

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

**Meeting of  
April 26, 2023**

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

The Board members discussed the following:

- 1) **CARSO ROSSO WINERY/JOSEPH Z PROPERTIES LLC,  
OWNER/Michael J. Molchan with Makovich & Pusti Architects,  
Representative**
  - a) Requesting a 65' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80' Front Building Setback from the Hunt Road right-of-way and where a 15' Front Building Setback from the Hunt Road right-of-way is proposed in order to construct an 850 SF Addition;
  - b) Requesting a 22' Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Front Parking Setback and where an 8' Front Parking Setback is proposed in order to create Additional Parking; property located at 19583 Hunt Road, PPN 399-33-099, zoned General Business (GB) (West) and Restaurant-Recreational Services (R-RS) (East).

Mr. Rusnov explained the history of the property. Mr. Houlé stated that the addition would be in line with the current building. Mr. Kolick stated that a storm sewer easement would need to be approved by the Engineering Department. The parking lot will be going into the easement but not the building addition. Any approval tonight would need to be conditioned regarding the easement to be approved by the Law Department and Engineering Department.

- 2) **BRADLEY AND ELIZABETH FISCHER, OWNERS**

Requesting a 2' variance from Zoning Code Section 1252.04 (e), which requires a 15' minimum distance between two (2) homes and where a 13' distance between two (2) homes (Southeast) is proposed in order to expand an Attached Garage; property located at 20264 Colleen Court, PPN 394-24-119, zoned R1-75.

Mr. Evans stated that this addition would be near the neighbor's garage and asked if approved a condition of fire rated drywall be applied. He also stated that there is a homeowner's association approval. Mr. Kolick asked Mr. Molnar if fire rated drywall would be required already as a Code requirement. Mr. Molnar stated that the garage wall would be required to be drywalled if the garage wall is within 10' of the property line, but this garage wall will be 13' from the nearest garage so that would not be required unless the Board conditioned the approval with that requirement.

3) **MARTIN AND MARY BOHN, OWNERS**

Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion; property located at 19159 Blue Spruce Drive, PPN 394-25-064, zoned R1-75.

Mr. Houlé stated that the pie shaped lot is very large with a hot tub and other things. He also said that the homeowner's association approved of the project. Mr. Hayden stated that the project would have minimal impact to neighbors. Mr. Evans stated that the Board has approved similar pavilions.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Continued from April 12, 2023**

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 stated that this is a continuation from the last meeting. Mr. Kolick stated that the Board had asked the City Forester and the City Engineer to go to the property to look at the landscaping. He stated that they said the storm sewer easement would prevent additional landscaping from being planted. The City Forester also took photos showing the multiple existing trees blocking the existing view from this house to the other house on Webster Road , who wanted additional trees planted. Mr. Kolick also stated that Mr. Houlé would need to abstain from discussion and a vote on this item since he was not present at the public hearing on April 12, 2023. For this to pass this evening there would need to be three unanimous votes in the affirmative. Mr. Evans stated that this is a minimal variance and he would be in favor of changing the windows configuration but also that might not be necessary. Mr. Hayden stated that he spoke with Jennifer Milbrandt, the City Arborist, this afternoon and she stated that the tree foliage will fill in during the next several weeks; therefore, Mr. Hayden also stated that he feels the impact to the neighbor on Webster Road will be minimal.

**(G) Any Other Business to Come Before the Board**

The Board members approved the minutes from April 12, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**April 26, 2023**

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

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

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 26, 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	PRESENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	ABSENT
	MR. RUSNOV	PRESENT

Mr. Rusnov – Mr. Chairman, I would like to make a motion to excuse Mr. Baldin 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. HOULE	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 April 12, 2023. We discussed this in caucus and there were no other corrections or changes needed. We will file those accordingly.

