

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

**Meeting of  
July 20, 2016  
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, David Houlé, Kenneth Evans, Thomas Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Mike Miller

Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**NEW APPLICATIONS**

**1) MATT COLE, OWNER/Brian Knauer with The Pattie Group, Rep.**

Requesting a 12' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 12' Unenclosed Patio 12' into the side yard; property located at 19753 Deer Run Lane, PPN 392-19-024, zoned R1-75.

**The Board noted that some of the members had not yet been out to see this property. They then discussed whether this property is part of the Homeowners Association and came to no definite conclusion.**

**PUBLIC HEARINGS**

**2) CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative**

Requesting a variance from Zoning Code Section 1270.08 (a), which requires that apartment developments maintain enclosed garages at a rate of two (2) spaces per dwelling unit and where the applicant is proposing the demolition and non-replacement of all apartment carports; property located at 17721 Whitney Road, PPN's 395-16-002, 395-16-006, 395-16-007, 395-16-008, 395-16-009, zoned RMF – 1.

**The Board reviewed a letter and drawings from Forest City outlining the money already invested in renovations, what their plan is for the next five years, the items in the variance request and also how they pertain to the code. They mentioned that the carports are not reserved for individual residents; it's a common lot.**

**3) LOIS BAILEY, OWNER**

Requesting a variance from Zoning Code Section 1274.04, which prohibits the replacement of structural parts of an existing non-conforming Barn and where the applicant is proposing to repair and upgrade an existing 624 SF non-conforming Barn; property located at 22636 Westwood Drive, PPN 392-02-005 zoned R1-75.

**The Board noted that in 2007 the applicant applied for and was denied a variance which would allow her to have horses on her property. They specified that if the barn is used for horses it would change what they are doing tonight. The Board indicated that this would need to be considered under a different set of codes and guidelines for animals on a private property. They also noted the applicant stated at the last meeting the reason for this space would be for her hobby of refinishing furniture. It was further pointed out that she had also mentioned wanting to bring a pony home to her property that is currently at another property.**

**4) CRAIG PRATT, OWNER**

Requesting a 2' Setback variance from Zoning Code Section 1252.08, which requires a 35' Setback from a Cluster Home to a Detached Single-Family Dwelling property line and where a 33' Setback to a Detached Single-Family Dwelling property line is proposed in order to construct a 121 SF Three Season Addition; property located at 18981 Bridge Path, PPN 397-27-144, zoned R1-75.

**The Board noted that Mr. Evans would abstain from this vote due to his position in the High Point Homeowners Association. The Board saw no issue with this application.**

**5) NICK AND MONICA CIAVARELLA, OWNER**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 50' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to approve an existing 256 SF Three Season Addition; property located at 14389 Pine Lakes Drive, PPN 398-09-031, zoned R1-75.

**The Board noted that they had received a letter from the homeowners association. They also noted that Mr. Baldin would be abstaining from this vote. It was mentioned that they will need at least 3 votes for yes in order to pass a vote tonight since Mr. Rusnov was not present. It was also noted that they had started construction originally without a permit and that the Board told them at the last meeting that if this variance is denied they will need to remove everything including footers.**

**6) ALL AROUND CHILDREN/Munna Agarwal, Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits three (3) Wall Signs on the West elevation (Pearl Road) and where the applicant is proposing two (2) additional Wall Signs on the North elevation (Royalton Road); property located at 13895 Pearl Road, PPN 396-17-111, zoned General Business (GB).

**The Board discussed whether the sign would be visible from the street. They saw no other issues with this application.**

**7) JAMES POPERNACK, OWNER**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.29 (b), which requires a 15' Side Yard Setback and where a 6' Side Yard Setback is proposed in order to install a 24' by 12' Above Ground Pool; property located at 14472 Pine Lakes Drive, PPN 398-09-019, zoned R1-75.

**The Board discussed the details of the proposal and reviewed drawings. The Board discussed similar requests for variances, which were denied.**

**Any other business to come before the Board**

**MOVED TO AUGUST 10, 2016 MEETING AT THE OWNER'S REQUEST**

**8) BENT TREE HOMEOWNER'S ASSOCIATION, OBJECTING PARTY**

Hearing of the objection by Bent Tree Homeowner's Association pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for a 4' Aluminum Fence; property located at 14000 Walking Stick Way, PPN 399-28-010.

**The Board noted that this item has been removed from the agenda for the night and moved to the August 10<sup>th</sup> meeting at the owner's request.**

**The Board discussed one minor clerical change in the July 6, 2016 minutes.**

## **STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**

### **MINUTES OF MEETING**

**July 20, 2016**

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

Present: Mr. Evans  
Mr. Baldin  
Mr. Houlé  
Mr. Smeader

Also Present: Mr. Kolick, Assistant Law Director  
Mr. Miller, Building Department Representative  
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I'd like to call this July 20, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you'd call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. RUSNOV

Mr. Baldin – I'd like to make a motion to excuse Mr. Rusnov for just cause.

