

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

**Meeting of  
October 11, 2017  
7:30 p.m.**

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

The Board members discussed the following:

**NEW APPLICATIONS**

**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative**

- a) Requesting a variance from Zoning Code Sections 1258.03(C)(2) and 1240.08(c)(18)(C) which require that the accessory use as a sign be located on the same zoning lot as the main use and where the applicant is proposing signage on a lot separate from the main use;
- b) Requesting a 48" Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 60" Sign Height and where a 108" Sign Height is proposed;
- c) Requesting a 46 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 96 SF Sign Face Area is proposed; properties located at 16180 Pearl Road, PPN 393-31-010 and 16160 Pearl Road, PPN 393-31-009, zoned General Business (GB).

**The Board mentioned that there will be a precedent set if they approve this variance request because they want to put a sign on an unattached and unrelated lot. They mentioned that having a building that is setback from the road is not enough reason to put signs on other parcels. They also pointed out that numerous new businesses have conformed to total square footage allowed by the Code for their signage in the recent past.**

**2) WILLIAM MCVEY/David M. Leneghan, Atty., Representative**

Appeal from the decision of the Building Commissioner dated August 3, 2017, pursuant to Codified Ordinance Section 1414.07, in regard to 10354 Eastland Road, PPN 391-27-033, zoned R1-75.

**The Board discussed the situation with this property and the Appealer. He had applied for a permit a while back to do work on this residence, but before the work was inspected, he sold the property to a new owner. So the City is ordering him to prove this work he had applied to do was in fact completed correctly, and he is here tonight to simply appeal that Order. The new owner has not yet been notified. They also noted that Mr. Miller will be present for the Public Hearing since he has been involved with this since the start.**

## **PUBLIC HEARINGS**

### **3) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep.**

- a) Requesting an 80 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,080 SF Floor Area is proposed;
- b) Requesting a 6'6" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 21'6" Height is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.

**The Board discussed issues in the past with putting in a second story of a garage. They discussed whether a large staircase to the second story may too easily lead to a residence in the future on that second floor.**

### **4) ANDREW ABRAMOVICH, OWNER**

Requesting a 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 31' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 332 SF Concrete Patio; property located at 17626 Hampton Place, PPN 397-20-088, zoned R1-75.

**The Board mentioned that they had received a letter from the Homeowners Association. They also noted that Mr. Evans will need to abstain due to his position on the High Point Homeowners Association. They also noted that the applicant can choose to postpone the vote until all members are present since they would need the remaining three to vote in favor due to his abstaining vote and Mr. Baldin's absence.**

### **5) COMMERCE PARK 200/Spencer Piszczak of Premier Development., Representative**

Requesting a variance from Zoning Code Section 1262.07 and 1270.13 (b), which prohibit loading docks in a front yard and facing a street, and where the applicant is proposing 25 Loading Docks facing north towards Commerce Parkway in order to construct an Office/Warehouse Building; property located at Commerce Parkway, PPN 397-03-001, zoned General Industrial (GI).

**The Board indicated no difficulties with this variance request.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**October 11, 2017**

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

Present: Mr. Evans  
Mr. Rusnov  
Mr. Smeader  
Mr. Houlé

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this October 11<sup>th</sup>, 2017 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 EXCEPT FOR MR. BALDIN

Mr. Houlé – I'd like to make a motion to excuse Mr. Baldin 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. This evening we have minutes from our September 27<sup>th</sup> meeting. If there are no changes I will submit them as presented. We have Findings of Facts and Conclusions of Law from September 27<sup>th</sup>, 2017 for the applicant Linda and Tony Moore. May I have a motion to accept those please?

Mr. Houlé – I'd like to make a motion to approve the Findings of Facts and Conclusions of Law in regard to the application of Linda and Tony Moore at 18602 Buccaneer Trail, PPN-399-32-801C, PPN 399-32-802C, and PPN 399-32-803C.

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 – 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.

Mr. Evans – Thank you, our meetings are divided into two portions; first we’ll hear our new applications, and then we’ll move onto our public hearings.

## NEW APPLICATIONS

### 1) **GOODWILL INDUSTRIES/Nathan Wellman, Representative**

- a) Requesting a variance from Zoning Code Sections 1258.03(C)(2) and 1240.08(c)(18)(C) which require that the accessory use as a sign be located on the same zoning lot as the main use and where the applicant is proposing signage on a lot separate from the main use;
- b) Requesting a 48” Sign Height variance from Zoning Code Section 1272.12 (e), which permits a 60” Sign Height and where a 108” Sign Height is proposed;
- c) Requesting a 46 SF Sign Face Area variance from Zoning Code Section 1272.12 (e), which permits a 50 SF Sign Face Area and where a 96 SF Sign Face Area is proposed; properties located at 16180 Pearl Road, PPN 393-31-010 and 16160 Pearl Road, PPN 393-31-009, zoned General Business (GB).

