# CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS Meeting of January 10, 2018 7:30 p.m.

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé, Thomas Smeader Administration: Assistant Law Director Daniel J. Kolick Building Department Representative: Mike Miller Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

## **NEW APPLICATIONS**

There are no new applications.

# **PUBLIC HEARINGS**

# 1) <u>K. HOVNANIAN HOMES, OWNER</u>

Requesting a 13.47' Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Setback from the Common Area and where a 1.53' Setback from the Common Area is proposed; property located at 12422 Edgebrook Drive, PPN 392-24-015, zoned Residential Townhouse – Cluster (RT-C).

The Board mentioned that this is only for a side yard setback from the common area, and they noted corrected measurements. Board members stated that this setback variance will complicate future already foreseen issues around that tight development. They see no hardship or practical difficulty in this case. The home is too large for the lot size.

### 2) J & W OF OHIO, OWNER/Adam Sroka, Representative

Requesting a 50' Front Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Front Parking Setback and where a 0' Front Parking Setback is proposed in order to construct a Parking Area; property located at 21265 Westwood Drive, PPN 392-15-014, zoned General Industrial (GI).

The Board stated no issue with this variance request.

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## STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS MINUTES OF MEETING January 10, 2018

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

Present:	Mr. Evans
	Mr. Rusnov
	Mr. Smeader
	Mr. Houlé
	Mr. Baldin
Also Present:	Mr. Kolick, Assistant Law Director
	Mr. Miller, Building Department Representative
	Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this January 10<sup>th</sup>, 2018 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have this evening a swearing in for a member whose term has to be renewed after the New Year. So we'll take this opportunity to do so at this time.

Mr. Kolick then stated the oath to Kenneth Evans as a continuing member of the Board of Zoning and Building Code of Appeals of the City of Strongsville and State of Ohio.

Mr. Evans – With that out of the way, we can continue. We have an election of officers this evening. May I have a recommendation for officers please?

Mr. Smeader – I move to nominate Ken Evans for chairman and Dave Houlé for Vice Chairman for the Board of Building Code and Zoning Appeals for the year 2018, and also request that the nominations for Chairman and Vice Chairman be closed and that these individuals be unanimously elected.

Mr. Rusnov – Second.

Mr. Evans – Thank you, may we have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

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Mr. Evans – Alright, thank you for your continued confidence. This evening we have minutes from our December 27<sup>th</sup>, 2017 meeting. If there are no changes I will submit them as presented. During tonight's meeting, we will ask that each of the individuals presenting come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board tonight or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

### **NEW APPLICATIONS**

#### There are no new applications.

Mr. Evans – Thank you, our meetings are divided into two portions; we have no new applications tonight so we'll move right into our public hearings.

#### **PUBLIC HEARINGS**

### 1) <u>K. HOVNANIAN HOMES, OWNER</u>

Requesting a 13.47' Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Setback from the Common Area and where a 1.53' Setback from the Common Area is proposed; property located at 12422 Edgebrook Drive, PPN 392-24-015, zoned Residential Townhouse – Cluster (RT-C).

Mr. Evans – First on the agenda this evening is K. Hovnanian Homes. Please have your representative come up to the microphone and give us your name and address for the record.

Mr. Keeler – Bob Keeler, 11727 Woodview Blvd., Parma Heights, Ohio.

Mr. Evans – Thank you, Mr. Keeler. You heard us talking in caucus, and at this point there are concerns that you might want to address. Since Mr. Baldin and I missed the presentation at the December 27<sup>th</sup> meeting, you could make it a little longer than just a typical public hearing summary so we can get all the information you can provide for us. Thank you.

Mr. Keeler – Jut to clarify, we're not the developers. We did not develop these lots. We're buying individually from Dan Bailey WHO is the HOA controlling member, not K. Hovnanian. I just wanted to clarify that as well. That letter is something that is signed by Dan Bailey. It's our request to him. I understand the concerns I heard in the caucus. We are requesting a variance. The reason we bring it to you is because we want to keep to a consistent product. All the product

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in there approved through the Building Department is 40' wide. That's what we proposed. We knew that we'd need a variance, when we bought that lot from Dan Bailey. We thought that was a buildable lot for the product we had proposed to the City originally.

Mr. Evans - I think it is a buildable lot. When we are given the opportunity to pass judgement on granting variances normally when there is an impact, and particularly when there's a negative impact, one of the things we look at is whether or not the variances are even necessary. We have four criteria to grant variances. Those four hardships are sometimes a little difficult to meet. In this case we understand that a home is most likely going to be built. It's a lot that was identified in the development plans, so that could be done. As this Board grants variances, we often times will grant a variance and in hindsight we look at it and decide we didn't do it quite right. So a lot of our concerns when we grant a variance is that we don't want to contribute to a problem. As I mentioned in caucus when I was over there I thought it was precipitously close to an area where there's a creek and on the common area a retention basin. This variance would move this home even closer to that area. One of our Board members in discussing it with people is aware that there have been a few basements over there that have flooded. So for us to grant a variance that moves that house closer to the source of water, at least in my opinion it's not something I'd necessarily do. I understand the desire to be consistent for business, and certainly we hope the homes that have been built in there are nice ones that everyone is enjoying. At least for me though, moving it closer to that source of water is the problem I have with the variance request. Anything from other Board members?

