Second.

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

ROLL CALL:	MR. EVANS	YES
	MR. HAYDEN	YES
	MR. RUSNOV	YES

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. Before us we also have minutes to approve from our meeting on March 22, 2023. We discussed this in caucus and there were no other corrections or changes needed. We will file those accordingly.

Mr. Hayden – I would like to mention that we have two of our Board members missing. What that means is that we will hold a Public Hearing and should you want the Board to vote on your request

this evening we will do that, but it would require a unanimous decision from the Board members that are here.

Mr. Kolick – So, if you determine that you would rather wait until more Board members are here, just let us know after the Public Hearing and you can request to move the vote to the next meeting, if that is what you elect to do.

Mr. Hayden – Thank you, Mr. Kolick. 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) **DALFEN INDUSTRIAL, OWNER/Tyler Ratliff with Fastsigns, Representative**

Requesting a 20 SF Sign Face Area variance from Zoning Code Section 1272.14 (b), which permits a 50 SF Sign Face Area and where a 70 SF Sign Face Area is proposed in order to install a Wall Sign; property located at 13325 Darice Parkway, PPN 392-06-001, zoned General Industrial (GI).

Mr. Hayden – Our first item on the agenda is Dalfen Industrial. If the representative would come up to the microphone please and we will need your name and address from the record.

Mr. Ratliff – My name is Tyler Ratliff, Fast Signs of Strongsville, 12245 Pearl Road, Strongsville.

Mr. Hayden – Thank you very much, Mr. Ratliff. If you could take us through the job and the request for the variance?

Mr. Ratliff – The front of their building is about 40 feet wide and they’re proposing a stud mounted non-illuminated plastic sign that’s about 35’ in width, which goes a little bit over the allowed square footage. It’s approximately a 300’ wide building. Also, the complication of the legibility of their logo from a distance. So, our side of the story is I just want to see if it’s possible to make it 35’ to make it a little bit easier for people to see from the street.

Mr. Hayden – And did I hear you say this is illuminated or not?

Mr. Ratliff – Not illuminated.

Mr. Hayden – Thank you very much, Mr. Ratliff. I’m not sure if you were here to hear our comments in caucus. I don’t know if you had arrived yet but we will ask Mr. Evans to address this.

Mr. Evans – Mr. Ratliff, what does Old Castle Building Envelope do? Do they have retail customers come to the building?

1) **DALFEN INDUSTRIAL, OWNER/Tyler Ratliff with Fastsigns, Representative,**
Cont'd

Mr. Ratliff – As far as I know, they are less retail.

Mr. Evans – First of all, it's in an industrial park. It's not really retail or anything but the reason for my question is the size of the sign and whether or not people are coming to it that need to find which end of the building, at the far end of the building, the sign is going to face forward so it's not really going to be visible unless you're right in front of it.

Mr. Ratliff – They have quite a few deliveries. Beyond that we are comparing this to the same as another business in the same building, approximately the same size, maybe a little bit larger, and we are basing it on their storefront versus Old Castle Building Envelope.

Mr. Evans – It's more than just the store front, it's the width in front that they have that determines the size. What Mr. Hayden was alluding to that this being an industrial area, we're hesitant to grant variances back in there because if we do it in an industrial areas, we've not tried to do it in retail and everything else, because while you're in business to make signs, the problem is that signage gets to be more and more. Everybody wants bigger and bigger and because the Code is where it is, we have to have a reasonable hardship to grant a variance and the fact that you want the sign bigger for your client really isn't a reason given to grant variances and once we set precedents then we have to live with those decisions and it becomes very difficult to turn others down.

Mr. Ratliff – The other underlying issue is the entrance of the property is actually further away from there.

Mr. Evans – There's a monument sign that has their name on it.

Mr. Ratliff – Correct.

Mr. Evans – Thank you.

Mr. Rusnov – What he is alluding to is we would like to see it conform to the Code. Can you do that?

Mr. Ratliff – Yes.

Mr. Rusnov – You might just negate needing a variance if you conform to the Code.

Mr. Ratliff – No problem.

1) **DALFEN INDUSTRIAL, OWNER/Tyler Ratliff with Fastsigns, Representative, Cont'd**

Mr. Rusnov – That settles that real quick. If you would just ask to withdraw your request for the variance and go within the Code, you can meet with the Building Department and the Assistant Building Commissioner, or the Building Commissioner, then you can go from there.