Mr. Evans – First on our agenda is Goodwill Industries with possibly Nathan Wellman presenting. Please come up to the microphone and give us your name and address for the record.

Mr. Gamperl – Robert Gamperl, I’m here on behalf of Goodwill and in place of Nathan Wellman this evening. My address is 301 N. Broadway, Suite 300 in Milwaukee, WI 53202.

Mr. Evans – Thank you. Welcome to Strongsville.

Mr. Gamperl – I am glad to be back.

**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

Mr. Evans – Tell us about the variance. I believe you sat in caucus so you heard our discussion points. In the introduction here, we'll ask you to tell us about it, we may have some questions, and then it goes to public hearing at our next meeting which is October 25<sup>th</sup>. The level of detail tonight doesn't need to be really deep, but we'll have you go through the process of why the request is being made.

Mr. Gamperl – Great. Thank you. Tonight we're here applying for these three variances specifically because of the way this parcel was subdivided and developed over time. Originally the Fifth Third Bank was developed on the northeast corner of the parcel, and subsequently the Goodwill was developed behind that. Then a parcel was also retained on the southeast corner that is now being occupied by Goodyear Tire. In order to make the parcel developable behind both of those to outlets or the Goodyear and the Fifth Third Development, a shared access easement drive was created from Pearl Road to the buried parcel. I used the term buried, but there's probably a better technical term for that. That parcel has zero frontage on any public right of way. So that shared access easement ranges from about 34' out on Pearl Road to 22' giving access to this parcel. Now on the south side this three parcel redevelopment is bound by the Marcs grocer. Property behind it is the townhome development, and to the north is a private drive that is owned by the townhome development. That leaves the Goodwill parcel with zero public right of way access. We've been operating in that space for just over a year now. We repeatedly hear from both our donors, our shoppers, and other members of the community how difficult it is to find our location. We had met with you a few times in the past about the design of the building to ensure that we could create visibility. Without signage on Pearl Road we're having difficulty having a presence on the public right of way. So this request is something that is supported by both Goodyear whom we have relationships with executives at Goodyear. They are in support of benefiting Goodwill by allowing this second panel on their property. We know that the current land owners have no problem with these requested variances to allow us that sign on their property. Essentially if we had frontage on the road, what would be the minimum allowable is a 46 SF variance for copy. We would then put ours underneath the Goodyear sign. In essence then we'd have to grow that sign height to make those two stackable copy areas. That would get us to that 108" overall height for that sign. It would extend what is there now which is that masonry frame, and then the limestone cap on the sign. Finally the third variance is again going back to the fact that we don't have a sign presence there already, we're a buried parcel. I'll turn this over to question now, thanks.

Mr. Evans – Thank you. You heard us in Caucus talking about the fact that we have many parcels that might be the same as the Goodwill parcel that are sitting back behind others and don't have frontage on the street. Our problem is that everyone would like to have signs on main roads. Many people who don't have frontage put up the temporary banners and flags which we have all up and down Pearl Road. Goodwill does have significant signage on the front of the building. There were a number of variances that we granted to get you guys into that and make the situation work knowing full well that it was going to be behind Fifth Third Bank and Goodyear. One of the things and you can gage, Mr. Gamperl, whether or not you want to look at options. We'll entertain any

**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

**Mr. Evans continues** - request that you guys make. In the past when we've been asked about things like this we've been reticent to make signage any larger than what is permitted under that Code. You've asked for three variances here. The height, the size, and the square footage, and then the fact that it's not related to a parcel. It might be that the Board would be more inclined to consider it if you stayed within the allowable signage height and size. That would mean that both the Goodyear and the Goodwill sign would have to be smaller. I can't speak for the other members, but I can tell you that when we've looked at things that were similar to this before where we've been inclined to grant a variance for something, when it's generally contained to within the size limits. So when someone such as Chase who's going to perhaps build across from you guys and across from the apartment drive, they came in and wanted four signs on the building, we told them that wasn't going to happen. Then we worked with them until they were in a position where they had two signs instead, and they were within the square footage of what was allowable on the building. So we allowed a multiple, but we didn't expand the sizes of it. Monument signs along Pearl Road are a dime a dozen. We understand visibility, we understand everyone's desire to have that. For us to allow bigger, and bigger, and more and more it doesn't make sense for us to do that necessarily. So that might be something you want to think about. If your design is that you relinquish the size, and the square footage on it; then at that point it might be something that you might want to entertain prior to the time you're here on October 25<sup>th</sup>. We will advertise it as is, but you might want to suggest a smaller option. Of course, that would have to be in concert with Goodyear and whatever else, but that might be a much more amenable situation for the Board to look at approving. Having said all that, gentlemen, do you have any thoughts or questions?

Mr. Houlé – I follow the same line of thinking as you do. I don't like a nine foot sign, and I don't like the square footage of the sign either.

