

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

**Meeting of
October 25, 2017
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlié, Thomas Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Michael Miller

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) MARTIN DORR, OWNER

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and front yard and where a 1,472 SF Accessory Structure in a side yard and front yard is proposed;
- b) Requesting a 992 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 480 SF Floor Area and where a 1,472 SF Floor Area is proposed in order to construct an Accessory Structure;
- c) Requesting a 1' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 16' Height is proposed in order to construct a 1,472 SF Accessory Structure;
- d) Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence along the front property line and where the applicant is proposing 139' of 6' high Wood Shadowbox Fence along the front property line; property located at 19214 Boston Road, PPN 394-32-018, zoned R1-75.

The Board noted that it's a large lot, but it's difficult to put anything on it because of the general terrain which includes a pond, and the position of the house on a corner lot. They also discussed how large this structure is, and that it's close to the size of the house. They noted that there's two small storage structures on the lot that he's tearing down; he's a car collector, and he'd like to put everything under one structure. They debated the need for a hard surface driveway, the landscaping, and the three garage doors on the new structure.

2) TIMOTHY AND THERESA FAGAN, OWNER, Diane Bija of New Creation Builders, Representative

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and the applicant is proposing a 240 SF Accessory Structure in a side yard;

- b) Requesting a 48 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 240 SF Floor area is proposed in order to construct an Accessory Structure; property located at 20795 Oak Trail Court, PPN 391-23-038, zoned R1-75.

The Board noted the need for a side yard setback is necessary. They also noted that there is a metal shed on the property that will be coming down. They also mentioned that it's a large backyard. They debated whether the new structure could be moved back to be in line with the house.

3) MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with #RDECK 16-2636 and where the applicant did not install handrails on the deck stairs at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

The Board noted that a permit was issued for a deck to be built, and there were issues with the deck. The Residential Code of Ohio requires handrails on any set of stairs with four or more risers. When our field inspector was out we got to the point where the handrails were not installed on two portions of decks. The Contractor presented a letter from the owner stating that they did not want the handrails. So the Board noted that this appeal is about whether or not they need to put handrails on their decking stairs in accordance to the Code. They noted that there is a top rail that could be grabbed if you were falling, but that by definition of the Code it's not considered a handrail.

PUBLIC HEARINGS

4) 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 noted that they will be doing the public hearing tonight, but they would like to table the vote tonight in order to come closer to Code. The Board agrees that the current application is asking for a sign that is far too large, and they still are uneasy with setting precedent putting a sign for one parcel onto a separate unrelated parcel.

5) WILLIAM MCVEY/David M. Leneghan, Representative

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires inspections for permit #RALT 17-2294 and where the applicant did not request inspections at 10354 Eastland Road, PPN 391-27-033, zoned R1-75.

The Board noted that there is much more to discuss out on the floor with the attorney and the appellant.

OTHER BUSINESS

6) 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 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' 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 noted that the applicant worked a lot with them to bring the size down much closer to the Code.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 25, 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
Mr. Baldin

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this October 25th, 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 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 October 11th meeting. If there are no changes I will submit them as presented. During tonight's meeting, we will ask that each of the individuals presenting come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak whether it is to present to the Board tonight or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

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) MARTIN DORR, OWNER

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and front yard and where a 1,472 SF Accessory Structure in a side yard and front yard is proposed;
- b) Requesting a 992 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 480 SF Floor Area and where a 1,472 SF Floor Area is proposed in order to construct an Accessory Structure;
- c) Requesting a 1' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where a 16' Height is proposed in order to construct a 1,472 SF Accessory Structure;
- d) Requesting a variance from Zoning Code Section 1252.17 (a), which prohibits a fence along the front property line and where the applicant is proposing 139' of 6' high Wood Shadowbox Fence along the front property line; property located at 19214 Boston Road, PPN 394-32-018, zoned R1-75.

Mr. Evans – Our first item on the agenda is Martin Dorr. Please come up to the microphone and give us your name and address for the record.

Mr. Dorr – Martin Dorr, 19214 Boston Road, Strongsville.

Mr. Evans – Thank you, Mr. Dorr. You are asking for a number of variances here regarding to an additional structure that you'll like to build. As you heard us in caucus talking about it, you have two existing buildings on the property now. What is your intention with those existing structures?

Mr. Dorr – They will both be removed.

Mr. Evans – Thank you. We always ask whether you will be running a business out of this structure.

Mr. Dorr – No.

Mr. Evans – We have some concerns about the size of the structure since it's as big as the house is. What's the reason that you need such a large structure?

Mr. Dorr – Vehicle storage. I have a small collection of cars that I keep offsite right now. I'd like to have them all under one roof with the security of being my own property.