Mr. Evans – It's not, Mr. Ratliff, that we don't want the client or Fast Signs to be successful, we do. It's just that bigger and bigger means that we have to do that for everyone.

Mr. Ratliff – I understand.

Mr. Hayden – This is something that we have been very consistent on.

Mr. Kolick – If you are going to withdraw the request then we won't even read the request.

Mr. Ratliff – I withdraw.

Mr. Evans – We appreciate it.

Mr. Kolick – You're done here for tonight. You need to resubmit drawings to the Building Department.

Mr. Evans – You also don't have the waiting period, which means you can do it right away.

Mr. Ratliff – Out of curiosity, how deep is the business to the right of their business to get away with their sign?

Mr. Evans – The frontage is bigger or the actual space is bigger. The frontage determines the size of the sign. So, you're at 40', which determines the size of the sign. You go down further the business occupies more space than the building.

Mr. Ratliff – I was unaware of how much square footage they have, only Old Castle.

Ms. Zamrzla – Mr. Chairman, for the applicant, you can just email the revised drawings to the Building Department.

Mr. Ratliff – Thank you very much.

Mr. Hayden – Thank you.

APPLICANT WITHDREW VARIANCE REQUEST

2) **CUYAHOGA LANDMARK, INC./Major Harrison with Major Source LLC,
Representative**

- a) Requesting a 3' Ground Sign Height variance from Zoning Code Section 1272.14 (a), which permits a 5' Ground Sign Height and where an 8' Ground Sign Height is proposed in order to install a 55 SF Sign;
- b) Requesting a 5 SF Ground Sign Face Area variance from Zoning Code Section 1272.14 (a), which permits a 50 SF Ground Sign Face Area and where a 55 SF Ground Sign Face Area is proposed; property located at 21083 Westwood Drive, PPN 392-15-099, zoned General Business (GB).

Mr. Hayden – Number (2) on our agenda is Cuyahoga Landmark. If the representative would please step up to the podium and state your name and address for the record.

Mr. Harrison – Major Harrison with Major Source, PO Box 18869, Cleveland, Ohio 44118.

Mr. Hayden – Thank you, Mr. Harrison. If you would take us through the project and the need for the variance request.

Mr. Harrison – We're requesting that the ground sign height be about 8' high by 10' new ground sign that is digital copy. The reason being is they're replacing their existing. The existing sign is 51.96 square feet and 6.33' off the ground. We don't believe that the request is irrational. We find that it is necessary. In Strongsville the Code for ground signs says the you can't exceed the 1' base. This is in a planter box and six months out of the year the snows come and builds up. We wanted to have enough space so the sign would be visible. We don't think that this variance is substantial, it does not limit the use of any government services and thank you. I'll answer any questions that you have.

Mr. Hayden – Okay. Thank you very much, Mr. Harrison. As you heard with the previous representative, we are very consistent with the variances that we grant for square footage and height and when I looked at this particular job I didn't find topography issues or any sort of hardship that I could find that would warrant the height variance. I understand that it's replacing a sign but the current sign is very visible from both directions that you drive. It's a very well-known business in the area as alluded by Mr. Rusnov in caucus. They have been in business for quite some time.

Mr. Rusnov – We turned down the bank down the road for almost the same reason and we don't want to create precedent because it snowballs. Is there any chance that could conform to the Building Code?

2) **CUYAHOGA LANDMARK, INC./Major Harrison with Major Source LLC,
Representative, Cont'd**

Mr. Harrison – We are only asking for 2' 6" from the bottom of the cabinet and the reason is the weather and the snow, and we want to make sure that the sign remains visible. That is why we are going to 2' 6" instead of the 1' base. We think that that reason alone we think that we should be allowed to have this a little higher is because this is in a planter box and we all know that six months out of the year the snow is going to be in the planter box because that's where the plow is going to put it. That is why we want this a little bit higher.

Mr. Evans – Mr. Harrison, I happen to go by there almost every day because I live in Strongsville and my mother-in-law is in a nursing home in Berea. I go up and down Prospect Road all the time. I will say that the snow is not a reason that we will allow the sign to be higher. You said the current one is 6.33' high?