Mr. Rusnov – Because of the precedent that it would set, and what has happened along Pearl Road in the recent past; everyone has conformed to the Code. Part C is the one that sets the biggest precedent.

Mr. Gamperl – Can I revise that? The graphic that was submitted is not 108" tall, its 74" tall. So it's just over 6'. I think that is inconsistent with this.

Mr. Rusnov – What part is that?

Mr. Gamperl – The height from grade to the top of the sign. When you said 9' that caught my attention. It caught me off guard.

Mr. Evans – In our agenda we have 108"; which is what we looked at the Building Code regarding from the drawings you submitted, and that is the height that is on the drawing.

**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

Mr. Gamperl – If you look at the top right of the proposed, it'll show an overall height on the left hand side of that as 74".

Mr. Smeader – But from the base it's 10' high at 120".

Mr. Evans – the right hand of the post sign is 120".

Mr. Kolick – That's a nine foot high sign. We don't just look at the graphic, we look at the entire sign because otherwise you could raise it off the ground.

Mr. Gamperl – Can I see what you guys are looking at?

Mr. Evans – Here you go, mentioned right there. That was what was submitted. So if that is incorrect, then you need to get that change to the Building Department as soon as possible.

Mr. Smeader – If we were to entertain this as proposed, its 14.5' wide, and 9' tall, is this something the Police Department might need to look at to see if it's a safety hazard for traffic visibility?

Mr. Evans – Because of the larger sign, yes that is something that we'd want them to look at.

Mr. Rusnov – And the location.

Mr. Evans – Well it's going into the existing location, so it's the fact that it would be bigger and higher. Yes, we would want our Building Department to talk with the CIPTED officer to make sure they'd have no problem with the larger sign.

Mr. Smeader – Because as given to us it's 145 SF of solid sign.

Mr. Gamperl – We definitely don't want to ask for that much area.

Mr. Evans – So we need to get revised drawings.

Mr. Gamperl – Yes, we'll resubmit that ASAP.

Mr. Kolick – Get those so if the Police Department is going to look at this, they need to make sure they're looking at the right size that you're proposing.

Mr. Gamperl – Absolutely. Thank you.

Ms. Zamrzla – I have to advertise this tomorrow morning.

**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

Mr. Evans – We're going to advertise it as it was submitted in the drawings.

Ms. Zamrzla – Unless you submit something to me in the morning.

Mr. Gamperl – What time would you be issuing that?

Ms. Zamrzla – All the public hearing notices go out in tomorrow's mail at 2 o'clock.

Mr. Gamperl – OK.

Mr. Evans – Are there any other questions? All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to the neighboring properties within 500 feet of the property. It will state exactly the description that is written in the agenda tonight unless you get the revised drawings to her in time. The public hearing is on October 25<sup>th</sup>. If you do change it to 74" that you thought it was, then at that point if you change what's on the face of it and reduce that you'd want to bring that with you then so you have that at the meeting. As Mr. Rusnov indicated, the hardest part is that it would set a precedent in terms of the signage being unrelated to a connected parcel. We've got a lot of similar situations, so we'll be looking at very carefully.

Mr. Gamperl – Has there been any devise that buried parcel has been able to achieve on a public right away via another parcel in the past?

Mr. Evans – Not that I'm aware of.

Mr. Kolick – I think they divided it up so it wouldn't. In fact I think we had to grant variances because there was no frontage on a dedicated right of way. That was a problem. At the time we granted variances for that recognizing that it was to the rear. Obviously they knew coming into that parcel that was the case.

Mr. Gamperl – Sure.

Mr. Evans – I think if memory serves me right, I think we even worked on the size of the signage on the face of the building because of that as well.

Mr. Kolick – We will check on that Kathy, if you would, whether we've granted any sign variances for the wall signs.

Mr. Gamperl – Thank you.



**1) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd**

Mr. Evans – OK? We will invite you back at on October 25<sup>th</sup>. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Gamperl – Thank you.

**2) WILLIAM MCVEY/David M. Leneghan, Atty., Representative**

Appeal from the decision of the Building Commissioner dated August 3, 2017, pursuant to Codified Ordinance Section 1414.07, in regard to 10354 Eastland Road, PPN 391-27-033, zoned R1-75.

Mr. Evans – Item number two on our agenda this evening is William McVey. Please come up to the microphone and give us your name and address for the record. Mr. Kolick I know that the attorney was not sworn in.

Mr. Kolick – Mr. Leneghan if you're going to speak and give any factual history or facts other than legal argument, you need to be sworn in as a witness here.

Mr. Kolick then stated the oath to Mr. Leneghan.

Mr. Leneghan – I do.

Mr. Evans – Thank you. So Mr. Leneghan, please give us your name and address for the record.

