

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
May 10, 2023**

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

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) COLLEEN SPRINAK AND JOHN FRANZ, OWNERS

Requesting a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor area and where a 378 SF Floor Area is proposed in order to construct an Unenclosed Addition; property located at 11713 Point Overlook Drive, PPN 398-15-039, zoned R1-75.

Mr. Houlé stated it is a private area in the back with a ravine, heavy wooded and the concrete patio is down. The homeowner association has approved it and he doesn't foresee a problem.

Mr. Rusnov stated he has no issues. He stated that the Board has said many times over the last two years that people are staying at home and improving their properties. He continued that the Board has granted other variances like this, which have been slightly larger than this so he doesn't have any issues whatsoever.

Mr. Hayden stated that he will be abstaining from voting because he is a Trustee for the Forest Park Homeowner Association.

2) WILLIAM M. AERNI, D.D.S., OWNER/Ed Lechler with Rock Bottom Maintenance, Representative

Requesting a 28' Rear Building Setback variance from Zoning Code Section 1252.04 (f), which permits a 50' Rear Building Setback and where a 22' Rear Building Setback is proposed in order to construct a 704 SF Addition; property located at 21951 Cedar Branch Trail, PPN 391-13-031, zoned R1-75.

Mr. Rusnov stated he spent a lot of time out there talking with the owner and reviewing the aerials. The property has an easement that surrounds the entire yard which is a regular shaped property because it is on a cul-de-sac and it also backs to the park. He stated that if he recalls correctly mounds were built back there which makes this a very private, wooded, secluded and well-kept property. He said he will ask questions regarding the landscaping around the deck or patio. He stated he has no issues with it.

Mr. Kolick stated he believes they are going to bring the letter from the Homeowner's Association, which we do not have in our packets.

(G) Any Other Business to Come Before the Board

The Board members approved the minutes with the corrections as noted from Mr. Houlé from April 26, 2023.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
May 10, 2023

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

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

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

Mr. Hayden – I would like to call this May 10, 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	PRESENT
	MR. RUSNOV	PRESENT

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 26, 2023. We discussed these in caucus and there were no other corrections or changes needed. We will file those accordingly. 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) COLLEEN SPRINAK AND JOHN FRANZ, OWNERS

Requesting a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor area and where a 378 SF Floor Area is proposed in order to construct an Unenclosed Addition; property located at 11713 Point Overlook Drive, PPN 398-15-039, zoned R1-75.

Mr. Hayden – Our first item on the agenda is Colleen Sprinak and John Franz . If the representative is here this evening, please come forward and state your name and address for the record.

Mr. Franz – John Franz, 11713 Point Overlook Drive, Strongsville

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

Mr. Franz – We would like to put our patio and covered porch on the back, plus or minus 27, 26, 28 feet out. Shingle it, post in, unfinished for right now until we decide what we are doing underneath as far as electrical and so forth. So, the variance would be for the roof and I believe I am only allowed 4', I want to go 5'3" because I have a stack that is there and I would stay below that.

Mr. Evans - We do have the Homeowner Association approval and given the reasons that we have to grant variances in light of the pandemic and people using their properties more this is in line with what we have done with other.

Mr. Rusnov – In the past. No further questions.

Mr. Hayden - As I also mentioned in caucus I am a Trustee currently for the Forest Park Home Association so, I will be abstaining my vote.

Mr. Rusnov - Do you have to leave the room?

Mr. Hayden – No, if there are no other comments, this is a public hearing and I would ask if there is anyone in the audience that wishes to speak for the granting of the variance. If there is anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none I would declare the public meeting closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 178 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor area and where a 378 SF Floor Area is proposed in order to construct an Unenclosed Addition; property located at 11713 Point Overlook Drive, PPN 398-15-039, zoned R1-75.

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

ROLL CALL:

MR. RUSNOV	YES
MR. HOULE	YES
MR. EVANS	YES
MR. HAYDEN	ABSTAIN
MR. BALDIN	YES

MOTION GRANTED

Mr. Hayden – Mr. Franz, 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. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days. You are all set for this evening, thank you.

Mr. Franz – Thank you.

Mr. Hayden – Thank you.

2) **WILLIAM M. AERNI, D.D.S, OWNER/Ed Lechler with Rock Bottom Maintenance, Representative**

Requesting a 28' Rear Building Setback variance from Zoning Code Section 1252.04 (f), which permits a 50' Rear Building Setback and where a 22' Rear Building Setback is proposed in order to construct a 704 SF Addition; property located at 21951 Cedar Branch Trail, PPN 391-13-031, zoned R1-75.