Mr. Rusnov – And that's a flood zone also.

Mr. Evans – Yes, thank you Mr. Rusnov.

Mr. Rusnov – You're welcome.

Mr. Baldin – Now of course I missed the last meeting, but after reading our minutes and going out to look at the property, I have to concur with our Chairman with what he said regarding the location. It's a buildable lot, and you'll be able to put something on there. I'd have a hard time granting this variance for this particular over-sized house there.

Mr. Rusnov – Nothing further.

Mr. Evans – This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Please come up to the microphone and give us your name and address for the record. Mr. Keeler we'll ask that you step aside for just a moment. Thank you.

Mr. Volosyn – Paul Volosyn, 12156 Edgehill Oval. I live in that development. First of all, I'd just like to say that the notification of this meeting was not given to everyone in that development. I never even got a letter about this. I only found out because someone posted a letter on Facebook.

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So there's an issue right there that there's a lot of people in that development that don't even know what's going on because the City of Strongsville never sent out notification.

Mr. Evans - I can answer that first and tell you that one of the problems is that the City uses records from the County Auditor, and that development is relatively new so we do our best to get a hold of all the addresses for people that live in that area.

Mr. Volosyn – I get that. I have received in the past a letter regarding a variance for a house on Westwood right at the corner of our development. I didn't even live there yet, and I got that variance notice. I've lived there now since 2015. How is it that I didn't get a variance notice for this?

Mr. Evans – You should have if you are within the area designated by the Code.

Mr. Volosyn – Exactly. A lot of people in that development are in the same boat.

Ms. Zamrzla – That is unless he's not within the 500 feet.

### Mr. Rusnov - Right.

Mr. Evans - Yes. This would be the map that shows the sublots that would have been notified of it because 500 foot is a defined area from that point at which notice of the variance is required.

Mr. Volosyn – That's interesting, but this effects everybody because where that lot is and I can tell you from when I bought that house that lot was never on any map that was ever displayed. So now magically now that they've filled in everything this lot appears. That's deception to the public in my opinion. We have nothing in that development for a clubhouse, for a playground, for all these little kids we have. So this small area we have for common space is right there. It's always nice to take our kids to get the mail because it's right there by the creek. They watch the fish go by and everything. You're putting a house there now almost right up to the creek, and you're taking away common space possibly, and taking what little space we have for our kids away. They've already jammed every house they could in there as close as possible. When that development was first put in, those lots were supposed to be bigger. Whatever happened and K. Hovnanian talked with the City, and closed in so they could jam everything in there. That's fine, hey, I'm happy with the product. I like my house, don't get me wrong. I just don't want to you take any more away from us. Where are our kids supposed to play? It was so nice during the summertime that they could go right there. Now you're encroaching on that and it's aggravating. That's my issue. It's nice when you come into that development right now, you have a feeling of a little bit of openness, until you get in there and see wall to wall houses. I'm sure if you've driven through there, you've seen it.

Mr. Rusnov – We are aware of all of your concerns. Let me back up a second though. We didn't plot the subdivision. I just want to make that clear that we had nothing to do with it. What K. Hovnanian did was bought the finished product. I've been out there numerous times. I've

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appraised that property twice. The gentlemen next to me has also. I'm aware of the flood zones, and all the other issues. You're concerns are not falling on deaf ears.

Mr. Volosyn – That's good to know. I can tell you that I speak for a lot of people in that development that when I saw this letter on Facebook, I started putting it out there everyone was surprised about it. They said for me to come and speak on their behalf. I can tell you that everyone in that development doesn't want that house there. It's pure greed on their part to put it there. In ignorance on their part on Westwood they had the three lots right there next to the Dells. They were going to try and jam three houses between that little creek, into the Dells. If greed didn't get in the way, they might have gotten away with two. Instead they went with the greed factor, tried to do three, and they ended up with one. Now to try and recoup that, they want to jam this house right next to this creek.

Mr. Evans – Lets answer a couple of questions for you. Number one, I apologize that you didn't get a notice. Everyone within 500 foot gets a notice, that's how our Code is written. It does go to the Homeowners Association. As we know and expressed in caucus our dismay with the fact that the Homeowners Association hasn't been turned over to the residents and won't be turned over for some significant period of time which I think is a travesty, but that's not why we're here. Plus we have nothing to do with that. The fact that it is a buildable lot by the terms of the City that was a lot that was identified to the Building Department. So they can in fact build a house there. What this Board looks at is the request to make the house larger than what is permitted on that lot. There are setbacks that are required on the lot, and there is a setback requirement to the common area which is 15'. They want to bring it closer to the common area, and it's the only reason that they've come to us for the variance. That's the only thing we can determine here; whether or not they can come closer or not. Whether or not a house is built, if the lot is buildable, whether or not it was a place where the kids played, we can't determine that. If it was in fact identified as common area on a plot plan, then at that point you'd want to bring whatever documentation you may have to the City to prove that it was identified as common area. My daughter looked at building a cluster in there, and I remember that it was on the plan that we saw. I looked at it and told her that I believed it was a buildable lot.