Mr. Leneghan – My name is David Leneghan, my law offices are located in Broadview Heights at 200 Treeworth Blvd. Suite 200. I'd like to respond to the adjudication order and the appeal of it in reverse order. There are four items that were considered violations. I think taking them in reverse order will be the most expeditious way of doing that.

Mr. Evans – OK.

Mr. Leneghan – Number four indicates that the kitchen has been remodeled without approval or inspection, secure approval, and exposing all wiring for inspection. Board members the electrical wiring was not at all altered or changed in the kitchen whatsoever. Exposing wiring that had already been there makes no sense. No dry wall was removed, I don't understand that one at all. In fact, according to section 102.10 of the Residential Building Code, under Building Subsection 6. It says that tiling, carpeting, cabinets, and counter tops as finished worked is exempt from approval. Replacing cabinets is exempt, replacing any of the tiling is exempt, the countertop is exempt, there was no violation whatsoever under number four. As it relates to number three. Electrical load center has been replaced without approval or inspection. Secure approval and apply access for inspection. The McVey's did not change that load center at all. I have no idea what

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

**Mr. Leneghan continues** - they are talking about there. If the load center is new, it could have been the bank in foreclosure, or someone before them in their time. Clearly reviewing the load center. When the inspectors were there they could easily do that with their own visual inspection. They just chose not to do that, but I'm not certain why. If you look at their permit there was no issue or request to replace under the scope of a load center. What they did do was replace some receptacles and a few branch circuits inside that load center were replaced, and again that is exempt from approval process. That's under 102.10 of the Residential Building Code under electrical subsection two and three; replacement of branch circuits and the reinstallation of receptacles do not require approval. You can change a plug. I think they changed the plugs and made them tamper resistant or childproofed. Finally I'll combine numbers one and two together. It indicates that the wiring in the basement was concealed prior to inspection. Please expose wiring, and the insulation in the basement prior to inspection. I think at some point Brian from the Building Department was out there with Mr. McVey. Mr. McVey said that if there's any issue then he will expose that immediately. The person just choose not to look at that, and not request that it be exposed at that time. He changed his mind and moved on. The McVey's did buy this house, and I guess what happened initially was that there was a condemnation sign on the home. Apparently the City takes the position that if someplace has been abandoned for more than a year they put these condemnation signs. It was never condemned, it was just a sign. At some point they went up to the Building Department to see what it would take to remove that condemnation, and they were told it wasn't condemned at all. I guess there had been some water damage in the basement, and the drywall was cut a few feet up the bottom perimeter of the basement to prevent mold or what not. The McVey's were told that even though they personally owned the house, and wouldn't necessarily need an electrical license permit or a plumbing permit. As individuals they can do that themselves. Nonetheless they were asked to have someone come out and inspect it and look at it. Which they did, and in fact it's submitted with their order for their approval process. They had Jim's Electric come out and make sure that everything is right. They had a HVAC guy come out and make sure that everything was right, and he did say it was right. Apparently although they were licensed in the State of Ohio as a licensed electrician and a licensed HVAC installer, they weren't licensed in the City. I think they got cited themselves for not having the proper license, but that was their own issues. The McVey's had actually gone beyond the call of duty there and actually made sure that everything was done correctly and up to Code. They made sure there were no moisture issues as it related to the drywall or in respect to the load center. So it is the McVey's position that as it relates to item four there clearly is no violation. They didn't change the load center. They changed receptacles. No outlets were removed, and they are all in the same position. So there's no violation there either. I don't believe they even put insulation in the basement so whatever was there is there. So the fact that they said that the insulation was covered up, I don't believe that's the case. Nonetheless they were happy to knock out whatever he needed to show them, at the time, because he's no longer the owner of the house. The house has subsequently been sold. I agree that it is not an issue as it relates to them being a violator, because if he were a violator he'd still have been one regardless of the subsequent sale. That was just put on there for purposes of understanding the timeline of things. There was no insulation, and I don't know that

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

**Mr. Leneghan continues** - insulation requires inspection. As it relates to concealing the electrical wiring in the basement, no electrical wiring was added or new. With respect to that, and he had told him that he'd be happy to do it at the time. Apparently Brian went back and later on Mr. Miller said that they should have exposed it, and then hence the citation violation came down, but that was long after then now. Therefore, we ask that the findings of the violations be rejected, overruled, dismissed, since there were no violations made. We'll be happy to answer any questions. As it relates to the questions of whether the house is safe. It is safe. That's why they hired the electrician to go out there and check it. The HVAC guy is KAN Heating and Air Conditioning in Grafton, Ohio. I think the only thing the inspector said at some point was to put an extra pipe strap on the hot water tank, and a ground wire, which they did. Otherwise claiming that something is concealed and given the opportunity to go out and see it. There simply was in fact no violation. I'll be happy myself or the McVey's to answer any of your questions. They're ready to respond to anything that you have. I tried to respond to some of the items that you talked about in caucus.