Mr. Smeader – Second.

Mr. Evans – I have a motion and a second. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

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. Thank you, this evening we have minutes from our July 6<sup>th</sup> meeting. If there are no additional corrections than what we discussed in caucus, I will submit them as presented. Our meetings are divided into two portions; first is new applications and then the public hearings. We will ask that each of those individuals 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 before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

## NEW APPLICATIONS

### 1) **MATT COLE, OWNER/Brian Knauer with The Pattie Group, Rep.**

Requesting a 12' variance from Zoning Code Section 1252.16 (e), which requires an Unenclosed Patio maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 12' Unenclosed Patio 12' into the side yard; property located at 19753 Deer Run Lane, PPN 392-19-024, zoned R1-75.

Mr. Evans – The first item on the agenda tonight is Matt Cole. Please come up to the microphone and give us your name and address for the record.

Mr. Cole – My name is Matt Cole my residence is 19753 Deer Run Lane.

Mr. Knauer – I'm Brian Knauer, my address is 15533 Chillicothe Road, Novelty, Ohio.

Mr. Evans – OK, so who is taking the lead on your presentation this evening.

Mr. Knauer – I'll get started if that's alright. Basically we are looking to expand on an existing entertainment space at this man's house. Matt contacted us. We're a company that can handle a project of an outdoor kitchen and design and install every part of it. Here's an introduction of the project. This man is a chef and a brewer. He loves to do this and is looking for an outdoor space that he can entertain in. We were tasked to design a unique and functional entertaining space that is structurally, horticulturally, and environmentally sound. We're expanding an existing entertainment space to accommodate an outdoor kitchen. I guess I could give you a brief rundown, may I approach you?

Mr. Evans – Yes. So you know, if you are going to hand us pictures or drawings though they will become part of our records. Thank you.

Mr. Knauer – Absolutely. This is a 3D view of what we're proposing to build. As you can see due to the uniqueness of Matt's house and property, we cannot create an outdoor space like this and maintain the 50' rear yard setbacks. The location and design of his existing indoor kitchen has a set of doors that open onto a deck that is in the side yard. That steps down to a patio space that's in the side yard as well. That gives us direct access from his kitchen. When he has to access the backyard from his kitchen, he has to go through the house and through rooms and hallways to get there. Here is a footprint of the house. The fact that Matt is on a cul-de-sac, the property lines are different and very close to the house which sets it up to not fit within the current code. I have a couple pictures of the existing conditions and how it's laid out.

Mr. Evans – All of the members of the Board will be out to visit the property to take a look at it.

Mr. Knauer – Basically this is a view of the plan, here's another 3D version on here.

1) **MATT COLE, OWNER/Brian Knauer with The Pattie Group, Rep., Cont'd**

Mr. Evans – That's the one we have.

Mr. Knauer – OK, excellent. I'm not sure if yours has this, but we actually drew in the 50' setback line from the property.

Mr. Evans – Yes.

Mr. Knauer – OK. So from our design standpoint we knew we were challenging property lines. We also thought this project was going to be difficult to get in within the code anyway. Since it doesn't fit anywhere else, our goal was to put it where it makes sense. We wanted to put it where it was functional so that he can use it. The kitchen's proximity is important and he also has access off the back of his garage so it's convenient for him storing things he doesn't want on his patio. The backyard has very mature trees as well. So this side location on this particular property also makes sense in that we're not disturbing what nature's created. The trees shade the house and save money on cooling bills. Because there is existing patio space there, we will renovate that to be more functional. It's currently not level because it was not installed properly. We will make what is existing better as opposed to creating additional impermeable surfaces in a different location in the yard. We're not displacing additional water. Also there's a big storm drain right nearby so runoff is maintained into the existing storm sewer.

Mr. Evans – Are there questions from Board Members? While they're thinking about that, we need to know if you are part of the Comoor Homeowners Association. There are a select few lots that are not a part of the HOA, so if you are you will need to get a letter from them in support of your project and the granting of the variance. Mr. Knauer said you are a chef, Mr. Cole. You are not intending on running a business out of your property once this kitchen is installed, correct?

Mr. Cole – I already run a business.

Mr. Evans – OK. Are there questions from Board Members?

Mr. Knauer – One more key point for you. We recognize that this is in the side yard. You'll see on that plan as well as in the 3D views that we're proposing for screening, we didn't want his entertaining on display for the neighborhood. We didn't want them looking in while he's there. We talked with Matt and told him our ideas for screening. In general, I feel that we tried to work within the intent of the building code as much as possible.

Mr. Evans – OK. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. Is there anything else from anyone on the Board?

1) **MATT COLE, OWNER/Brian Knauer with The Pattie Group, Rep., Cont'd**

Mr. Baldin – Are you the last house on that cul-de-sac? Is there one right to the side of you?