Mr. Hayden – 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) **CARSO ROSSO WINERY/JOSEPH Z PROPERTIES LLC, OWNER/Michael J. Molchan with Makovich & Pusti Architects, Representative**

- a) Requesting a 65’ Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80’ Front Building Setback from the Hunt Road right-of-way and where a 15’ Front Building Setback from the Hunt Road right-of-way is proposed in order to construct an 850 SF Addition;
- b) Requesting a 22’ Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30’ Front Parking Setback and where an 8’ Front Parking Setback is proposed in order to create Additional Parking; property located at 19583 Hunt Road, PPN 399-33-099, zoned General Business (GB) (West) and Restaurant-Recreational Services (R-RS) (East).

Mr. Hayden – Item number one on our agenda is Carso Rosso Winery. If we could have a representative step up to the microphone please. If we could have your name and address for the record please.

Mr. Zambetti – Adam Zambetti, 19583 Hunt Road.

Mr. Molchan – Mike Molchan with Makovich & Pusti Architects, 111 Front Street, Berea.

Mr. Hayden – Mr. Zambetti, if you could take us through the project and the need for the variance.

Mr. Molchan – As you can see we are adding onto the building for a tasting room and it’s a project that is almost the same size as the existing building with a slightly different configuration but to get the addition on there, because of the existing right of way on Hunt Road and the property lines, it doesn’t allow for an addition to be put on within the existing setbacks, and the current Codes. We thought what would look the best is to at least have the addition lined up with the existing building right now. So, that being compliant with the setback zoning as far as the front is concerned. We need to get the required parking for the new addition to make the most of getting these parking spaces if possible. So, we are requesting the setback and the variances.

Mr. Hayden – Thank you very much, Mr. Molchan. Mr. Rusnov had some comments in caucus regarding the history of the building.

1) **CARSO ROSSO WINERY/JOSEPH Z PROPERTIES LLC, OWNER/Michael J. Molchan with Makovich & Pusti Architects, Representative, Cont'd**

Mr. Rusnov – That was originally a bar and that place was built a long time ago under different circumstances and in a different zoning. It was a veterinary hospital and now you're there and it's next to a strip center. The zoning and the building usage have changed several times. That could have been a good place for an insurance agent or something like that but the winery is good too. That is basically a brief history and you have to live with what was originally built and the zoning and the other variances that are limitations on that property, like storm sewers and things of that nature. So, that is really basically it.

Mr. Hayden – Thank you, Mr. Rusnov.

Mr. Evans – Mr. Molchan, is the tasting room going to be a four-season room?

Mr. Molchan – It's going to be enclosed.

Mr. Evans – And you heard us in caucus talking about the storm sewer easement. That is something that the applicant is willing to stipulate?

Mr. Molchan – Yes, we're in the process of having that drawn up by a surveyor.

Mr. Rusnov – You can have the parking lot over it but not the building.

Mr. Evans – I think that the other thing, Mr. Chairman, would be to echo what Mr. Rusnov said, there have been multiple changes and Codes and setbacks. This would be a similar situation that we have on 82 and Pearl where we have allowed expansions like this, as long as it maintains the current footprint setback.

Mr. Rusnov – It's not going to be an eyesore.

Mr. Kolick – Mr. Chairman, for the applicant, if you contact our Engineering Department, they have the easement that must be utilized. You just need the surveyor to attach the legal description to it. Contact Lori Daley in Engineering.

Mr. Molchan – We have it already.

Mr. Kolick - Oh you have it. They can make it contingent if approved. You'll need that easement which we supplied completed to get back to Planning Commission.

Mr. Hayden – All right. Thank you, Mr. Kolick. 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

1) **CARSO ROSSO WINERY/JOSEPH Z PROPERTIES LLC, OWNER/Michael J. Molchan with Makovich & Pusti Architects, Representative, Cont'd**

**Mr. Hayden continues** - who wishes to speak in favor of the variance? Hearing none and seeing none I will entertain a motion and declare the Public Hearing closed and entertain a motion.