Mr. Evans – Thank you. There are some questions that I have as well as other Board members. You mentioned Jim's Electric originally, and then you quoted another company from Grafton. Who was it that actually did the work? Jim's Electric is who came out and did a service call, they are out of N. Ridgeville. You can see from the invoice that was submitted as part of the application process that there's no load center on there. There was just tamper resistant receptacles, and some four GFI receptacles that were replaced. Again though, those can be replaced without approval. To answer your question KAN Heating and Air Condition in Grafton on Capital Road. They came out because they wanted to make sure there was no issue with the water tank or the heating system. They did, and there were no problems.

Mr. Evans – Does the applicant, Mr. McVey, acknowledge that he received the listing on July 31<sup>st</sup> of the residential alterations that he got from the City that specifically indicated required inspections?

Mr. Leneghan – You can ask him that yourself, but I'm not sure if that's true or not. I understand from the Code that it does need to be produced at the time that the permit was issued. I think the permit was issued on July 26<sup>th</sup>. He can specifically answer. He goes by Jason, not William McVey. It's his middle name. Were you provided with notice of inspections as it relates to that? I guess at the end of the day the work had already been done, as someone mentioned in the caucus.

Mr. McVey – They gave me the paper, after I paid for the permit, and that's when it stated all the inspections I needed. They didn't tell me before I paid for it.

Mr. Evans – Hold on one second. Let's back up a second and get your name and address for the record.

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

Mr. McVey – Sure. William Jason McVey, 2392 Boston Road, Hinckley, Ohio. 44233.

Mr. Evans – OK. So the work had already been done at that point when you came in to apply for the permit.

Mr. McVey - Yes, because all I did was drywall the bottom portion in the basement. The rest of the stuff was inspected because my wife and I both talked with Mr. Miller, and he said that we needed to apply for an occupancy permit. Which we needed to have these things inspected in order to get that. That's what we did, and once I went in there, they said I had to make this drawing which I did. When I took it in, the lady told me the price of it. I paid for it, and then she gave me the paper stating that I need all these inspections. At that time, we had already dry walled and painted.

Mr. Kolick – Maybe so we can have a better understanding of this. Did you take any photos of this house before you did any of your work?

Mr. McVey – We have pictures, yes.

Mr. Kolick – It would be helpful if you'd bring those up to the City so we can have as a Board a better understanding about what work was done. Did your electrician or your HVAC man take any pictures while they were doing the work? The main thing is, like it was noted in caucus, we want to make sure it's safe. So if there are pictures showing that everything was done up to Code, then maybe we could take care of some of the problem of having to reopen walls. I can only speak for the Building Department, but we want to see what is available. We're not trying to make it difficult, we're just trying to make sure it's safe. So bring us up any pictures you have before you did any work on the house, and tell us those are the pictures. Also if there are any pictures of after the work was done showing what you did it would be very helpful. My understanding is that you don't have a drop ceiling that we could go into. You've got a hard ceiling.

Mr. McVey – Yes, the ceiling is drywall.

Mr. Kolick – That become problematical because we can't see what's behind that. So if you have any pictures that show us what was there before and what you did, that would be very helpful. On that basement, were there wires hanging from the ceiling before you did work or not?

Mr. McVey – I will bring in the photos.

Mr. Kolick – OK. So what exactly did you do electrically? Was there anything in the basement?

Mr. McVey – The only thing that was done was that we changed all the receptacles to tamper resistant ones.

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

Mr. Kolick – Is that in the basement?

Mr. McVey – The whole house.

Mr. Kolick – So you just changed the current receptacles to tamper proof ones?

Mr. McVey – Yes, we didn't alter any switches or any wiring in the house, we just took the ones that weren't GFI or tamper resistant and made them so.

Mr. Kolick – How about the insulation?

Mr. McVey – The insulation that was in the basement was not damaged when they cut the drywall out so all we did was drywall back over it. We taped, mudded, and painted.

Mr. Kolick – OK. And the electrical box; you did nothing with the electrical box that was there?

Mr. McVey – Anything that was done was what the electrician did. That's what Mr. Miller said we had to put in hard faults where we could, and that is what was done.

Mr. Kolick – What type of remodeling did you do in the kitchen? What is everything you did in the kitchen? Was there any plumbing work?

Mr. McVey – We swapped out the cabinets and the countertop, and put in a sink.

Mr. Kolick – OK.

Mr. McVey – Nothing got moved. It's the same footprint that was in there.

Mr. Kolick – Right, but if you put in a new sink you had to do some plumbing work to get your new sink in correct?

Mr. McVey – Yes.

Mr. Kolick – So you did some plumbing work on the sink drain. Did you do any electrical work in the kitchen?

Mr. McVey – No, I just changed the receptacles. We didn't open any walls up.

Mr. Kolick – I don't know if any of the other Board members have anything. So Mr. Miller was there and there was an inspector by the name of Brian. Were there any other inspectors?