Mr. Cole – I wouldn't say we're the last house, no. I think there's a few other properties to the left.

Mr. Baldin – I'm looking at the cul-de-sac and I assumed it was. What's behind you?

Mr. Cole – It's undeveloped its land that my neighbor owns. There is a half acre behind my property.

Mr. Baldin – You have a half acre there and you're fenced in?

Mr. Cole – Yes.

Mr. Baldin – Thank you.

Mr. Houlé – I had trouble envisioning it when I was out there. I didn't see any stakes or anything like that. So if you could somehow mark it.

Mr. Cole – You said you were out there?

Mr. Houlé – Yes.

Mr. Cole – Oh, OK.

Mr. Houlé – I went yesterday but no one was home. I peered around the fence.

Mr. Cole – It's quite over grown now. Just a couple of things, I have great relationships with my neighbors. I was told that the only thing with the Comoor Homeowners Association does is manage the pool.

Mr. Evans – Not exactly true. It's not iron clad, but the Homeowners Associations approval over the project and variance approval definitely makes our lives a lot easier. That way if a bunch of residents show up and say that they don't want the project to proceed we would also have the Homeowners Associations approval letter to support it on the other hand.

Mr. Cole – OK, well I have that line of communication going, but I'll make sure it's clarified.

Mr. Evans – Invite them to a cookout and they'll be OK, I'm sure.

Mr. Cole – OK, great.

1) **MATT COLE, OWNER/Brian Knauer with The Pattie Group, Rep., Cont'd**

Mr. Evans – Is there anything else? The public hearing is on August 10<sup>th</sup>. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

**PUBLIC HEARINGS**

2) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative**

Requesting a variance from Zoning Code Section 1270.08 (a), which requires that apartment developments maintain enclosed garages at a rate of two (2) spaces per dwelling unit and where the applicant is proposing the demolition and non-replacement of all apartment carports; property located at 17721 Whitney Road, PPN's 395-16-002, 395-16-006, 395-16-007, 395-16-008, 395-16-009, zoned RMF – 1.

Mr. Evans – OK next on our agenda is Chestnut Lake Apartments. We have the whole front row filled so if you'd come up, I don't know who your leader is tonight. Please come up to the microphone and give us your names and addresses for the record as you speak. I also will mention that we have a wonderful letter authored by Mr. Alan that we received tonight. It has a whole list of information and specifies the items that respond to the reasons we are empowered to grant variances. We are very appreciative of your letter. Now I will turn it over to you.

Mr. Stancak – My name is Gene Stancak, I reside at 8018 Skyline Drive in Broadview Heights, Ohio. I'm here as you said with Bill Lewis from Bowen, and he'll probably speak. Dave Conway and Mr. Dave Alan from Forest City.

Mr. Lewis – Bill Lewis, I'm at 1207 Arbor Press Drive, Hinckley, Ohio.

Mr. Evans – Thank you.

Mr. Stancak – Our request is to demolish and remove from the site several carport structures. I asked Bill to help me here. It's about twelve structures. They are represented in orange on this picture here. I think we sent some additional pictures the last time. We have some photos along with some aeriels. The tall structures are part of a development of 789 units. It's five building. It was master planned in the late 60's and built in the early 70's. I think we talked previously about how that master planning didn't allow for the things that are happening today with apartment buildings. The removal of the carports, the resurfacing of the entire lot, and the restriping of the lot, is part of an ongoing renovation to the property. That renovation actually includes a magnitude of things, but mostly they are safety related. We have already done some structural repair to the skins of the buildings. We've installed a brand new fire alarm in all the buildings. We've positioned and placed a wellness center for the residents to use. This owner is going to extend and invest approximately \$6,800,000 by the end of 2016. There's a lot of good reasons why we'd like to remove these carports. Amongst them are maintenance issues. Obviously snow removal is



2) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative, Cont'd**

**Mr. Stancak continues** - difficult with snow plows. It's hard to keep snow out of them and there is a lot of ice buildup especially in the spring. The emergency service vehicles have a hard time getting back to some of the corners. They are in the way. Most importantly though I think is the security reasons. You can tell by the pictures we provided that there are a lot of hiding spots and it's difficult to keep folks out of there that are doing no good. David Conway visited the site on his way here and noticed that there were a bunch of kids in the garages playing. It's hard to catch them when they are hiding in there. It's very hard to monitor them. The removal would allow us the flexibility to look at the paving the striping, and make it more available. It gives us the flexibility to better it for the residents. Quite honestly they simply don't fit this new master plan. There's no way to make it any better with them there. I used that word master planning, and I think that's important in this instance. Obviously if we were to master plan this today we'd make it a lot bigger, the drive lanes would be bigger for emergency vehicles, we'd have the new code which would provide guidelines and we'd master plan enclosed parking areas. In this case it just doesn't fit on the property. I think the removal is a benefit safety-wise, and I think it'll definitely improve the property. It'll go along with all the current renovations. With that, I think I'll open it up to questions.