Mr. Houlé – I would like to make a motion to approve a 65’ Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires an 80’ Front Building Setback from the Hunt Road right-of-way and where a 15’ Front Building Setback from the Hunt Road right-of-way is proposed in order to construct an 850 SF Addition and (b) requesting a 22’ Front Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30’ Front Parking Setback and where an 8’ Front Parking Setback is proposed in order to create Additional Parking; property located at 19583 Hunt Road, PPN 399-33-099, zoned General Business (GB) (West) and Restaurant-Recreational Services (R-RS) (East). This is contingent upon an easement for a storm sewer as required by the Law Department.

Mr. Rusnov – Second.

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

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

MOTION GRANTED

Mr. Hayden – Gentlemen, 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. Thank you very much.

Mr. Zambetti – Thank you.

Mr. Molchan – Thank you.

2) **BRADLEY AND ELIZABETH FISCHER, OWNERS**

Requesting a 2’ variance from Zoning Code Section 1252.04 (e), which requires a 15’ minimum distance between two (2) homes and where a 13’ distance between two (2) homes (Southeast) is proposed in order to expand an Attached Garage; property located at 20264 Colleen Court, PPN 394-24-119, zoned R1-75.

2) **BRADLEY AND ELIZABETH FISCHER, OWNERS, Cont'd**

Mr. Hayden – Second, on our agenda is Bradley and Elizabeth Fischer. If you would come forward please and state your name and address for the record please.

Mr. Fischer – My name is Bradley Fischer, 20264 Colleen Court, Strongsville.

Mr. Hayden – Thank you, Mr. Fischer. If you could take us through the project and the need for the variance.

Mr. Fischer – Yes, it's simply a standard 12' x 22' garage. I have a two-car garage now and I would like to have a third.

Mr. Hayden – Thank you, Mr. Fischer. As was noted in caucus we do have a homeowner's association approval. Any other comments?

Mr. Evans – Mr. Chairman, as we discussed in caucus, even though there is not a requirement for fire rated drywall in the garage should we grant the variance we would probably impose that on you because of the distance between the garage and the neighbor's garage. Would that be acceptable?

Mr. Fischer – How would I communicate that to the builder? Is there a Code that I would cite?

Mr. Rusnov – Just tell him that you want fireproof drywall.

Mr. Kolick – Tell him that it was a condition of the Board for granting the variance.

Mr. Fischer – Okay.

Mr. Rusnov – When in doubt, call the Assistant Building Commissioner, Steve Molnar.

Mr. Evans – I think, Mr. Chairman, that we discussed in caucus that there is an appropriate area between the houses. It's not totally compromised and at this point all of people do have three car garages. It's not unusual.

Mr. Evans – Again, I would say it was built in a previous Zoning Code and this is just for safety. Thank you for cooperating with us.

Mr. Fischer – Thank you, gentlemen. 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 closed and entertain a motion.

2) **BRADLEY AND ELIZABETH FISCHER, OWNERS, Cont'd**

Mr. Rusnov – Mr. Chairman, requesting a 2’ variance from Zoning Code Section 1252.04 (e), which requires a 15’ minimum distance between two (2) homes and where a 13’ distance between two (2) homes (Southeast) is proposed in order to expand an Attached Garage; property located at 20264 Colleen Court, PPN 394-24-119, zoned R1-75 be approved conditioned upon fireproof drywall installed on the side of the garage next to the neighbor’s garage.

Mr. Houlé - Second.

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

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

MOTION GRANTED

Mr. Hayden – Mr. Fischer, 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. Fischer – Thank you.

Mr. Hayden – Thank you.

3) **MARTIN AND MARY BOHN, OWNERS**

Requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion; property located at 19159 Blue Spruce Drive, PPN 394-25-064, zoned R1-75.

Mr. Hayden – Item number three, Martin and Mary Bohn. If you would come forward and give us your name and address for the record, please.