Mr. Harrison – Yes.

Mr. Evans – So, Mr. Kolick, if we change from the posted numbers and go to the electronic numbers, that counts as a change of sign, is that correct?

Mr. Kolick – That wouldn't. If they were going to re-advertise something completely different it could be just going from posted to electronic numbers is not a change that they need to come back to the commission for.

Mr. Evans – So, Mr. Harrison, the reason that I ask that question is because I'm going to say that driving by that, I think the sign is high enough. As Mr. Rusnov said, we turned down PSE Credit union for a bigger sign. Everybody wants bigger signs because they think that drives bigger sales. Landmark has been there for a long time, and Marathon Gas, and in that quadrant of the City the people are very familiar with it. If we allowed that sign to be 8' tall, everyone up and down Prospect Road and a lot of people up and down Royalton Road are going to want a bigger sign too. Our problem again is that granting variances for signs, there are very specific four criteria that we have and wanting a bigger sign is not one of those criteria.

Mr. Harrison – Understood. The size height for a ground sign is 6' or 5'?

Mr. Molnar – It's 5'.

Mr. Evans – So, because you're grandfathered in with that sign being taller, changing the copy for gas prices, I think almost every station in Strongsville is now that way. You could do that without have to come back for a variance.

Mr. Harrison – If we stayed with the existing height, we would be okay?

2) **CUYAHOGA LANDMARK, INC./Major Harrison with Major Source LLC,
Representative, Cont'd**

Mr. Kolick – If you stayed with the existing height and the existing square footage, you're fine.

Mr. Rusnov – You wouldn't need a variance.

Mr. Harrison – I understand. It's currently 52 square feet.

Mr. Kolick – If you're 52 square feet, it's a non-conforming sign, which you're permitted to have because we only permit 50 square feet. You can keep the additional height if all you're going to do is change to electronic numbers. You don't need to come back here for that.

Mr. Harrison – I understand.

Mr. Rusnov – If you conform to the Code or were grandfathered in, you don't need a variance.

Mr. Harrison – I understand.

Mr. Rusnov – Which would be the path of least resistance for you.

Mr. Harrison – This is something that I would like to take back to my customer. I would like to table to get further information.

Mr. Rusnov – Okay.

Mr. Evans – This is a Public Hearing.

Mr. Kolick – If you could sit down for a minute we'll see if there are any public comments.

Mr. Hayden – Thank you, Mr. Harrison. This is a Public Hearing so I'll ask if there's anyone in the audience who wishes to speak against the granting of the variance? Is there anyone who wishes to speak in favor of the variance? Hearing none and seeing none I will entertain a motion and declare the Public Hearing...oh, we have to leave it open until you come back.

Mr. Kolick – We will continue the Public Hearing until the next meeting. Mr. Harrison, if you determine that you're not going to go for this additional variance just let Kathy know that you wish to withdraw your request. You don't need to come back to see us or if you wish to move forward with the variance we will put it on the next agenda.

APPLICANT TABLED UNTIL THE NEXT MEETING

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo, Representative**

- a) Requesting a 22' Front Building Setback variance from Zoning Code Section 1252.04 (d) (2) Appendix IV, which requires a 100' Front Building Setback from the centerline of Howe Road and where a 78' Front Building Setback from the centerline of Howe Road is proposed in order to construct a Garage Addition;
- b) Requesting a 104 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,104 SF Floor Area is proposed in order to construct a Garage Addition; property located at 18097 Howe Road, PPN 397-33-001, zoned R1-75.

Mr. Hayden – Our next item is Marlita and David DiVencenzo. If the representative would step up to the microphone please.

Mr. DiVencenzo – David DiVencenzo, 18097 Howe Road, Strongsville.

Mr. Hayden – Thank you very much. If you could take us though the project and your variance request please.