Mr. Evans – I think a couple of observations need to be made first from the chair here, and that would be that the reasons we're empowered to grant variances do not include financial reasons and in this case you've not presented that as a reason for doing away with the carports. In fact, we've addressed the fact that Forest City and the developer are actually putting a lot of money into the apartments. They are not assigned to individuals, nor are they used for individuals. It's an open basis. Both Police and Fire have echoed their consent and in fact their endorsement of removing the carports. They're a little bit different to have carports rather than garages because when you find garages in apartment complexes they don't create the same kind of situation as the carports do. Given the fact that they are tough to manage from a security and safety standpoint as well as removing snow it presents a bit of a different situation. I think we're within our bounds for looking at it for the reasons that we have to be able to grant variances. Are there questions from Board Members?

Mr. Smeader – No questions.

Mr. Houlé – No questions.

Mr. Baldin – I've been at the site a couple of different times. This is the largest apartment complex in Strongsville, correct?

Mr. Stancak – That is our understanding.

2) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative, Cont'd**

Mr. Baldin – I think it's great what you're planning to do there. The money that is being put into it, the renovations, the health center, etc., and so forth, and also the information you provided says that you also have security at the property every night.

Mr. Stancak – That is correct.

Mr. Baldin – They patrol the yards day and night. The safety, security, and the maintenance I really have no problem with it. Thank you.

Mr. Evans – I think it's important to note too that as the letter from Mr. Alan represents, the complex was designed in 1970. A lot of things have changed since then and certainly new apartments that Strongsville has welcomed in during that time have changed. The changes that are being proposed here are really more in line with what our current apartment complexes are and what the past ones were. I think all of these observations are valid. If there is nothing else that you folks need to present, then I'll move us along to the public hearing. I'll now 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. Smeader - I make a motion to approve a request for a variance from Zoning Code Section 1270.08 (a), which requires that apartment developments maintain enclosed garages at a rate of two (2) spaces per dwelling unit and where the applicant is proposing the demolition and non-replacement of all apartment carports; property located at 17721 Whitney Road, PPN's 395-16-002, 395-16-006, 395-16-007, 395-16-008, 395-16-009, zoned RMF – 1.

Mr. Houlé– 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. Is there anything else they will need to do, Mr. Kolick?

Mr. Kolick – They will need to get back before the Planning Commission, and you'll need to get your Engineering drawings done with whatever you're going to do with the parking areas. They'll look at drainage and all those items as well. One question that I'm not sure if you can answer now is are these still all separate parcels? Or have they been consolidated?

Mr. Stancak – I don't think I can answer that.

2) **CHESTNUT LAKE APARTMENTS/Gene J. Stancak with Adam Building Company LLC, Representative, Cont'd**

Mr. Kolick – You should look, since back then in the 70's we didn't require that they be consolidated, we now do though.

Mr. Stancak – We'll double check.

Mr. Kolick – Sometimes the auditor just leaves a string of parcels on there or even if they have been consolidated. You need to get back before the Planning Commission anyway. If they haven't been consolidated there's no reason why you can't consolidate them. Sometimes we can't because of financing purposes or something. We'd rather see them all get consolidated with a consolidation plan too.

Mr. Stancak – Just one question for you. On the application you mentioned to show the drains, but we're really not doing any changes to the grade or anything. It's just basically a resurfacing of the parking area and restriping. Does that require additional information?

Mr. Kolick – If you contact our Engineering Department they'll let you know what they may or may not need. I don't know about pulling out carports whether there is damage that may be done to the lot.

Mr. Stancak – I see, I understand. I think we did that. We reached out to them when we submitted for our permit for demolition we provided some information, but I'll reach out to them.

Mr. Kolick - They'll explain what they need, and then you'll get back before the Planning Commission for an approval of the overall site plan with the carports now removed and your new parking lot in there. I don't know if you'll be doing anything with restriping or changes to the routes around there to help safety vehicles. They may ask you to look at that too.

Mr. Stancak – Understood. One last question, when we submit that to the Planning Commission, I'm just a little unclear as to the submission and the timing with the removal.

Mr. Kolick – We have to wait till 20 days, and after the 20 days you can probably get a demolition permit from the Building Department, but then you'll need to come back before Planning to revise your site plan. We can keep it moving for you, and do it in pieces and parcels. You'll need to work with us though.

Mr. Stancak – Understood. I'll reach out to Engineering. Thank you.

Mr. Evans – In the meantime we appreciate your investment in the City.

3) **LOIS BAILEY, OWNER**

Requesting a variance from Zoning Code Section 1274.04, which prohibits the replacement of structural parts of an existing non-conforming Barn and where the applicant is proposing to repair and upgrade an existing 624 SF non-conforming Barn; property located at 22636 Westwood Drive, PPN 392-02-005 zoned R1-75.