Mr. Bohn – Martin Bohn, 19159 Blue Spruce Drive.

Mr. Hayden – I apologize for mispronouncing your name. Thank you and if you would take us through the project and the request for the variance please.



**3) MARTIN AND MARY BOHN, OWNERS, Cont'd**

Mr. Bohn – We are looking to remove a wooden deck and replace it with stamped concrete and also add a 16' x 18' pavilion.

Mr. Rusnov – Which would be an improvement in the property for your specialized use.

Mr. Bohn – Correct.

Mr. Rusnov – The variance is very small. It's only 88 square feet.

Mr. Hayden – We noted in caucus that you live on a wooded lot there. It seems to be a pretty minimal impact to the neighbors and I think your one neighbor has a pavilion.

Mr. Bohn – Yes, he has the same one. It's a little bit smaller.

Mr. Houlé – We have an approval letter from the homeowner's association.

Mr. Evans – Mr. Chairman, does the applicant intend on putting a fire pit in the pavilion?

Mr. Bohn – There will be a fire place that will be going in.

Mr. Rusnov – A masonry fireplace, not an open fire pit?

Mr. Bohn – Yes, a fireplace.

Mr. Evans – My only concern is that where you are placing the deck, this is going to be awful close to the house. Do you know which side of the pavilion that you're intending on putting the fireplace?

Mr. Bohn – Yes, it will be on the side away from the home.

Mr. Hayden – Back towards the woods?

Mr. Bohn – Correct.

Mr. Rusnov – Towards the rear of the yard?

Mr. Bohn – Yes.

Mr. Hayden – Does that have a requirement as far as distance from the house.

Mr. Kolick – Steve, what is the requirement from the house if it's an enclosed fireplace.

3) **MARTIN AND MARY BOHN, OWNERS, Cont'd**

Mr. Molnar – There isn't one for a single-family home.

Mr. Kolick – Mr. Chairman, they back up to the common area and an assisted living center so they are pretty far away from that.

Mr. Evans – Mr. Chairman, the 88 square feet is not a very large variance. We have had a number of pavilions because of Covid and people using their yards more so. We've set a precedent of allowing pavilions slightly larger than what is permitted by Code.

Mr. Hayden – Thank you, Mr. Evans. Okay, 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 declare the Public Hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting an 88 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 288 SF Floor Area is proposed in order to construct a Pavilion; property located at 19159 Blue Spruce Drive, PPN 394-25-064, zoned R1-75 be approved.

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  
                              MR. HOULÉ - YES  
                              MR. HAYDEN – YES

MOTION GRANTED

Mr. Hayden – Mr. Bohn, 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. Bohn – Thank you.

Mr. Hayden – Thank you.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023**

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 – All right, the last item on the agenda is the continuation of our public hearing from our meeting on April 12, 2023. If the applicant could come forward to the microphone please and state your name and address for the record.

Ms. Huffman – My name is Deborah Fernengel-Huffman and I live at 13461 Jacqueline Court.

Mr. Huffman – I'm Jeff Huffman, 13461 Jacqueline Court.

Mr. Hayden – Thank you, Mr. Huffman.

Mr. Kolick – Mr. Chairman, before we get started, this Board had requested that our City Forester, who now is the Coordinator of Natural Resources, formerly called the City Forester, take a look at this as well as our Engineering Department and the Engineering Department determined that there is a 15' storm sewer drainage easement in the rear and they would not approve any type of additional landscaping within that easement area or any mounding or fencing because it would block the storm sewer drainage. So, basically, there is no additional room to put in other landscaping behind this addition. So, the Board asked them to look at it and that was their report back on those issues. They also took photos and they are in your packet showing the current screening, which is obviously not located on their lot but it's located on the neighbor's lot.

Mr. Hayden – Thank you, Mr. Kolick. Anyone else?

Mr. Rusnov – No.

Mr. Hayden – For the applicant, is there any additional information that you have for us?