Mr. DiVencenzo – We just bought this property and we want to add a garage to the front of the house. I believe you've all been there. There's a walk out basement, the garage is below grade. There is a creek in the back of the property. That is where all the storm water drains. The creek in the rear of the property, the parcel line, is a little bit higher than the base of the driveway and where the current garage sits. So, there is a water problem. Water collects in the current garage. Also, being that it's a walk out basement and a recessed below grade garage, there's a beam that carries the whole house. There are posts along the house every six to eight feet that carries the beam. There's a large post in the center of the garage. That makes it impossible to park my truck in the garage, almost any vehicle, unless you have a tiny car. The topography because of the posts, it's almost unusable as a garage. So, I'm looking to put a garage on grade to walk in the front of the house, groceries, car and whatever else. A usable garage without a post in the middle of it. I do have a fun drive. I don't know if it's possible with additional images. I do have some other images here, renderings, with the grade issue.

Mr. Rusnov – Let's see them. When this house was built, the Zoning Code was miles from what it is now.

Mr. DiVencenzo – I spoke with Mr. Molnar because I thought one thing was the setback and it turns out to be something else. I would be about 78' from the centerline. I believe it would be close to 80' or 85' but we are going to have to get a wheel to measure it exactly.

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo,
Representative, Cont'd**

Mr. Rusnov – If you have a mortgage loan, you can get their mortgage survey and that will show you the exact distance from the street.

Mr. DiVencenzo – I do have a survey that I have completed. I must not have submitted that with the application but I have it and I can provide it. Point in case, the variance requested is only about 15' to 20' rather than maybe 22'.

Mr. Rusnov – Pretty much in line with the rest of the house.

Mr. DiVencenzo – Correct. I was mistaken. There are parcels up. I wasn't too sure in the beginning if the parcels south of me were in Cuyahoga County being that I just bought the parcel. I live in Mayfield Heights. I'm moving. I'm not familiar with county line, etc. but there are parcels to the north and south that don't go all the way back to I71. Like you said, they seem to be pretty close in line. They looked to be close to where I'm asking for the variance to come up to. I do have other images on this thumb drive. You're welcome to keep this. I don't need it. I can share them with you of aerial shots. I drew a line so you can eyeball where they come up to and then you can see; that's all I got.

Mr. Hayden – Thank you very much.

Mr. Evans – Mr. Chairman, in caucus we talked about the fact that there are a lot of different setbacks on Howe Road. Construction has taken place over a long period of time as Mr. Rusnov suggested in caucus. There have been changes in the Zoning Code. A lot of things have happened. There are houses that are what we would estimate to be what you're proposing in terms of setback. We know that a lot of the lots do honor that 100' setback. On a lot of properties houses are closer. Over the course of time the Zoning Code changes have allowed different things. The fact that there are other houses that seem to be in the same setback vicinity would mean that there is a precedent that we may be allowed to follow.

Mr. Rusnov – The setback requirements would be around Shurmer Road on the left side of the street, going from Shurmer Road to Route 82, and a lot of them don't meet that 100' setback going the other way south.

Mr. DiVencenzo – I believe that's what is on that thumb drive, images of those houses. On top of that topography of that parcel, in particular even those other shorter parcels, I'm not sure that they have all of their storm drainage that goes into a creek that is higher than the bottom of the driveway and the top of the driveway. My mother took a video that is very telling. I don't have it on the thumb drive. When it rains it's like a waterfall down the driveway. My waterproofing job should take care of that but there are excessive amounts of water. It's hard to use that garage for anything other than extra space, which is the intention. There's a request for a variance and garage space

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo, Representative, Cont'd**

Mr. DiVencenzo continues - included in this. The intention is to make a workshop area from the basement. If you have to come by to verify that you can see the post and the beam in that basement, you can come check it out.

Mr. Kolick – Mr. Chairman, for the applicant, do you have a sump pump or something that pushes that water out?

Mr. DiVencenzo – No, there is no sump pump. The storm doesn't go to the street. If it did it would make sense to raise it up to take it out but at the time it goes out the back. I talked to the Engineer's office before I bought the property and they showed me the path of where the storm drains go. In 2004, the last owner of the property had it redone and it shows how he had it all tied together in the center of the driveway and that it is dug pretty deep. There's a clean out in the middle of the back yard that goes out so even though the grade is like this, it's dug down shallow enough into the back yard so it drains into the creek. When the creek backs up during a heavy storm that is where the real problem becomes because that creek builds up and my driveway is a fish bowl waiting to happen. If the creek is blocked from the north or the south, and then there are heavy rains for two days, the neighbor said there was four feet of water in the driveway. I am trying to mitigate all that and not keep my cars down there.

