

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS  
Meeting of  
May 24, 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 and Mitzi Anderson

The Board members discussed the following:

1) **WILLIAM M. AERNI, D.D.S, OWNER/Ed Lechler with Rock Bottom Maintenance, Representative, Cont'd from May 10, 2023 meeting**

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 stated item number one is a request from our May 10<sup>th</sup> meeting and the public hearing is still open, because we were awaiting a HOA letter. I don't believe there was any further discussion on that.

2) **JEFF FITZ, OWNER**

- a) Requesting a 1' 4" Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any dwelling and where an 18' 8" Setback from the neighbor's dwelling at 10114 Fairtree Drive is proposed in order to construct an 80 SF Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (a) which prohibits an Accessory Structure in a side yard and where the applicant is proposing an 80 SF Accessory Structure in a side yard; property located at 10114 Fairtree Drive, PPN 391-24-021, zoned R1-75.

Mr. Hayden stated item number two is a request for a setback variance for an accessory structure in the side yard.

Mr. Houlé stated this is a unique situation because their address is on Fairtree but they are really on that other street. Their backyard is really their front yard, when you look at it.

Mr. Rusnov stated didn't we have one across the street in the same situation. It's the topography and the way it is laid out, basically it is a 1'4" variance, and I don't see any issues with this at all.

Mr. Houlé stated it is on a corner lot.

Mr. Evans stated Mr. Chairman, I think there should be fire rated drywall inside of this. My guess is that this going to house combustible gasoline for a lawn mower and is still in close proximity to the house next door.

Mr. Houlé stated that would be a smart move.

Mr. Kolick stated why don't they move the structure 1'4" closer to their house. He would still need a variance because it is within 20' but it would make sense for them to impact their own house rather than the neighbors.

Mr. Hayden stated we will talk to the applicant and present it on the floor.

**3) CARLOS AND AMANDA RUIZ, OWNERS**

Requesting a 24 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 224 SF Floor Area is proposed in order to construct a Pavilion on a Patio; property located at 14599 Hartford Trail, PPN 399-27-112, zoned R1-75.

Mr. Haden stated item number three is a request for a 24 sq. ft. variance for the construction of a pavilion on an existing patio.

Mr. Rusnov stated the same thing is holding true, that people are pouring more and more money in their house instead of taking vacations and getting COVID.

Mr. Houlé stated the backyard is private and there are only one or two houses that will even see it. He stated we have received a HOA letter.

**4) RANDY AND NABILA LANE, OWNERS**

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 20' Rear Yard Setback and where a 15' Rear Yard Setback is proposed in order to construct a Deck;
- b) Requesting a 2' variance from Zoning Code Section 1252.16 (e) (1), which prohibits a deck overhang in an easement and where the proposed deck has a 2' overhang into the easement; property located at 13102 Prescott Lane, PPN 398-25-062, zoned R1-100.

Mr. Hayden stated the last item on the agenda is in The Ledges of Avery Walden and this is a request for an addition of a deck.

Mr. Hayden stated this home is right on the corner there, looking from the side there is a shallow back yard and there is a 6' privacy fence that runs along the back.

Mr. Rusnov stated I thought you were not allowed to build over an easement.

Mr. Kolick stated if it was on the ground they would not be able to, it is the overhang that is over the easement. I did have Steve check with the Engineering Department and the Engineering Department did not have a problem with it.

Mr. Rusnov questioned if the City has a problem with this or the Building Department?

Mr. Molnar responded that is correct, we do not.

Mr. Rusnov stated this is kind of virgin territory, we have never had a situation like this before.

Mr. Kolick responded no, not that I can remember.

Mr. Evans stated for the record tonight, if the easement had to be opened up for any reason the 2' extension could be at risk.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**May 24, 2023**

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

Present:

Mr. Rusnov  
Mr. Houlé  
Mr. Evans  
Mr. Hayden

Excused Absence:

Mr. Baldin

Also Present:

Mr. Kolick, Assistant Law Director  
Mr. Molnar, Assistant Building Commissioner  
Ms. Zamrzla, Recording Secretary  
Ms. Anderson, Recording Secretary

Mr. Hayden – I would like to call this May 24, 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. HAYDEN	PRESENT
	MR. HOULÉ	PRESENT
	MR. RUSNOV	PRESENT

Mr. Rusnov made a motion to excuse Mr. Mr. Baldin for just cause.

Mr. Evans seconded the motion.

Mr. Hayden stated may we have a roll call please.