Ms. Huffman – I submitted additional information and I went to Google Earth and you can see (pointing to a display she brought to the meeting) that this is the back of our house and here's the back of their house and it's 286' away and we're asking to put on a 12' addition and only 5' of that needs a variance, and I just wanted to show you that it's almost a football field away. That's all I have to add. Do you have any questions for me?

Mr. Rusnov – No.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

Mr. Hayden – The public hearing is still open so I would ask if there is anyone in the audience to speak in favor of the granting of the variance. Come up to the microphone and state your name and address for the record, please.

Ms. Singer - My name is Deborah Singer and I live at 13253 Prescott Lane in Strongsville.

Mr. Singer – Randall Singer, 13253 Prescott Lane in Strongsville.

Ms. Singer – I'm here as Debbie's neighbor and friend and I have known her for over 50 years. We grew up on the same street, we went to grade school and high school together and we've been in each other's lives all that time. I can speak to her character as a person and she is an outstanding person. My husband is going to speak to the rest of this.

Mr. Singer – Debbie and Jeff asked Debbie and I for our support if they needed it and I have a few bullet points to go over. First off, when they told me what the primary reason for the opposition was for the sight line, I didn't really understand that. They are simply looking to add an addition to their home and improve the value but they are also looking to provide the elevator to go up and down different levels of the house. There is zero encroachment as to the opposition's property. The design is aesthetically pleasing with the house and the other adjacent neighbor's properties. The association approved the plans and the neighbor's in the Ledges of Avery Walden are okay with it. No one in the neighborhood opposed it and initially the committee approved the plans also on the first go around.

Mr. Hayden – Which committee?

Mr. Singer – This committee?

Mr. Kolick – No, this Board has not acted on this yet.

Mr. Singer – Okay. Debbie mentioned that on Google Earth the distance is almost a football field away and when you look at it's twelve or less than 4% of the total distance of that 288'. The way I see it is that distance that they're talking about sight lines, at half that distance you can't tell if someone's eyes are open or shut, or smiling or frowning, and you definitely can't tell what someone is looking at. From a sightline standpoint, I can't see how it's an issue because of the large distance between. As many of you stated and observed, if that was an open space you wouldn't be able to see what someone is looking at but there are many trees and a lot of vegetation. There's not a clear sightline, which she shows in her packet that she supplied. One of the other oppositions that they mentioned to me is that there was a concern that Debbie and Jeff would be looking down into the other people's property. They are 1 ½ stories above Debbie and Jeff's level so they are looking down into Debbie and Jeff's property. It's the other way around. They are at

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

**Mr. Singer continues** - the bottom of the hill, so to speak. They mentioned that one of the compromises would be eliminating or doing a different window configuration. That is a contradiction to the design and the concept of the sunroom. You want to be able to see into your beautiful back yard and the way I'm seeing it, if I'm standing here behind a window of glass, 12' out and I'm behind the window or if I'm over there in the middle of the yard, 12' in the back of house looking out, what's the difference. Why is a window even coming into play? You can step along that 12' line and look any direction any time you want without anybody being able to say that you can or can't do that. I think it comes down to an opinion and I think it is kind of naïve that you have an adjacent property that you don't own and assume that nothing is ever going to be developed on the adjacent property. The development and the house were planned. There's a Juliet balcony on the back and it's on the second level so it was intended to built on the back. They are just improving it and taking it a step further than just an average balcony. They are improving their house and they're also doing it for Debbie for mobility.

Mr. Rusnov – We've all seen the x-rays. I have one question. Are either of you a veteran?

Ms. Huffman – No.

Mr. Rusnov – Okay. It never hurts to ask because adaptive housing through the VA would be at no charge to you. All of these factors that you discussed we have considered and the windows were just a suggestion, not a request.

Mr. Singer – That's really all that I wanted to say.

Mr. Hayden – Thank you, Mr. Singer.