Mr. Evans – Number three on our agenda is Lois Bailey. Please come up to the microphone and give us your name and address for the record.

Ms. Bailey Tusta – Hello I'm Gretchen Bailey Tusta at 22636 Westwood Drive, Strongsville, 44149.

Ms. Bailey – I'm Lois Bailey, 22636 Westwood Drive, Strongsville.

Mr. Evans – Thank you. We had you make the application at the last meeting. This is to expand and rehabilitate the existing barn. You heard us in caucus talking about the fact that you remembered talking about bringing the pony home. Part of what we talked about was that the variances that would be required in order to bring the pony home are different than the variance that we have before us this evening to renovate and repair the barn. We do need to ask you whether or not your intent was that the renovation and repair were predicated on bringing the pony back or is that another topic to be discussed at a future time?

Ms. Bailey Tusta – That is another topic, that was in the nature of full disclosure of thoughts rolling around in our head at this point. We're not sure if we want him home yet, but if we do decide that we want him we appreciate you letting us know that it would require another variance. That's definitely in the future at this point.

Mr. Evans – Part of the reason we bring that up and why Mr. Kolick made the observation in caucus is because we want to make sure that you know that we appreciate your renovation and whatever. On the other hand, we also know that if a pony or other horses came back that it would be a problem. Any of your neighbors might notice that very quickly so we would want to cut that off at the pass. That way we make sure that there isn't a problem created that we'd have to deal with down the road. You can come back if you wish though to make an application for having the pony come back under the terms of the other variances that would be required. This evening then all we are looking at is this renovation and repair as it is a non-conforming use. You're good with that then. Gentlemen on the Board, do you have any questions or comments?

Mr. Baldin – As we're talking about this I thought about how we brought up in caucus the fact that you're going to be doing only a hobby, not a business out of there, correct? It's upholstery work or something like that?

**3) LOIS BAILEY, OWNER, Cont'd**

Ms. Bailey Tusta – Yes I enjoy doing upholstery and I do things for my own benefit, for my friends, but not for a business.

Mr. Baldin – OK no business will be run out of this renovated space.

Ms. Bailey Tusta – No.

Mr. Baldin – Thank you.

Mr. Evans – Anyone else?

Mr. Smeader – No questions.

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. Please come up to the microphone and give us your name and address for the record.

Mr. Mizik – My name is Dave Mizik, I live at 22596 Westwood Drive, Strongsville, Ohio. I think it would be nice to have that building improved. It would improve the neighborhood. It would only be something that the neighbors now with the weeds and everything overgrown would probably like that. Although some people like that overgrown, wild, nature-look in their backyard. You know to look out your back door and actually see woods behind their house. It would be nice if they were able to maintain that building and be able to use that structure. Why have a structure that just sits there and let nature and weather take its toll on it? It would be fantastic if you would let this variance pass. Thank you very much.

Mr. Evans – Thank you Mr. Mizik. Before we have you speak since you came in late we'll have to have you sworn in.

Mr. Kolick stated the oath to those standing.

Mr. Evans – Alright now please come up to the microphone and give us your name and address for the record.

Ms. Hutch – My name is Deanne Hutch. I live at 22706 Westwood Drive, Strongsville. I have lived next to this property for probably 16 or 17 years now, I was there when it was nothing but meadows and trees growing up all around us. We have nothing but houses behind us and they're all brand new. It's taking away the rustic look that I moved to Strongsville for. I have absolutely no objections to renovations there. I look at it every day since I live right next to them out my laundry room door. I'm fine with that. Thank you.

**3) LOIS BAILEY, OWNER, Cont'd**

Mr. Evans – Thank you Ms. Hutch. Does anyone else 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. Smeader – I would like to make a motion that we approve a request for a variance from Zoning Code Section 1274.04, which prohibits the replacement of structural parts of an existing non-conforming Barn and where the applicant is proposing to repair and upgrade an existing 624 SF non-conforming Barn; property located at 22636 Westwood Drive, PPN 392-02-005 zoned R1-75.

Mr. Houlé – 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. Mr. Kolick do they need to do anything further?

Mr. Kolick – They need to go back to Building.

Mr. Evans – So after the 20 day waiting period you are back before the Building Department. You will get a notice from the Building Department when that time has passed. Then you can draw the permit and begin work. We're very glad you'll be making that improvement and that you'll still be part of Strongsville. Thank you. You do not need to stay.

**4) CRAIG PRATT, OWNER**

Requesting a 2' Setback variance from Zoning Code Section 1252.08, which requires a 35' Setback from a Cluster Home to a Detached Single-Family Dwelling property line and where a 33' Setback to a Detached Single-Family Dwelling property line is proposed in order to construct a 121 SF Three Season Addition; property located at 18981 Bridge Path, PPN 397-27-144, zoned R1-75.

Mr. Evans – Next on our agenda is number four. Please come up to the microphone and give us your name and address for the record.

Mr. Pratt – My name is Craig Pratt. I live at 18981 Bridge Path in Strongsville.