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

Mr. McVey – Mr. Miller was never at the house when I was there. Brian came out twice. I told him when he came out the first time that the work had been done because I didn't know we needed inspections because of the amount of drywall I did. I told him that I'd open up whatever he wanted to see. He said he'd have to go talk with Mr. Miller. He went to Mr. Miller, and called me the next day. He said that they were sending me here.

Mr. Kolick – OK. The pictures would be helpful. The other thing that would be helpful is if your electrician and your HVAC could either be here to answer questions or at least give you a written list of everything they did with the home. I mean more than just an invoice. I'm looking for a listing from them of everything that they did. That would be helpful.

Mr. McVey – All the HVAC guy did was inspect it. They said they wanted it inspected to make sure that the heat exchanger wasn't cracked and the A/C was working.

Mr. Kolick – See, part of our problem is that these guys were not licensed by the City. You know, you're only supposed to use a licensed contractors. We don't have any licensed contractors here, at least not by the City.

Mr. McVey – They were licensed by the State.

Mr. Kolick – I understand that, but we go through a whole process with them. That way we know who we're dealing with. We don't know these people we're dealing with, so either bring them in or at least have them give you a comprehensive list about what they did. That information would be helpful.

Mr. McVey – OK.

Mr. Leneghan – Also keep in mind that as an individual homeowner you don't need a licensed electrician to preform electrical work. You don't need a licensed HVAC. When I built by house for instance 27 years ago with my wife, I did all the electrical, all the plumbing, and the HVAC and when the inspector came, they brought two different inspectors from the City. They knew a lawyer was doing electrical work, and they wanted to make sure it was all done to Code. You don't need a licensed person to perform that.

Mr. Kolick – We don't need a licensed person if you're doing the work yourself, but if you're hiring someone else to come in they have to be licensed. That's why I'm saying that there's a problem with the lack of license. If he had done it all himself, and we inspected it and didn't find anything to be a problem that's one thing. When you use an outside electrician or HVAC contractor they're required to be licensed. These individuals weren't, so I'm trying to get around that whole problem that we have here with that.

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

Mr. Leneghan – OK.

Mr. Kolick – These things may help us get around your problem, OK?

Mr. Rusnov – What would also be helpful is the scope of work. In other words, you did this, this, this, and this. Then tell us who did what.

Mr. Evans – I'm not sure Mr. Rusnov that it wasn't already submitted. We don't get that stuff.

Mr. Rusnov – The reason I'm asking is because we don't have copies of that stuff.

Mr. Evans – I think the City did.

Mr. McVey – I'd like to say something about what he brought up about the Real Estate listing. I don't know if you've ever looked for a house. Sometimes people embellish stuff on a listing. Whether I switched a toilet or put a vanity in, that's basically what we did in the bathroom. So maybe the Realtor twisted the truth a little bit.

Mr. Rusnov – I don't think I've ever seen a listing that said the house was a dump. This information would be very helpful, and then Mr. Kolick can handle the legal ramifications here. Then we can all see how this fits into our scope or what we're supposed to be doing. This appears to be somewhat virgin territory.

Mr. Evans – Right. Mr. McVey when did you become the owner of the home?

Mr. McVey – It was either the end of May or the beginning of June.

Mr. Evans – OK. So you bought it for the specific purpose of rehabbing it and selling it. Have you ever owned any other real estate in Strongsville? So this is your first foray into doing that?

Mr. McVey – Yes.

Mr. Biondillo – Just a point of clarity, Mr. Leneghan quoted the Ohio Revised Code under the exempt work for the electrical. Item number 3 under the electrical under the 12.10; replacement of branch circuit over current devices only are exempt. You cannot replace or install new branch circuits. That would be covered under an inspection and a permit.

Mr. McVey – I understand that and I agree 100% with you. We can get back to what the scope of what the electrician did. There was a replacement of the arc vault breaker. So that's the breaker. So that's the overcurrent device is the breaker, and there was a replacement of a breaker in order to put the arc vault as the City wanted. That would be exempt, but yes, I understand that.

2) **WILLIAM MCVEY/David M. Leneghan, Atty., Representative, Cont'd**

Mr. Evans – OK. Is there anything else?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Evans – OK, so this is a first presentation so we invite you back here on October 25<sup>th</sup>, and at that time we will do the public hearing. We know the current owner will be extended an invitation at that point to attend the meeting as well. In the meantime, what we'll do is make sure the Building Department has verified everything that Brian may or may not have said as a Building Inspector. We will ask you to talk with the two subcontractors to make sure that if we can we get a little more definitive proof of what they did. If you have pictures available that would also be helpful. If you can bring them into the Building Department, then hopefully we can resolve it. As Mr. Kolick said, our job here is not to make this painful for you. It would have been easier with the inspections being done, but we can work around that. Our goal is that we have to make sure that the house is safe for the next owner. That's the bottom line on it. So whatever we can do to make sure that is the case, then we can get by with that. OK? So October 25<sup>th</sup>, and get to the Building Department with the photos so we can understand exactly what was and what wasn't done. Then we'll sort it all out on October 25<sup>th</sup>.