Mr. Evans –The reason that this Board exists is for people who are impacted by things in the City to make comments and their comments are perfectly in line. Your properties are all added after the fact so it changes the dynamics of the area, and the reason that this Board exists is to take a look at those situations and determine what is a justifiable impact and whether or not there are conditions that are not appropriate when changes are being requested, and you heard the other applicants that were here tonight as well. It's perfectly legitimate for people to, when their property is impacted, have an opinion about that. This Board does listen to people and then it's up to us to try and determine what is legitimate and what may not be. That is the reason that we exist. It's not someone has a bigger stick and you get to whatever you want. People who are existing residents have a say when new developments go in. I just want to be sure that you understand that it's about all of the parties involved, not just new people on the block.

Mr. Hayden – If you can come up to the microphone, otherwise we can't pick up your comments.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

Ms. Singer – There is one other thing that I would like to add looking at the Google map, which I'm sure you saw when you went to the property. Their house doesn't face their opposition's house directly. Their windows face out onto a driveway. It's an angle and there is another house to the right of Debbie and that's actually directly behind the oppositions home. So, I just want you to take that into account that their house is not directly behind these other people's homes.

Mr. Rusnov – Ma'am, all the facts that you have brought up we have considered.

Mr. Hayden – Thank you very much, Ms. Singer.

Ms. Singer – This is also a letter from one of our other neighbors.

Mr. Hayden – Thank you, I appreciate it. Is there anyone in the audience who wants to speak against the granting of the variance? Please come forward and state your name and address for the record.

Mr. Miller - Lawrence Miller, 11830 Webster Road, Strongsville, Ohio.

Ms. Ozog - Karen Ozog, same address.

Mr. Hayden – Thank you.

Mr. Miller – Now that we know what is going on, there are some suggestions that we have. We can't have any privacy there to block it.

Ms. Ozog – There's no planting of any trees.

Mr. Hayden – There's a restriction.

Mr. Miller – I understand that but...

Ms. Ozog – (unintelligible).

Ms. Zamrzla – Excuse me, if you are going to speak, would you speak into the microphone?

Mr. Kolick – If one of you could do the speaking, we can't pick up back and forth.

Ms. Ozog – I said last time we were here they suggested to put privacy arborvitaes but then he said he was allergic to trees or whatever and now we're hearing that that can't even be done.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

Mr. Hayden – There's going to be a limitation because of the sewer easement. Speaking to the City Forester, you asked us to get the information from the City Engineer and we did, so when I spoke with the City Forester, and I know I'm getting her title wrong, I spoke with her today and really the only space there would be to plant anything once the project is done would have any shrubbery or arborvitae right against the house, which I think we could all agree is not something that we would ask someone to do. Due to the fact that that sewer runs through the back yard, there just isn't any additional planting that can take place.

Mr. Miller – We understand that now. That puts another clog into the wrench. Talking about sightlines, every time we are on our patio, we can see their windows. It looks right over everything. They can see right in, and the width of our back yard spans the house next to them and most of the house on their side, to at least half, if not more. It does span across their property and looks into our property. Another concern is why do you have to have a deck on the second floor? Their house and every house left of them that faces Webster Road all have ground floor patios. The house on the other side of them is at an angle and doesn't face directly to Webster Road. It's the only one that is up there. Eight or nine houses to the left face the house to their right.

Mr. Rusnov – The person who could answer that would be the designer or architect of that subdivision.

Ms. Ozog – The others are not designed that way.

Mr. Rusnov – I know that but the reason it's there is that's an architect designed property.

Ms. Ozog – The houses that have second story patios are all turned towards Forest Park.

Ms. Miller – Everyone facing Webster are all ground floor and there are probably eight or nine of them. Why does the deck have to be on the second floor? Put it on the ground floor.

Mr. Hayden – As we heard in our last meeting, they want to be utilizing their entire house. That is why they are doing the improvements that they are.