ROLL CALL:	MR. HOULÉ	YES
	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. 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) **WILLIAM M. AERNI, D.D.S, OWNER/Ed Lechler with Rock Bottom Maintenance, Representative, Cont'd from May 10, 2023 meeting**

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 one is Mr. Aerni, if the representative is here this evening, please come forward and state your name and address for the record.

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

Mr. Hayden - This was a continuation of the public hearing from our May 10<sup>th</sup> meeting. Gentlemen we did receive an email from the homeowner association approving this project and that was the last item that was outstanding.

Mr. Hayden - Is there 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 hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting 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. Evans - Second

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

ROLL CALL:

MR. EVANS	YES
MR. HAYDEN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES

MOTION GRANTED

Mr. Hayden – Mr. Lechler, 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. Enjoy the birthday, goodnight.

2) **JEFF FITZ, OWNER**

- a) Requesting a 1' 4" Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any dwelling and where an 18' 8" Setback from the neighbor's dwelling at 20753 Wolzhaven Drive is proposed in order to construct an 80 SF Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (a) which prohibits an Accessory Structure in a side yard and where the applicant is proposing an 80 SF Accessory Structure in a side yard; property located at 10114 Fairtree Drive, PPN 391-24-021, zoned R1-75.

Mr. Hayden - Item number two on the agenda is Mr. Fitz. If the representative is here this evening, please come forward and state your name and address for the record.

Mr. Fitz - Jeffery Fitz, 10114 Fairtree Drive, Strongsville, Ohio.

Mr. Hayden - We see that the variance request is for an accessory structure. If you could take us through the project and the need for the variance.

Mr. Fitz - I plan on putting up a plastic shed 8' x 10' in my back yard and that is pretty much it.

Mr. Evans - You may have heard us mention in the Caucus meeting, the possibility of you moving the structure 1' 4" closer to your house.

Mr. Fitz - I don't have a problem with that at all.

Mr. Evans - What that would mean is that you are moving closer to your house and the City requires 20' between a home and an accessory structure. That would shift our variance than being a variance for less than the 20', in order to do that. That coincidentally also puts us into an area where we have granted variances before for a shed or some type of an alternate structure that is closer than 20' to the resident, we require the interior to have fire rated drywall. Whether it is a plastic shed or wood shed, our reason for doing that is that when you compromise that 20' you are closing that distance behind a shed and the residence. That cuts down on the lead time on a fire that might start in the shed, because we assume that everybody is going to store lawnmowers, gasoline, kerosene and whatever else in the shed. If the shed catches fire the plastic heats up and burns very quickly. If you are closer than 20' to a resident that means that fire is probably going

to jump and do so very quickly and that becomes a real hazard. So, our process is to ask whether or not you would be inclined at our recommendation to put fire rated drywall within the structure and that would be also at your additional cost. I can tell you in the past where applicants have said no, we have been less likely to approve a variance.

Mr. Fitz - I can go ahead and do that.

Mr. Rusnov - Are you willing to move the shed 1' 4" closer to your house?

Mr. Fitz - Yes.

Mr. Kolick - It will be the same variance but it won't be from the neighbors dwelling but from the applicants dwelling, this will be contingent on the fire rated drywall, which is for your protection.

Mr. Rusnov - We are just being pro-active.

Mr. Hayden - 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. Houlé – Mr. Chairman, requesting : (a) 1' 4" Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from any dwelling and where an 18' 8" Setback from the applicants dwelling at 10114 Fairtree Drive is proposed in order to construct an 80 SF Accessory Structure; and (b) requesting a variance from Zoning Code Section 1252.15 (a) which prohibits an Accessory Structure in a side yard and where the applicant is proposing an 80 SF Accessory Structure in a side yard; property located at 10114 Fairtree Drive, PPN 391-24-021, zoned R1-75, contingent on fire rated drywall being installed in the interior of the shed.

Mr. Rusnov – Second

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

ROLL CALL:

MR. HAYDEN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES

MOTION GRANTED

Mr. Hayden – Mr. Fitz, 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.

3) **CARLOS AND AMANDA RUIZ, OWNERS**

Requesting a 24 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 224 SF Floor Area is proposed in order to construct a Pavilion on a Patio; property located at 14599 Hartford Trail, PPN 399-27-112, zoned R1-75.

Mr. Hayden – Item number three on the agenda is Carlos and Amanda Ruiz. If the representative is here this evening, please come forward and state your name and address for the record.