Mr. Kolick – Those are specific items we'd like, but if there's something else that you think would help with the process, please feel free to submit it. You're not limited to just these particular items, OK?

Mr. McVey – Thank you.

Mr. Evans – OK. Thank you Mr. Leneghan.

**PUBLIC HEARINGS**

3) **DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep.**

- a) Requesting an 80 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,080 SF Floor Area is proposed;
- b) Requesting a 6'6" Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 21'6" Height is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.



**3) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd**

Mr. Evans – We move on to public hearings. Item number three. Denis Breno, please come up to the microphone and give us your name and address for the record.

Mr. Breno – Denis Breno, 19288 Hunt Road, Strongsville.

Mr. Evans – Thank you. This is the public hearing, so I'm imagining that nothing has changed from the time that two weeks ago you made the original presentation.

Mr. Breno – That's correct.

Mr. Evans – OK. You gave us drawings of a very beautiful garage that you want to build. We didn't know exactly what the height was going to be. We've now determined that the height variance would be 6' and 6". You heard us talking disparagingly about the height.

Mr. Breno – I did.

Mr. Evans – Let me now say on the floor that the reason we have a concern with that loft or the second story is that we've had in the past garages where someone has said that there definitely would not be anyone living up there, and it turns into a three unit apartment, and all the sudden they have a big party room, and the neighbors are complaining because out in this garage they have all these parties all the time. Young kids are living there, and it always comes back to us. The councilmen looks at us and asks what the heck we were thinking? Were you smoking something when you approved this? So we look at that and the plans, and now that know it's a full stairway, and it's that high. It makes it really difficult for us.

Mr. Breno – Is there any way I can lower the pitch of the roof so it's only 15', and then keep that general idea of the plans? Or maybe frame it differently where you couldn't get access to the top floor? That doesn't bother me at all, I did it for looks. Not for the access of it.

Mr. Evans – All of us agree that it's a very pretty building.

Mr. Breno – I know, it is.

Mr. Evans – On a four acre lot, that would be perfect, unfortunately it's not a four acre lot.

Mr. Breno – its two and a half acres.

Mr. Evans – Right. So those are things that we can consider. Now we did post this as a public hearing, and we had those two in the posting so anything we do less than that we can do. If you're proposing changes to that, having given us those nice drawings, we would probably encourage you to table it. Then you can determine what you can do because obviously changing pitch and doing

**3) DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd**

**Mr. Evans continues** - those things are going to be things that may or may not be able to be done. Putting the stairway in or not would help because if there's no stairway, the access isn't going to bother us if it's just a storage area. It's when you have stairs, and a 6' height.

Mr. Breno – Right, I do understand.

Mr. Evans – Right, so other Board members, is there anything to add?

Mr. Rusnov – My suggestion would be to go back to the drawing board, and try to get back to as close to Code as possible. We'd be ecstatic if it was to Code. By lowering the pitch of the roof, and maybe playing with the roof design with your contractor or whomever is doing the work might be prudent.

Mr. Breno – Is there going to be a problem if it does go over 15' though? I mean this is up to 21' on these plans.

Mr. Evans – We'd have to do a variance for that.

Mr. Breno – If we dropped it so no one could actually stand up in that area?

Mr. Evans – Well, and the fact that you have a cupola on there as well with the weathervane, that all adds into it. At this point for aesthetics, and we're considering a variance and it's because the cupola is three foot tall, and the variance is for 18' instead of 15', that's a whole different story than if you have a second story.

Mr. Breno – Right, I do understand.

Mr. Evans – Are there any other comments or questions?

Mr. Rusnov – Nope.

Mr. Smeader – I think you covered it.

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 then close the public hearing. Then I will entertain your request to table this to have appropriate time to go back to the drawing board and retrofit an accommodation to our requests. So do you wish to table?

Mr. Breno – Yes. I do wish to table.

3) **DENIS BRENO, OWNER/Gene Klaus of Klaus Home Improvement, Rep., Cont'd**

Mr. Evans – So we will table this, if you have that done by October 25<sup>th</sup>, then we don't have to go through public hearing, it'll just go back on the agenda. If you don't have it done by then, we can put it on the next one. That's not a problem, we're happy to do that so you have appropriate time to make modifications and make sure whatever you want to do can be done.

Mr. Breno – I'm more concerned about building this thing before winter.

Mr. Evans – Getting it underway.

Mr. Breno – Right, and I was wondering if we do not start this project then now long do I have into next year?

Mr. Evans – You have a full year to do anything after the variance is granted. You have to show substantial progress on doing it, but yes, you have a year. So that's not a big deal.