Mr. Hayden – Item number two on our agenda we have William and Sue Aerni, if we could have the representatives step up to the microphone please give your name and address for the record.

Mr. Lechler – Ed Lechler, Rock Bottom Landscape, 12565 Prospect Road, Strongsville

Mr. Hayden – Thank you Mr. Lechler. If you could take us through the project and the need for the request of a variance.

Mr. Lechler – We are looking to do a project for the Aerni Family, who live in Meadowood. Currently the setback rules that are applied don't help us because the current house is already within the new setbacks. There is also a sewer easement that runs through the property by the mound so we have worked with Engineering and the Building Department to relocate what the original plan was and turned it so that we could get the most out of it and stay out of the sewer easement and everything else and still keep the mound, so that we can plant more trees, block the neighbors and everybody else. It is a beautiful project, and it's a big great room which will fit the house perfect. We will side it to match and there is a lot of landscaping going around the patio.

Mr. Rusnov - Also, when this house was built the Code has changed repeatedly, and you have very little to work with as far as the perimeter because of the easement. Plus, you are going to screen in this deck or whatever it is so that it hides it even further. You also have a park back there and wooded the whole bit so, I don't have any issues or further questions. Did I miss anything?

Mr. Hayden – Mr. Lechler I believe you may have been here in caucus when we discussed the need for a Homeowners Association letter. Did we get that?

Mr. Lechler – No, because Jeff Zaleski, who is the President of Meadowood, has been out of the country and came back yesterday. They refused to give us the letter until Strongsville at least shows that they would accept it. So, they are kind of working backwards so they want Strongsville to say it is approved, if you approve it but they will not write it until then. It's not what we wanted them to do.

Mr. Kolick - Mr. Chairman, we always requested that letter first, if they don't want to give it at the next meeting than we can just act on it. We always give the opportunity to the Homeowner Association to give the letter and we have done that traditionally. For this meeting, without the letter legally you can act, procedurally we have never acted that way without the letter from the Homeowner Association. Meadowood has given us many letters from the past, I don't know why they would be refusing now. They gave us letters for all the expansion into their common areas, remember the fences around the units and all that. Unless they have adopted a new policy.

Mr. Lechler – Jeff told the homeowner and myself that they just need to make sure the City will approve it and then they will vote and then they will send a letter to us.

Mr. Rusnov - Mr. Kolick even if Meadowood turns it down that has no effect on our vote.

Mr. Kolick – No, that is correct.

Mr. Rusnov - But, we can override them.

Mr. Kolick - You are not bound by law to enforce their covenants and deed restrictions.

Mr. Rusnov - It is more of a courtesy

Mr. Kolick - As a matter of courtesy we do it, understand we just do what the Ordinance say. We don't override them in the sense that if they have covenants and deeds or something that would prohibit it or a covenant and deed require their ARB to approve it before they can do it, we can't override their covenant and deeds that would be a homeowner association not a building matter so we don't know where they are. At this point, my suggestion, Mr. Lechler, is that if you get at least a letter from them that says what you are relating to us here, that they are not going to act on it until they see whether we approve it or not. I think that would be sufficient for this Board to go ahead and act on it. Then we would need to see that.

Mr. Lechler – If you could give me the stipulations if you decide to approve it is good. Most likely it's going to go through, I don't understand why.

Mr. Kolick - We can't do that because they are not here. If someone was here to relate that to us from the Association, I think that would be sufficient. We need someone either to come here or give us a letter that says they want us to act on it before they do anything. But we need someone from the homeowner association to do that. Not that we don't trust you, but we have to have someone because the worst thing we do is to do it and the homeowner association complains to Council and Council takes up the variance and says why are you granting this when you haven't gotten the input from the homeowner association and that is the last thing I want to see happen. So, if you get the letter we can go through with the Public Hearing. If anyone wants to talk about it today or continue it until the next meeting, and if you get that letter over to us that will be fine. I have another question for you though. Are you moving the storm sewer easement?

Mr. Lechler – No, we had to stay outside.

Mr. Evans - Mr. Kolick, I think once or twice with Meadowood we did not require a letter but we accepted an email exchange.

Mr. Kolick - When I say letter it can be done by email too, it doesn't have to be a letter handwritten out. We just need something in writing.

Mr. Lechler – If you get that will we need to still come back next meeting?