Mr. Miller – But you have an elevator to go down to the deck so you can still utilize the deck. It doesn't have to be on the second floor where it overlooks everything where we see all their windows. They aren't covered. It will look over everything. The sight line is there. You can see that.

Mr. Hayden – We all visited the property. We are aware of the space around it.

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

Mr. Miller – Putting the deck on the ground floor would help to alleviate the raised view. It gives you a greater view. Can you consider that?

Mr. Hayden – This Board's responsibility is to consider what the owner has requested. If they are willing to make any sort of adjustments to their project, that is certainly within their rights to do so. As far as this Board's concern, we have to vote on what is presented. If they want to make a change to the project, they can do that.

Mr. Rusnov – We only have four criteria to base our decisions on.

Mr. Miller – We have variances for a reason. They moved in a year ago and they were aware of these limitations when they moved there. Her condition was there when they moved there so they were aware. So, all of a sudden, they want to change everything.

Mr. Hayden – It's a right they have to improve their property and use their entire property and in this particular case many of the times we see either topographical or other hardships, which this potentially would fall under one of those for the applicant. We consider projects of this nature. We take into account the residents opinions surrounding the home but ultimately if they come to us with a project request for a variance, we will vote on that request.

Ms. Miller – You have to deal with all the facts. I understand.

Mr. Hayden – Yes.

Mr. Evans – Mr. Chairman, I did go back and look from the applicant's property at yours to see what it looked like and I tend to agree with the City Arborist because that's a long distance. There are a lot of trees back in there and I believe that as spring goes on that will fill in with foliage.

Ms. Ozog – The trees are there because we put them there to avoid this situation but there is nothing they are doing to help the situation.

Mr. Hayden – I think they did. I think they are limited to what they can do.

Ms. Ozog – Their house is close to the property line and they don't have to do anything to obstruct their view. I have to spend my time and money and effort.

Mr. Evans – That is the reason that we asked the City Engineer and the City Arborist to look at it. Because of the storm sewer easement they can not plant anything more.



4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

Mr. Miller – That is something that everybody wanted. Now you can't do that. That should come into the decision process too because that is eliminating what we thought would be applicable to appease everything.

Mr. Rusnov - It can't be done because of limitations of the easement. We don't have every property memorized into the City.

Mr. Miller – I'm not saying that you do.

Mr. Rusnov – We got the opinions of the City Arborist and the Engineer.

Mr. Miller – We thought it would be a good alternative. It's not your fault that they can't do that. I understand that. I'm not trying to accuse anyone of that but that would appease us and now they can't do that and I know it's not your fault. It's not their fault.

Mr. Evans – That distance between your home and their home and where you are utilizing your property is a significant distance. We have done variances based on a lot of different circumstances that are much closer because of things that we had to do. In this case, the distance between your homes there really is a mitigating circumstance and the fact that they can't put planting on their property, that was something that we thought might be nice.

Mr. Miller – So did we.

Mr. Evans – I went back and looked and I just don't feel that it's necessary.

Mr. Miller – Now we can't do that.

Mr. Hayden – Okay, thank you very much for the comments. I appreciate that. Anyone else? I will declare the Public Hearing closed and entertain a motion.

Mr. Evans– Mr. Chairman, I would like to move that we approve 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. Rusnov - Second.

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

4) **THE FERNENGEL-HUFFMAN FAMILY TRUST/ Nathan Kinney with BTK  
Home Solutions LLC, Representative, Continued from April 12, 2023, Cont'd**

ROLL CALL: MR. EVANS – YES  
MR. RUSNOV – YES  
MR. HOULÉ - ABSTAIN  
MR. HAYDEN – YES

MOTION GRANTED

Mr. Hayden – Ms. Huffman, 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. Thank you very much.

Ms. Huffman – Thank you.

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

Signature on File  
Mr. Hayden, Chairman

Signature on File  
Kathy Zamrzla, Secretary

May 10, 2023  
Approval date