Mr. Evans – Thank you. Just give us a thumb nail sketch of your request for the variance.

**4) CRAIG PRATT, OWNER, Cont'd**

Mr. Pratt – I'm looking to build off of my dining room. We currently have a patio down below. My deck goes out at the middle level of the unit and down below is the patio. I'm looking here at that footprint which is 11' by 11' for a sunroom addition going off of there. I have submitted the plans, and since the last time I was here I have gotten a letter from High Point stating that they have no issues with it. I have a copy of it here. I think you should probably have a copy as well. Also at the last meeting I had given you the approval from our street because we're kind of in a country of our own. I contacted both my neighbor on my left and my right as I stood on the deck. Also I contacted the people right behind me and explained what I was doing. There aren't any bushes or shrubs or anything being moved. I had a couple of branches removed. There was a tree being taken down next to me so I had that done, but otherwise I've done nothing with it. So I'm looking for a two foot variance based on 33' so this would give me 35'.

Mr. Evans – Alright, questions?

Mr. Baldin – Nope.

Mr. Houlé – None.

Mr. Evans – OK. 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? Hearing none and seeing none, I will now entertain a motion.

Mr. Houlé – I make a motion that we approve a request for a 2' Setback variance from Zoning Code Section 1252.08, which requires a 35' Setback from a Cluster Home to a Detached Single-Family Dwelling property line and where a 33' Setback to a Detached Single-Family Dwelling property line is proposed in order to construct a 121 SF Three Season Addition; property located at 18981 Bridge Path, PPN 397-27-144, zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES EXCEPT MR. EVANS ABSTAINED FROM VOTING  
MOTION PASSED

Mr. Evans – Alright. The variance has been granted 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 are good to go. Thank you.

Mr. Pratt – Thank you very much.

**4) CRAIG PRATT, OWNER, Cont'd**

Mr. Evans – Thank you.

Mr. Baldin – Sir, would you like one of your copies that? Would you need it for your contractor or whatever? I have no use for it. Thank you. Mr. Chairman, you might want to make an announcement to the fact that since there are only four members here today that we'll have to have a total of three yes votes if any of us recuse ourselves?

Mr. Evans – Yes. We'll note that as we go through Item No. 5.

**5) NICK AND MONICA CIAVARELLA, OWNER**

Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 50' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to approve an existing 256 SF Three Season Addition; property located at 14389 Pine Lakes Drive, PPN 398-09-031, zoned R1-75.

Mr. Evans – So next on our agenda is Ciavarella on Pine Lakes. If you'll come forward, we'll have you give us your names and addresses for the record.

Ms. Ciavarella – I'm Monica Ciavarella, 14389 Pine Lakes Drive, Strongsville.

Mr. Ciavarella – Nick Ciavarella 14389 Pine Lakes Drive, Strongsville.

Mr. Evans – OK. If you would please give us a 30 second recap of the reason for your application for this variance. We have the information that you gave us like the timeline and all of that and we talked about it at the last meeting so I think we can short-cut this process a little.

Ms. Ciavarella – Again, we'd like to apologize for the existence of our sunroom without the variance. We need a 16' variance due to a lapse of judgement. Our builder had not gotten the proper permits and inspections which you can see is No. 1 on our contract. As soon as we found out that there was an issue we did what was necessary and signed up and attended the first meeting possible. We would like to have the sunroom with the variance approved. We would like the additional square footage of living space. Our home is small, it's under 1500 SF so the additional 200+ SF will really give us more living space and make our home a little more similar in size compared to the homes around us.

Mr. Evans – Thank you.

Ms. Ciavarella – I also wanted to say that if the variance is approved anything that needs to be done in accordance with the inspections will be welcome.



5) **NICK AND MONICA CIAVARELLA, OWNER, Cont'd**

Mr. Evans – Does anyone have any questions or comments?

Mr. Baldin – I'm going to recuse myself knowing that I know this contractor personally for many, many years. I do have a question for Mr. Miller though. Has the contractor finally cleared everything up? Is he all set? The Building Department doesn't have any further problems?

Mr. Miller – No, other current problems with this case exist.

Mr. Baldin – OK, thank you.

Mr. Smeader – I was out there a couple of weeks ago, and it looks like this is coming along very nicely and it should complement the original structure.

Mr. Evans – The observation that I would like to make is that normally when we have people coming before us for a variance when a building permit has not been pulled, we are in a position where the people have sort of flaunted it to the City. We recognize that in your case it was the No. 1 thing on the contract, and that you are an innocent party in this. To that degree we apologize that you've had to have been dragged in here for meetings and everything. It puts you in a position of saying that you did something wrong, and at least my way of looking at it here it is not the case. We appreciate the fact that you've gone through the process and documented it as you did. You did the things that you did to make us aware of all the circumstances. 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. Please come up to the microphone and give us your name and address for the record. Were you sworn in?