Mr. Kolick – As soon as your architect or contractor or whomever does this for you comes up with whatever you can live and what will still fit within your plans, please get the plans to City Hall as soon as possible. We'll have the hearing on the 25<sup>th</sup>, but if we get them in advance so our Building Department can review them we can determine exactly what you need and they may even have some ideas for you. OK?

Mr. Breno – That would be great. Thank you.

Mr. Evans – We appreciate you coming back again, and sorry that we couldn't get it all tied up but we want to get it all done the right way.

Mr. Breno – We're done?

Mr. Evans – Yes, just for the record, we did not have any comments made about the 80', so the footprint is OK. It's just the height. OK? Alright.

4) **ANDREW ABRAMOVICH, OWNER**

Requesting a 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 31' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 332 SF Concrete Patio; property located at 17626 Hampton Place, PPN 397-20-088, zoned R1-75.

Mr. Evans – Alright, Item number four on our agenda, Andrew Abramovich. Please come up to the microphone and give us your name and address for the record.

**4) ANDREW ABRAMOVICH, OWNER, Cont'd**

Mr. Abramovich – Andrew Abramovich, 17626 Hampton Place.

Mr. Evans – You want a patio in the back and you're asking for a rear yard setback?

Mr. Abramovich – Yes.

Mr. Evans – Anything else?

Mr. Abramovich – No.

Mr. Evans – OK. We have a Homeowners Association letter that was dated October 8<sup>th</sup>. It has been submitted to us. Are there any questions from anyone on the Board? 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 request for a 8' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 31' Rear Yard Setback and where a 23' Rear Yard Setback is proposed in order to install a 332 SF Concrete Patio; property located at 17626 Hampton Place, PPN 397-20-088, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – Thank you.

Mr. Rusnov – And you abstain, Mr. Evans.

Mr. Evans – Yes, I'll abstain so if you felt that there is a reason that you might not secure approval tonight from three Board members which is required to approve it, with me abstaining you do have the opportunity to table this if you wish.

Mr. Abramovich – I'm okay to proceed.

Mr. Evans – Thank you. You are moving forward. That's good. Then we have a motion and a second, may we have a roll call please?

ROLL CALL:

SMEADER – YES  
RUSNOV – YES  
HOULÉ – YES  
EVANS - ABSTAIN

MOTION PASSED

**4) ANDREW ABRAMOVICH, OWNER, Cont'd**

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, and you can get started on your project. You're all set. Thank you.

Mr. Abramovich – Thank you.

**5) COMMERCE PARK 200/Spencer Piszczak of Premier Development., Representative**

Requesting a variance from Zoning Code Section 1262.07 and 1270.13 (b), which prohibit loading docks in a front yard and facing a street, and where the applicant is proposing 25 Loading Docks facing north towards Commerce Parkway in order to construct an Office/Warehouse Building; property located at Commerce Parkway, PPN 397-03-001, zoned General Industrial (GI).

Mr. Evans – Item number five is Commerce Park. If Spencer you'd come along with Mr. Davidson. Start by giving us your name and address for the record please.

Mr. Piszczak – Spencer Piszczak, 5301 Grant Ave., Suite 100, Cleveland, Ohio 44125.

Mr. Evans – Thank you. Is there anything you need to add to your variance request? You did the presentation at the last meeting. We have the drawings. We talked a little about it in caucus. Is there anything further you'd wish to add?

Mr. Piszczak – Not unless someone has questions. There's nothing further to add.

Mr. Rusnov – No questions.

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. Smeader – I make a motion to approve a request for a variance from Zoning Code Section 1262.07 and 1270.13 (b), which prohibit loading docks in a front yard and facing a street, and where the applicant is proposing 25 Loading Docks facing north towards Commerce Parkway in order to construct an Office/Warehouse Building; property located at Commerce Parkway, PPN 397-03-001, zoned General Industrial (GI).

Mr. Rusnov – Second.

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

5) **COMMERCE PARK 200/Spencer Piszczak of Premier Development., Representative,  
Cont'd**

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. Mr. Kolick, do they need to go anywhere?

Mr. Kolick – He needs to get back before the Planning Commission, and you may need to get before the ARB. If you go back to the ARB, you go at your own risk during the 20 day period, but you could get back to ARB before then. You can go back to the Planning Commission after the 20 days. In the meantime, you can continue to work on your drawings or whatever you need to do.

Mr. Piszczak – We can do ARB during the 20 day period.

Mr. Kolick – Yes, during that period, but understanding that if Council were to review it though you're going at your own risk.

Mr. Piszczak – Very good.

Mr. Evans – Thank you, we wish you well with the project. We think it's a good addition, and we're glad to have it coming to Strongsville.

Mr. Piszczak – Appreciate it.

Mr. Evans – Is there anything else to come before the Board? Then with that we'll stand adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathryn A. Zamrzla, Sec'y

October 25, 2017

Approval Date