Mr. Kolick – Yes. Ask if there is anybody for or against it and after that we will leave it open and just table it until the next meeting.

Mr. Hayden: We will go ahead with the public hearing and I would ask if there is anyone in the audience that wishes to speak for the granting of the variance. If there is anyone in the audience that wishes to speak against the granting of the variance. We will table this until the next meeting and leave the public hearing open.

Mr. Kolick – In the meantime if you get it beforehand and send it to the City so that we can have it. We will put you on first on to the agenda. Kathy put him on first so that we can get Mr. Lechler in and out of here quickly.

Mr. Rusnov - All we are going to do then is vote at the next meeting?

Mr. Kolick – Yes.

Ms. Zamrzla – Gentlemen the agenda that you have in your packet today will be revised then.

Mr. Hayden - Add them to the first.

Mr. Kolick – May 24th

Mr. Hayden - You are all set.

Mr. Kolick - Mr. Chairman before we leave there is a matter of unfinished business. Our Charter Review Commission meets every five years to determine whether there will be any changes to the Charter. The Administration has told them the problems we have both from the Building Department and from this Board with the 20-day review period by City Council. First of all, we are one of the only cities in Cuyahoga County that has such an animal. And the complaints that we get on Building are just immense on why they have to wait. As I was explaining to the Charter Review Commission sometimes its much more than 20-days because some people have to go back to the Planning Commission and if the timing is not just right and the Planning Commission is not meeting on the 21st day, there could be another 20-day delay before Planning Commission meets. So, the Charter Review Commission Members are discussing it but they have not yet come to a final decision. One of their thoughts was to drop the whole provision totally; another thought was to maybe limit it to get residential out of it because I have never seen Council review a residential one; and to shorten the time period maybe instead of 20 days Council can review it in 7 days, these are all the things they are discussing. Nothing has come through yet because the Charter Review Commission has to make a recommendation and it has to be put into ordinance form and then goes before Council. Council will have to determine whether or not it will go on the ballot. I wanted to make this Board aware of it because you may start to getting calls from Members of the Charter Review Commission or City Council on it. I don't want you to be surprised by it. Over the last ten years Council has reviewed one matter and it was Arby's down on Whitney Road. I said, why are you holding up construction in the City for one matter in 10 years to review. They actually had considered one other matter but they never voted to do it. I don't know where it is going to go but I wanted to make you aware of it. Any input that you may want to give to Council or Charter Review Commission would be acceptable as well. I also pointed out there are time at the end of the season when someone comes in for a 1' setback for a swimming pool and they can't even put it in because of the 20 day wait. I have told them about the complaints we have from individuals who come in because they can not get their contractor now and he is not available. We have pointed out the problems we have to the Charter Review Commission and at least they are in a discussion period about it now. Whether it will make it to City Council; whether they will put it on the ballot; whether the voters will vote it in or modify it. I wanted to make the Board aware of the fact that is what is going on. I pointed out to the Commission there is only one other City in Cuyahoga County that even has a Council Review that we could find. Be aware, the Charter Review meets

the first Monday in June. If you have any input you can send them an email and address it to the Law Department and they will convey it to the Committee Members. You can address it to the

President of Council or address it to the Mayor any thoughts you have on the subject. That is the only thing affecting this Board that they are discussing.

Mr. Houlé - They can only make the recommendation and Council can change it?

Mr. Kolick - They make the recommendation to City Council. Council can change it, modify, or not put it on at all. One of things they are considering is most cities, about half, when the Charter Review recommends something it has to go on the ballot as opposed to being filtered by Council. That is another thing they are considering, they haven't finalized but they will finalize it by June because it will have to be to the Board of Elections by August.

Mr. Baldin - I don't know exactly but I can count on one hand how many times City Council has overruled us.

Mr. Kolick - There has been one over the last ten years. In the last ten years I think we had like 1200 variances and they reviewed one. I also pointed out to them that 25 years ago I had one that I was in court on that this Board approved it and City Council denied., and I'm standing before the judge and he said Mr. Kolick who are you representing City Council or the Board of Zoning Appeals. I explained to the City Council President that this puts us in a bad light if you are doing something different then your Board of Zoning Appeals, who you confirmed these Members who are supposed to be acting as an independent body from you. We have explained the pluses and minuses and you never know what Council is going to do but I had to make you aware.

Mr. Baldin - Can you put a little light on that one from 25 years ago?

Mr. Kohlik - No

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

June 7, 2023
Approval Date