Mr. Rusnov – If I'm not mistaken, that creek that runs north towards Drake Road the county is working on fixing that culvert on Drake Road and Hunt Road and that might alleviate some of your flooding problem.

Mr. DiVencenzo – Good to know.

Mr. Rusnov – Guys will talk to you that are working that.

Mr. DiVencenzo – I work for the County. Maybe I can find something out about that.

Mr. Evans – Mr. Chairman, for the applicant, because of the large size of the proposed garage are you running a business out of the house?

Mr. DiVencenzo – I do have a heating and cooling business. I don't run it out of the house. I just fix furnaces for people. No business out of the property.

Mr. Rusnov – That's one question we always ask. And you're not going to run any business out of the house?

Mr. DiVencenzo – No.

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo,
Representative, Cont'd**

Mr. Rusnov – That takes care of that.

Mr. Hayden – Thank you very much. This is a Public Hearing so I'll ask is there anyone who wishes to speak in favor of the variance?

Mr. Ihde – My name is Ben Ihde. I live at 18365 Howe Road. I haven't met them yet but I understand that house and the topography there so I agree with what they're saying. Also, they have a pretty wooded lot in the back and that house has trees in front of it so there's not a lot that you can see there. I don't think it would be an eyesore or an issue. Being a neighbor, it doesn't seem like a problem to me at all and it's not much of a size variance and the fact that they're upgrading the home, I think it's a good win for Howe Road.

Mr. Kolick – Where is your lot in relation to theirs? Is it south of them?

Mr. Ihde – Yes.

Mr. Kolick – So, your house sits way back from there.

Mr. Ihde – Understand there is a setback issue and it sounds like they're pretty good on that. Their home is way forward towards the street from mine.

Mr. Hayden – Thank you. Anyone else? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will entertain a motion and declare the Public Hearing closed.

Mr. Rusnov– Mr. Chairman, I would like to request a 22' Front Building Setback variance from Zoning Code Section 1252.04 (d) (2) Appendix IV, which requires a 100' Front Building Setback from the centerline of Howe Road and where a 78' Front Building Setback from the centerline of Howe Road is proposed in order to construct a Garage Addition and (b) requesting a 104 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,104 SF Floor Area is proposed in order to construct a Garage Addition; property located at 18097 Howe Road, PPN 397-33-001, zoned R1-75.

Mr. Evans - Second.

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

ROLL CALL: MR. EVANS – YES
MR. RUSNOV – YES

3) **MARLITA AND DAVID DIVENCENZO, OWNERS/Anthony DiVencenzo, Representative, Cont'd**

MR. HAYDEN – YES

MOTION GRANTED

Mr. Hayden – Mr. DiVencenzo, your variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. You will hear from the Building Department after twenty days if City Council doesn't review the decision. You are all set for tonight.

Mr. DiVencenzo – How long can I take to get this going?

Mr. Kolick – You have a year before the variance expires as long as you have substantial construction done within that year. If not, you can come back before us and request an extension.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative**

Requesting a 5.12' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 27' Rear Yard Setback and where a 21.88' Rear Yard Setback is proposed in order to construct a 264 SF Addition; property located at 13461 Jacqueline Court, PPN 398-16-078, zoned R1-75.

Mr. Hayden – The next applicant on the agenda is Fernengel-Huffman Family Trust. If the representative would please come to the microphone and state your name and address.

Ms. Huffman – My name is Debbie Huffman. I live at 13461 Jacqueline Court in Strongsville.

Mr. Hayden – Thank you very much for that. If you could take us through your project and the need for the request for the variance.

Ms. Huffman – The project is that when we bought our property we looked at all the back area and I knew right away that I would want to put an addition on. Right now, we have a Juliet deck, which is enough for one person. So, if there was ever a fire in the back of the house, we wouldn't be able to go out there because it's two floors up. We want to put a four-season room on there and I need to add an elevator to the addition. We've have it evaluated to see if there is any other viable place to put an elevator and they suggested it would have to go into the addition. They couldn't put it in a stairway or by the garage or anything like that. They tried. So, what we need to do is have a variance because there is a building line at the back of our house that we didn't know about or understand. There's 27' of build line yet our property goes back 33'. So, we are asking to put on a 12' room on the back of the house, 12' x 20' or 40'. I can't remember. We need 5.12' variance to

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Ms. Huffman continues - be able to do that. It would be a room in the bottom and the top would be a walk out from the basement so that I can get into the basement from the elevator. So, that's the project.