Mr. Vosolyn – I can tell you that in 2015 that wasn't there.

Mr. Evans – That may have been. Again, it was developed in phases so in 2015 they showed just a few, then they build and sell those, and then they move on. So I can't tell you, but if you had something that showed the entire development, and it showed that as common area, then at that point it would be something that you could bring to the City. I don't think that exists though, I believe it wasn't.

Mr. Vosolyn – I'll ask you guys because it sounds like you're in favor of it to please not grant the variance.

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Mr. Evans – We appreciate your coming and your comments. I just wanted to make sure that you understood what the process is and what control we have over the situation. OK? Is there anything from anyone else on the Board?

Mr. Rusnov – No.

Mr. Vosolyn – Thank you.

Mr. Evans – Thank you. Is there anyone else who would like to speak against the granting of the variance?

Mr. Kolick – Just to clear up one thing. Timewise, that lot has been part of that subdivision as a separate buildable lot provided the house complies with all the setbacks on the plat that is marked August 13, 2013. This is filled with the Cuyahoga County Recorder's Office. In fact it has their stamp on it. So at least since then there's been a buildable lot on that plat.

Mr. Evans – Thank you, Mr. Kolick. If there is no one else who would like to comment, I'll declare the public hearing closed. I will then entertain a motion.

Mr. Rusnov - I make a motion to approve a request for a 13.47' Setback variance from Zoning Code Section 1253.11 (b) (3), which requires a 15' Setback from the Common Area and where a 1.53' Setback from the Common Area is proposed; property located at 12422 Edgebrook Drive, PPN 392-24-015, zoned Residential Townhouse – Cluster (RT-C).

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL NAYES

MOTION DENIED

Mr. Evans – Mr. Keeler that means that the variance has not been approved. You are still able to build a house if you follow regulations and setbacks required and go through the Building Department on everything there. You've heard a concern, and I think anything you can do to mitigate those circumstances that were expressed tonight would keep the residents in the area happy. We understand that the house will be built and hopefully you'll work with the City to make sure that it's properly elevated and set back from the creek to help to ensure it's not a flood issue. You're free to go. Thank you.

# 2) J & W OF OHIO, OWNER/Adam Sroka, Representative

Requesting a 50' Front Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Front Parking Setback and where a 0' Front Parking Setback is proposed in order to construct a Parking Area; property located at 21265 Westwood Drive, PPN 392-15-014, zoned General Industrial (GI).

Mr. Evans – Next on our agenda is J & W of Ohio with Adam Sroka representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Sroka – Adam Sroka, 21265 Westwood Drive.

Mr. Evans – Again since Mr. Baldin and I weren't here if you could take us through a quick review of what you're doing and why please for the record.

Mr. Sroka – Sure, we're planning to build a front parking lot to our facility to allow closer parking for visitors and make it handicapped accessible. Our plan also includes a front sidewalk that will extend the length the property east to west.

Mr. Evans – It won't connect to anything.

Mr. Sroka – It won't connect to anything, but it gets us one step closer to Prospect.

Mr. Evans – Right.

Mr. Rusnov – This is for easy access to the office space.

Mr. Sroka – Yes it is. There is no current access to it.

Mr. Evans – Just for the record, you were here a couple years ago and we talked about some variances at that time which we approved. We asked for some things to be done, and to the best of my knowledge all those things were done that we indicated even though you didn't move forward on all the variances. We appreciate the fact that you cleaned things up and I know the neighbors that are not here appreciate the fact that the trucks that were there, and other things that were happening have ceased. So I wanted to thank you appropriately for that. Is there anything else from the members?

Mr. Houlé – At the last meeting we talked about that it's not a retail traffic in that parking lot. So the volume of traffic will be lower than retail lots.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov – I make a motion to approve a 50' Front Parking Setback variance from Zoning Code Section 1262.07, which requires a 50' Front Parking Setback and where a 0' Front Parking Setback is proposed in order to construct a Parking Area; property located at 21265 Westwood Drive, PPN 392-15-014, zoned General Industrial (GI).

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Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. You can then move forward.

Mr. Kolick – Mr. Sroka, after 20 days you'll have to get back before the Planning Commission because they'll need to review it as well. Contact the Planning Commission Secretary, and she'll let you know. I don't know if you've been to the ARB since it's a parking lot. Contact her though, and she'll set you up with future dates.

Mr. Evans – Thank you very much, and good luck with that. We appreciate it. Is there anything else? Mr. Kolick, I'll ask that you do Facts and Conclusions of Law for item number one on our agendas tonight.

Mr. Kolick – I will do so.

Mr. Evans – Thank you. If there is nothing else to come before the Board, we will stand adjourned.

Signature on File	Signature on File	February 14, 2018
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date