1) MARTIN DORR, OWNER, Cont'd

Mr. Evans – OK. We also talked about the fact that you have unusual topographical issues on your property. All of the Board members will be out to look at it if they haven't already. Has this been staked out so we can view where it's planned to go?

Mr. Houle – No.

Mr. Evans – Do we need to have it staked?

Mr. Smeader – No, it's pretty obvious.

Mr. Baldin – The topography is bad. I went out and looked at the property. It's a large hunk of property. It's a large accessory structure, and we need to definitely address the gentlemen about that. He doesn't have a lot of choice, and I'm looking at his prints here. He's definitely planning to put in new concrete to help with the topography, but it's a difficult situation. We'll go from there.

Mr. Rusnov – Mr. Baldin, the house seems to occupy whatever is buildable at the front of the property. That's the only place on that lot where they could have built a house.

Mr. Baldin – You're right.

Mr. Rusnov – It's at an angle to accommodate the structure. It wouldn't affect east and west 100%, if that helps you.

Mr. Evans – Are there other comments or questions?

Mr. Baldin – Well, there's a number of variances here that you're requesting. I noticed that you have a large strand of big trees out front.

Mr. Dorr – Correct.

Mr. Baldin – Do you intend to keep those there to kind of block the view of this structure? You're also requesting a fence?

Mr. Dorr – I'd like to put a fence up for privacy. The height of the fence doesn't matter much, anything we can work out will be great. Those trees don't offer a whole lot of privacy. They're older and they're cut high up on the branches. Depending on the placement of the building, if need be they could be cut down then replaced with more aesthetically pleasing trees. The lawn care companies have kind of butchered them up over the years anyway.

Mr. Rusnov – That would be in lieu of a fence?

1) MARTIN DORR, OWNER, Cont'd

Mr. Dorr – Possibly.

Mr. Baldin – If you left those in, you'd still want to put the fence up? You may not be able to put a 6' fence in.

Mr. Dorr – Correct. Depending on the offset from the road that we'd need to do for the fence, I wouldn't prefer to remove the trees in lieu of a fence. If that's an option.

Mr. Baldin – You have the height of the structure at one foot over the requirement, but I'm not concerned with that. Is that for extra storage or what?

Mr. Dorr – The pitch is what makes it a foot over. I also wanted to make it match the house. I wanted to make them as matched together as well as I could. That was the best flow that we came up with. Since the building will be slightly down the hill, even though it's at that level it'll still look much shorter than the house. If we went much shorter it would limit us.

Mr. Baldin – Right because of the topography of the property.

Mr. Rusnov – Correct me if I'm wrong, but that one foot variance for height would be on the right hand side. The rest of the building is not going to be at 16'.

Mr. Dorr – Correct.

Mr. Rusnov – Only a portion of the building would be at 16', the rest would be at 15' or less.

Mr. Dorr – Correct. That pitch follows the same as the house's roof so in order to keep the pitch at Code we'd have to drop it a foot all the way across which would limit us in space quite a bit on the inside.

Mr. Rusnov – This is the same roof line that you have on the house, correct?

Mr. Dorr – Yes.

Mr. Baldin – So it would conform.

Mr. Evans – The one thing you may want to think about is the fence because we haven't done fences like this in the front yard. Once we set a precedent it's hard to close the Pandora's Box again. Our disposition may not be to look at that favorably, but we might consider the other pieces of this. So have that in mind. 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

1) MARTIN DORR, OWNER, Cont'd

Mr. Evans continues - with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on November 8th. If you think about the fence and you come to some conclusion you come to as to how you might change it, let Kathy know so she can adjust the agenda that night. Either way the public notice will go out with how it is tonight.

Mr. Rusnov – Also would you consider cutting the size of the structure down from 1492 SF?

Mr. Dorr – Yes, I'm willing to work with whatever we can do to get this done within reason. I still have to make it a legitimate enough size to make it useable.

Mr. Rusnov – Well this turns into a cost saver for you if it's a couple 100 SF smaller.

Mr. Dorr – Potentially, for what I'm looking for, I'd like to get as much out of this as possible.

Mr. Rusnov – Please consider it.

Mr. Dorr – Absolutely.

Mr. Evans – Because our propensity is to try and minimize variances as much as possible. If we let everyone put in a 1400 SF building, we'd have lots of big buildings in this City. Some people down the road, after you've sold it, could decide that they could turn it into another house on the property, or a business, etc. So we try to minimize it to what you might really need. So if the 1400 SF is reduced to 1200 SF maybe it will still accommodate your cars, and also accommodate the City's need to minimize variance requests. Should you choose to do that have that information with you at the next meeting, or even more preferable would be to get to Kathy as soon as possible so we can look at it before the next meeting.