Mr. Hayden – All right, thank you very much.

Mr. Rusnov – The whole purpose is your current physical condition. You aren't capable of walking up and down stairs and taking 200 lbs. and a sack of flour up the steps. I can sympathize with that.

Ms. Huffman – Yes.

Mr. Hayden – This is on a wooded lot, which we discussed in caucus.

Mr. Rusnov – Nobody can see you.

Ms. Huffman – Just the people behind us but they have always been very nice. We have a little piece of wooded land there and they are very far away from us. It's not going to be something that looks ugly. It's just going to be in the back of the house.

Mr. Rusnov – That's what we have the Planning Commission for. It's not going to be ugly, so it's going to be architecturally appealing. I don't have any further questions.

Mr. Evans – Mr. Chairman, we did note in caucus that we do have a HOA letter from Lawrence Community, who is their association manager. This is a relatively new development and the setback for the houses were customized. I don't think that any of the setbacks ever anticipated that there would be a need like this in adding an elevator structure and that it couldn't be accommodated anywhere else. I don't think that's any surprise to anyone. It's well within the purview of this Board because of the constraints that we have for granting the variance.

Mr. Hayden – Thank you, Mr. Evans. Thank you, Mr. Huffman. We will open up the Public Hearing. I'll ask is there anyone who wishes to speak in favor of the variance? Will you come up to the microphone please? If you could give your name and address for the record please.

Ms. Ozog – Karen Ozog, 11830 Webster Road, and my husband Lawrence. I'm asking to not allow this to be approved.

Mr. Rusnov – We asked for people in favor of the variance.

Mr. Kolick – That's okay, they are the only people here to speak for or against it.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Hayden – You're speaking against the granting of the variance?

Ms. Ozog - Their house is two stories and overlooks my property and the whole cul-de-sac, which all overlooks my property. They are cluster homes and they have no back yards. She doesn't have a big lot. It's a very tiny lot. The woods belong to the guy next door to us and it's just a small little section. We took down trees because they asked us to. They thought they were going to fall down. They've been standing for 42 years. We paid to have that done. I've spent tens of thousands of dollars wooding up my lot for privacy and now they are going to build even closer.

Mr. Evans – Okay. So, the request by the applicant is to build 5' further than what the Zoning Code allows. So, 5' is not a really big distance. We have all been out to look at it. I can't say for sure which house is yours because I don't remember as I stood back and looked at it. I believe it's probably the one to the right.

Ms. Ozog – Yes.

Mr. Evans – Your house is, I'm going to guess, maybe 80' or 100' away from the rear lot line. It's up towards Webster. You have a large back yard.

Ms. Ozog – Her property is a square and I'm centered to it.

Mr. Evans – But you have a large back yard. So, my question is, if they were to do the addition and we had them put trees at the back edge or something like that, would that be acceptable to you?

Ms. Ozog – If you're going to grant this regardless, yes, I would want some type of screening.

Mr. Evans – I'm not saying regardless but we get a lot of requests at this Board and most of them, many of them, are ones that in our right mind we would never grant because they don't meet the reasons for us granting variances. They are just people who are wanting whatever. In this case the request is because of a condition that has changed since the house was built.

Ms. Ozog – I don't think they've been in the house very long.

Mr. Ozog – They've only been in the house for maybe a year.

Mr. Evans – Right. Okay.

Ms. Ozog – They just bought the house.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Evans – My question is, is there anything that would soften that?

Ms. Ozog – Let them use their money to make it private instead of me spending my money to make it private.

Mr. Ozog – We have about 130 trees. We planted about 60 of them. We knew this was coming. We enjoy our privacy. We have a hot tub back there and everything on the patio.

Mr. Evans – I understand that because those are larger lots on Webster Road. When Avery Walden want in I was like, where did this all come from? What I'm suggesting is, is there anything that would help soften that in your estimation and would make it a better situation?

Mr. Rusnov – If they planted additional screening in the back between your property and their property, that would ease the pain a little bit for you.

Ms. Ozog – We already cut down trees for you guys, which took away our privacy.