Mr. Kardamis – Yes sir, I'm Joseph Kardamis I live at 14402 Willow Circle, Strongsville.

Mr. Evans – Good.

Mr. Kardamis – I am diagonally away from the back of their project. I actually came here tonight because of the mailing that went out to everyone in a 500' radius. To be really honest I wasn't sure if I would speak for or against this project. I was glad to get the explanation in the prefacing of the project. Because of that I'm speaking for it. They are diagonally from my back yard and I see their house, and I've seen the project progress. I was astounded to get this letter, but it is a very pleasing project. I think it does add some great space from my prospective. I see it when I'm cutting the grass, but I feel compelled to make a comment that somehow or someday this contractor should get a little black mark demerit against them from the City of Strongsville. This is almost inexcusable, but good luck with your project. Yes, the shed blocks our line of sight. So that's all I have to say.

Mr. Evans – Thank you very much for coming in and offering your comment.

5) **NICK AND MONICA CIAVARELLA, OWNER, Cont'd**

Mr. Kolick – For the witness here tonight, the City does take these things very seriously. We have cited this gentlemen into court. He will pay the price or at least we'll do all we can do to make sure that he pays the price for what he did.

Mr. Cardinas – Very good.

Mr. Kolick – Yes.

Mr. Evans – Thank you very much. Is there anyone else 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. Houlé – I make a motion that we approve a request for a 16' Rear Yard Setback variance from Zoning Code Section 1252.04, which requires a 50' Rear Yard Setback and where a 34' Rear Yard Setback is proposed in order to approve an existing 256 SF Three Season Addition; property located at 14389 Pine Lakes Drive, PPN 398-09-031, zoned R1-75.

Mr. Smeader – Second.

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

ROLL CALL:	HOULE – YES	MOTION PASSED
	EVANS – YES	
	SMEADER – YES	
	BALDIN – RECUSED	

Mr. Evans – Sorry Mr. Kolick. I hope that's alright. In the meantime, the variance has been granted pending a 20 day waiting period during which time Council may review our decision. In the meantime you could be in contact with the Building Department and you can make the necessary arrangement to do whatever inspections need to be done. Then after the 20 days, you will get a notice from the Building Department when that time has passed. Thank you for staying with us in Strongsville. I'm sure that soon the irritation of this ordeal will subside and you'll have many years of enjoyment from your new sunroom. I'm sure it'll be a wonderful addition. You are good to go. Thank you.

Mr. Ciavarella – Thank you very much for your understanding.

Ms. Ciavarella – Thank you very much.

**6) ALL AROUND CHILDREN/Munna Agarwal, Representative**

Requesting a variance from Zoning Code Section 1272.12 (c), which permits three (3) Wall Signs on the West elevation (Pearl Road) and where the applicant is proposing two (2) additional Wall Signs on the North elevation (Royalton Road); property located at 13895 Pearl Road, PPN 396-17-111, zoned General Business (GB).

Mr. Evans - Ok, Item No. 6 on our agenda is All Around Children with Munna Agarwal representing. Please come up to the microphone and give us your name and address for the record.

Ms. Agarwal – Good evening everyone, Divea Agarwal, and I live at 6107 Rock Lamont Court in Solon, Ohio.

Mr. Evans – Thank you Ms. Agarwal. Please describe to us again just very briefly since we're running out of audience here what the reason is for asking for this variance.

Ms. Agarwal – Sure, to quickly summarize we would like the signage on the north elevation of our building to be passed so that the traffic going east and west on Royalton Road will be able to identify our center as a childcare and preschool. Currently the traffic can see All Around Children if that's the only thing that is passed, and so it's not clear that it's a preschool and a daycare. We're hoping to have the variance granted.

Mr. Evans – OK thank you.

Ms. Agarwal – Just a small note as well adding the north facing signage will also maintains the same look as the west side, part of the building's design.

Mr. Evans – In caucus we talked about how your allowed to have 189 SF of signage. You currently have about 100 SF of signage that has been approved. That would include all the signs and they are non-illuminated. They are on the face of the building there.

Mr. Baldin – No comment.

Mr. Smeader – No questions.

Mr. Evans – Ms. Agarwal, the one thing that I want to make sure that I indicate to you as well is that we want businesses to be successful. One of the things we have to live with is that everyone would like to have every side of their building to have signs on it. Everyone would like to have floor to ceiling signs and illuminated and flashing and signs on the curbs and everything else. When we have to deal with situations where the building is a little unusual because of where it is situated, we have to look at what our consequences are when we approve the variance. As I've indicated in the past, we've approved variances for signage and someone is always out there to say well you gave that to him so I want this. It becomes a difficult situation for us. In the case of your

**6) ALL AROUND CHILDREN/Munna Agarwal, Representative, Cont'd**

**Mr. Evans continues** - building, it is situated in an unusual position there's no question about that. The north face elevation really is hidden behind the Old Town Hall and the Chamber of Commerce building and behind trees. The visibility of that really isn't going to be as much as that sign that is on the turret. While I agree that the turret doesn't read preschool or childcare still having those on the other sides for me it's should be enough. Not necessarily because of your building but because of what we look at and CVS will say that you just put all that signage on there, and we need more signage on our building because of whatever. That's part of what we have to look at when we make judgements on granting variances. 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. Baldin – I make a motion that we approve a request for a variance from Zoning Code Section 1272.12 (c), which permits three (3) Wall Signs on the West elevation (Pearl Road) and where the applicant is proposing two (2) additional Wall Signs on the North elevation (Royalton Road); property located at 13895 Pearl Road, PPN 396-17-111, zoned General Business (GB).