Mr. Ruiz - Carlos Alexander Ruiz, 14599 Hartford Trail, Strongsville, Ohio.

Mr. Hayden - The request we have before us is for an addition of a pavilion and a square footage variance. If you could take us through the project and the need for the variance.

Mr. Ruiz - We are investing money in our back yard.

Mr. Rusnov - You are utilizing an existing patio to build a pavilion on.

Mr. Ruiz - That is actually not completely correct. We had an existing deck that we are moving and we have obtained a permit for the new patio. Thanks to Mr. Molnar's generous time he is helping me navigate general contracting this myself. We will be putting footers in, assuming we get approval for this variance. We found a structure and are trying to have a balance between aesthetic, utility and value for the structure we found it just happens to be 2' larger than what is allowed. We are asking for a 24' variance to give us the space so that we would enjoy our back yard.

Mr. Hayden - You may have heard us mention in Caucus that many individuals are investing in the property and we have had several of these before us over the last couple of years.

Mr. Houlé - Their back yard is very private and they have a nice fence with some trees that abut the HOA access way. I have no problem with it.

Mr. Rusnov - Neither do I.



Mr. Evans - This is a prefabricated unit so that allows you to get a structure that it is a little less costly and get the improvements that you want. Being that it is a prefabricated unit that makes it sort of necessary to ask for the variance too.

Mr. Kolick - Mr. Molnar is a variance is needed for the patio also?

Mr. Molnar - No, just the structure.

Mr. Hayden - 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 24 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 224 SF Floor Area is proposed in order to construct a pavilion on a patio; property located at 14599 Hartford Trail, PPN 399-27-112, zoned R1-75.

Mr. Houlé - Second

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

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES

MOTION GRANTED

Mr. Hayden – Mr. Ruiz, 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 tonight , thank you.

**4) RANDY AND NABILA LANE, OWNERS**

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 20' Rear Yard Setback and where a 15' Rear Yard Setback is proposed in order to construct a Deck;
- b) Requesting a 2' variance from Zoning Code Section 1252.16 (e) (1), which prohibits a deck overhang in an easement and where the proposed deck has a 2' overhang into the easement; property located at 13102 Prescott Lane, PPN 398-25-062, zoned R1-100.

Mr. Hayden – Our last item on the agenda is Mr. & Mrs. Lane. If the representative is here this evening, please come forward and state your name and address for the record.

Mr. Lane – Randy Lane, 13102 Prescott Lane, Strongsville, Ohio

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

Mr. Lane - We initially wanted to build a 12' wide deck and reviewing the TOPO map and speaking to Steve, I learned that there is a sewer easement. We changed the plans so that the post would not enter the easement and we would do a 2' overhang. This will at least get us to 11' for our deck space. We do not have a back patio but we have the fence and some trees and are looking to build an elevated deck.

Mr. Hayden - You did hear some of the comments during our Caucus regarding the overhang over the easement.

Mr. Evans - I wanted to be sure that you understand that even though you are cantilevering the deck 2' over, should there be a necessity to go into that easement, the 2' overhang would be at risk. This is because if they have equipment in there they might need to take 2' off. The likely hood of that happening is probably not that strong. We need to make you aware of that because if you were to sell the property a couple of years from now the new buyer would have to be aware that the cantilevering is in the easement at well. We want to make you aware of this because you are accepting the responsibility.

Mr. Lane - Okay, I understand. If they ever have to come and dig it up, that is why we have to have this on the record.

Mr. Hayden - We do have homeowners approval and this property is on a corner lot in The Ledges s of Avery Walden. This has a shallow back yard that has a fence back there and I think this will be a nice addition.

Mr. Hayden - 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. Houle – Mr. Chairman, requesting a 5’ Rear Yard Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 20’ Rear Yard Setback and where a 15’ Rear Yard Setback is proposed in order to construct a Deck and (b) requesting a 2’ variance from Zoning Code Section 1252.16 (e) (1), which prohibits a deck overhang over an easement and where the proposed deck has a 2’ overhang over the easement; property located at 13102 Prescott Lane, PPN 398-25-062, zoned R1-100.

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

ROLL CALL:

MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. RUSNOV	YES

MOTION GRANTED

Mr. Hayden – Mr. Lane, 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. Lane – Thank you all and have a good night.

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

<u>Signature on File</u>	<u>Signature on File</u>	<u>June 7, 2023</u>
Mr. Hayden, Chairman	Mitzi Anderson, Secretary	Approval Date