Mr. Ozog – We don't enjoy the closeness that it is right now and now you're going to take even more away. We just planted ten or twelve trees yesterday, I mean last year. We've been planting because we knew this was coming.

Mr. Rusnov – We can condition the granting of the variance. The original plan for the subdivision did not include clusters. The plan was to have upscale homes and when they bought Krukemeyer's property at the back and everything else, that is what the master plan was and it changed with his untimely death. We can ask them to put that in as a condition to ease the pain of it a little bit.

Ms. Ozog – I thought when they built the clusters that they would put up a fence.

Mr. Rusnov – That was a whole different ball game.

Ms. Ozog – I talked to Paul Stradtman. I knew Paul Stradtman.

Mr. Rusnov – That makes two of us.

Ms. Ozog – It's a little disturbing to have all of these properties back up to ours.

Mr. Rusnov – Well, let's get the applicant to come back up here and ask them the questions about planting trees and adding screening, fast growing or some pines.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Ozog – They are two stories up. So, that would have to be some decent sized trees. That's what we're concerned about, their second story looking into our hot tub and all that stuff. We have a big patio back there that goes across the length of the house. We have a pergola, we have everything back there. We enjoy our time back there. We enjoy the privacy, that's all. We're trying to take care of the privacy on our part.

Mr. Rusnov – Well, we can ask.

Mr. Evans – That's why we're asking questions. We can condition the variances with certain stipulations that happen to mitigate the circumstances.

Mr. Hayden – Thank you very much.

Ms. Ozog – They're nice people. We cut the trees down because we try to be good neighbors.

Mr. Hayden – If I could have you step up to the microphone. We can't pick up what you're saying. Thank you.

Ms. Huffman – When we first moved in, we couldn't find the find the property pins. We still can't. So, Jeff had gone back and asked them when they were cutting the grass, do you know where the property line is? So, we talked to them because we weren't sure. They cut down five of these gib, tall pines that we were afraid were going to fall on the house. They were tall and some of the limbs were falling into our yard and we were afraid of the whole tree coming down. We hired the same people that they had to finish cutting down the pines that looked kind of sketchy, whether they were going to fall or not. Our plan is to clean up that area and plant trees. We had just gone to Maria Garden's about two weeks ago and we were talking to them about what kind of trees can we plant that would give privacy and grow fast. The problem with having...pine is always a good answer; however, Jeff is allergic to pine. So, that is part of the reason that we cut the rest of them down but we're trying to be good neighbors. We want the privacy too. We love to watch you guys mow the grass and all that kind of stuff.

Ms. Ozog – That is our problem, we have lost our privacy.

Ms. Huffman – I can't see anything in your house. Do you want to come to my house and look?

Ms. Ozog – We do not want people looking into our house.

Ms. Huffman - Oh my God. No. We don't do those kinds of things.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Hayden – It does sound like the intention is there to put up some sort of screening of some sort. If you could come to the microphone so we can pick up what you're saying.

Mr. Ozog – How can you get privacy when you're two stories up? And that is their main living area.

Ms. Ozog – Absolutely.

Mr. Ozog – That's the main home living area. That's my only issue.

Ms. Ozog – Right.

Ms. Huffman – The second area that we're in is because of the elevator and that is down around the basement level but our main floor is up on the second level.

Mr. Hayden – Mr. Kolick, if I could defer to you on conditioning the variance if granted, condition the height of foliage or trees?

Mr. Kolick – You can condition upon a screening area as approved by the Building Department. My only concern though is, first of all, you only have 21' because that is the back of their lot and two, a lot of times in the rear yard there are drainage easements or swales. I don't know if it's going to be possible to plant in there or not. What might be appropriate here is to table this but we have a 60-day deadline from the time they came in. We could have the Engineering Department or the City Forester go out there to see what suggestions they might have that would work in the 20' area that they have.

Mr. Rusnov – Good idea.

Mr. Evans – Jennifer.

Mr. Kolick – My suggestion is that we table this and refer to the Engineering Department and Jennifer Milbrandt so they may come back and say they can't do anything. I would like to know that rather than the Board conditioning the variance only to find out...

Mr. Rusnov – Get the experts involved.