Mr. Houlé – Second.

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

ROLL CALL:	EVANS – NO	MOTION DENIED
	BALDIN – NO	
	HOULÉ – NO	
	SMEADER – NO	

Mr. Evans – Now, the variance has been turned down. We still hope that you are wildly successful and again part of what we have to look at is the situation, whether there are extenuating enough circumstances. The variance has been denied. The process stops then in terms of the application for those two additional signs. You do have the one, and the other two have been approved by the Building Department so you are all set.

Ms. Agarwal – If we choose not to do the signage on the west elevation to maintain symmetry like I mentioned earlier what do we do about doing that? Do we have to get it reapproved?

Mr. Evans – No. You can go back to the Building Department just to let them know what it is you'd like to do. In fact, we could put the signage that was approved for the west on the north elevation if you felt that it was more important.

Ms. Agarwal – North elevation as in...

**6) ALL AROUND CHILDREN/Munna Agarwal, Representative, Cont'd**

Mr. Kolick – You get back to the Building Department and show them what you want to do and they will walk you through the process. That's the best way. We just really need to see if you're going to change it around what you would like to do, and they will indicate whether it meets the code or what needs to happen.

Mr. Evans – What we looked at tonight was putting additional two on the other elevation.

Ms. Agarwal – On the north elevation.

Mr. Evans – Right on the north elevation and that's what we said no to. The side facing CVS, that has already been approved by the Building Department, and we have no control over that. OK?

**7) JAMES POPERNACK, OWNER**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.29 (b), which requires a 15' Side Yard Setback and where a 6' Side Yard Setback is proposed in order to install a 24' by 12' Above Ground Pool; property located at 14472 Pine Lakes Drive, PPN 398-09-019, zoned R1-75.

Mr. Evans – Item No. 7 on our agenda is James Popernack. You've been very patient and we appreciate your waiting. Please come up to the microphone and give us your name and address for the record.

Mr. Popernack – Yes, I'm James Popernack, I'm at 14472 Pine Lakes Drive in Strongsville.

Mr. Evans – We did get a letter from the Home Owners Association. Since we have no one in the audience I'm going to dispense with you needing to describe your request for the variance. Do we have questions or comments from the Board?

Mr. Baldin – No comment.

Mr. Houlé – No, it'll be a nice addition.

Mr. Evans – Nice addition, yes, OK. 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? Hearing none and seeing none, I will now entertain a motion.

Mr. Baldin – Did we make the comment that we have the HOA letter?

Mr. Evans – Yes.

7) **JAMES POPERNACK, OWNER, Cont'd**

Mr. Baldin – Maybe I missed that, sorry. I make a motion that we approve a request for a 9' Side Yard Setback variance from Zoning Code Section 1252.29 (b), which requires a 15' Side Yard Setback and where a 6' Side Yard Setback is proposed in order to install a 24' by 12' Above Ground Pool; property located at 14472 Pine Lakes Drive, PPN 398-09-019, zoned R1-75.

Mr. Houlé– 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 variance has 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.

Mr. Popernack – So I should wait for that 20 days before I purchase anything?

Mr. Evans – Yes.

Mr. Popernack – OK, I just want to make sure.

Mr. Evans – If there's a good sale between now and then, I'd suggest that you purchase it because you can always take it back or whatever.

Mr. Popernack – I'm sure they don't have that on stock and I hate to pay a restocking fee.

Mr. Evans – Your direct answer is yes, because there's no guarantees in life. It's been approved, but there's a higher authority.

Mr. Popernack – Thank you.

**MOVED TO AUGUST 10, 2016 MEETING AT THE OWNER'S REQUEST**

8) **BENT TREE HOMEOWNER'S ASSOCIATION, OBJECTING PARTY**

Hearing of the objection by Bent Tree Homeowner's Association pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for a 4' Aluminum Fence; property located at 14000 Walking Stick Way, PPN 399-28-010.

Mr. Evans – Is there anything else to come before the Board? I will request Findings and Fact of Conclusions from our Assistant Law Director. Is there anything else? With that then, we will stand adjourned.

<u>Signature on File</u>	<u>Signature on File</u>	<u>August 10, 2016</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec’y	Approval Date