Mr. Kolick – That's only 20'. It's not like they have 50' and a lot of room to do something. Why don't we table this for now, and we can send our Engineering Department and the City Forester to the lot to see what kind of screening can be done and is appropriate.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Ozog – We're not trying to give them a hard time. We're trying to be good neighbors. How can we get to that level of enjoying our privacy? That's all, so we can both be satisfied.

Mr. Rusnov – You'll have to ask to table this.

Mr. Molnar – One suggestion that I have, is it possible to lose the second-floor windows that are facing the property?

Ms. Huffman – That would be all the windows.

Mr. Molnar – You have windows on the side of the building.

Ms. Huffman – The elevator would be on one side and then the open deck would be on the other side so your only windows are in the back.

Mr. Molnar – I was suggesting maybe a different design where you don't have that deck on the second floor and not have windows facing their property.

Ms. Huffman – According to the association, you're not allowed windows at the sides, only behind your house.

Mr. Molnar – I'm talking about a building this size with windows in a different area of that addition.

Mr. Rusnov – When you table this, go talk to the people in the Engineering Department to see if there is a viable alternative that you could diminish the number of windows that would be facing these people's property or the deck or whatever.

Mr. Ozog – How big is the deck?

Mr. Hayden – It looks like it's about 12' x 18'. What Mr. Kolick is suggesting is that you ask to table this and contact the Building Department to work through some of this.

Ms. Huffman – We have 60 days?

Mr. Hayden – Correct. Perhaps you can accomplish that within the next week and then you may be able to get on the next agenda.

Ms. Huffman – Or we just move.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Cont'd**

Mr. Kolick – If you go see our Building Department and they'll sit with our Engineering Department. The Building Department can look at the windows that face the neighbors and the Engineering Department can let us know if there are any drainage problems that would be obstructed by putting trees in there. The City Forester could have a recommendation. Arborvitae can go that high but, at any rate, meet with them first and then you can decide where to go from there.

Mr. Ozog – Hopefully, we can come up with an amicable decision.

Mr. Kolick – We'll just mark it tabled for now, Mr. Chairman.

Mr. Hayden – Okay, thank you very much.

Mr. Evans – This will go back on the agenda for our next meeting then, which would be April 26, just so you're aware. We meet twice a month on the second and the fourth Wednesdays.

(G) Any Other Business to Come Before the Board

Mr. Hayden – Okay, gentlemen, we do have other business to come before the Board. Item number five is to discuss adoption of rule and regulation pursuant to Zoning Code Section 1248.03 changing the meeting times commencing May 10, 2023 to 6:30 p.m. for caucus and 7:00 p.m. for the meeting.

Mr. Rusnov – Any chance of moving that up to 6:00 p.m. for caucus and 6:30 p.m. for the meeting?

Mr. Hayden – I had a chance to engage all Board members, a couple of which Mr. Houlié, Mr. Baldin and Mr. Rusnov, who weren't as concerned with, necessarily, a 6:00 p.m. caucus; however, I did have the chance to engage Mr. Evans and a couple of members of City Council. While I do think that the earlier time could make sense, I do think that extra half hour gives residents time to get here to listen to caucus and then have the 7:00 p.m. meeting.

Mr. Rusnov – Let's run with it then.

Mr. Kolick – You just need a motion to adopt a rule commencing May 10, 2023 for a 6:30 p.m. caucus and 7:00 p.m. meeting and then if we do that, if there's like one item on, it might not be 6:30 p.m. it might be 6:45 p.m. but it won't be before 6:30 p.m., just so the Board members understand.

Mr. Rusnov – Mr. Chairman, I make a motion to adopt changing the meeting times commencing May 10, 2023 to 6:30 p.m. for caucus and 7:00 p.m. for the meeting.

(G) Any Other Business to Come Before the Board, Cont'd

Mr. Evans – Second.

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

ROLL CALL: MR. RUSNOV – YES
 MR. EVANS – YES
 MR. HAYDEN – YES

MOTION APPROVED

Mr. Kolick – There you go, the rules are amended.

Mr. Hayden - If there is no other business to come before this Board, we are adjourned.

<u>Signature on File</u>	<u>Signature on Fire</u>	<u>April 26, 2023</u>
Mr. Hayden, Chairman	Kathy Zamrzla, Secretary	Approval date