Mr. Zamrzla – Not to discourage you from talking to your Brunswick neighbors, but the 500' radius only goes to Strongsville residents.

Mr. Dorr – OK. Thank you.

Mr. Evans - We will invite you back on November 8th. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

2) **TIMOTHY AND THERESA FAGAN, OWNER, Diane Bija of New Creation Builders, Representative**

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which prohibits an Accessory Structure in a side yard and the applicant is proposing a 240 SF Accessory Structure in a side yard;
- b) Requesting a 48 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 240 SF Floor area is proposed in order to construct an Accessory Structure; property located at 20795 Oak Trail Court, PPN 391-23-038, zoned R1-75.

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

Ms. Bija – Diane Bija, New Creation Builders, 5309 Barkwell Ave, Cleveland, Ohio.

Mr. Evans – Thank you Diane. You're a regular so you know the routine here. Tell us about the request for the variance.

Ms. Bija – I don't think that I realized when we submitted this that you would consider part of what we were requesting in a front yard. I was under the assumption that the beginning of this building, even though it was in a side yard, was not in a front yard. I'd have to go back to the homeowner and recommend that we move it back. It can't be more than three feet. So I think that's very possible.

Mr. Miller – I'm not sure where you're thinking it's in the front yard. It's in a side yard.

Mr. Bija – I'm sorry I misunderstood in the other room. I thought I had overheard someone say to move it back.

Mr. Miller – No it's not in a front yard.

Mr. Evans – Well one of the things we were talking about is that there's a requirement that it be 5' off the lot line. When we looked at the drawing, there was no dimension given. It appears that the location on the drawing is less. We just wanted them to know that it would have to be 5' off the line.

Ms. Bija – I discussed the setbacks with them, that's entirely my fault that it's not on there.

Mr. Evans – We also have an existing shed out there, Diane. What's the intent on that?

Ms. Bija – That's coming down.

2) **TIMOTHY AND THERESA FAGAN, OWNER, Diane Bija of New Creation Builders, Representative**

Mr. Evans – You're sure?

Ms. Bija – We are hired to demo it.

Mr. Evans – OK. That makes sense.

Mr. Rusnov – You're correct, judging by your drawing you're only missing it by a few feet. So if you slide it back then you're in the backyard and not the side yard.

Ms. Bija – I don't think when I did my rear lot calculations I realized that. So yes. I'll suggest that we move it back a little bit, and that we'll be at least 5' off the lot line.

Mr. Evans – Then it's just the sides.

Ms. Bija – The sides is very minimal. So we're appreciating that.

Mr. Baldin – There's plenty of room back there from what I can see.

Mr. Houlé – The new garage will be flush with the existing cement driveway?

Ms. Bija – That was what our intention was. If we have to put in more concrete that's OK because I get it at \$4 a square. I think if you guys are giving us 48 extra feet, the least we can do is move it back a little bit. The homeowner is very, very easy to get along with. I think he'll be more than happy to accommodate.

Mr. Rusnov – So this is a relatively easy fix.

Ms. Bija – It really is. I didn't know it was broken, sorry.

Mr. Baldin – They have a lot of concrete back there right now. So a couple more feet won't make much difference to them, I'm sure.

Ms. Bija – They would be crazy to not just comply.

Mr. Evans – If that happens then we can eliminate (a) on this correct? If the homeowner agrees to that contact Kathy as soon as possible for the next meeting. It will go as is to the neighbors. Is there anything else? OK. Then we'll see you on November 8th.

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative**

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires handrails on the deck stairs associated with #RDECK 16-2636 and where the applicant did not install handrails on the deck stairs at 22341 Pinnacle Point, PPN 392-13-056, zoned R1-75.

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

Ms. Ziernicki – Michelle Ziernicki, 22341 Pinnacle Point, Strongsville. Joseph Wilson is not here tonight.

Mr. Klonowski– Phil Klonowski, Owner of Klassic Decks, 2921 Center Road, Brunswick.

Mr. Evans – OK we are looking at a request to appeal the decision from the Building Commissioner. We talked about in caucus that it needs to be a graspable railing according to the Code. One of the things we talked about in caucus was that this is a rather high and steep stairs. There are perhaps safety issues that may be involved in that consideration. If you would, both or either of you, address those issues and why you think the appeal is appropriate.

Mr. Klonowski – Speaking to Mike on this issue, and being very familiar with the Code and also being in the deck building business for over 20 years, I guess there's two parts to this meeting. Not to waste anyone's time, but there is a confliction with the Code and with things being approved throughout the City every single day. I'm going to bring a couple pictures up for everyone's review. Part of the reason for this meeting is that we've never had this brought to our attention and maintenance free decks have changed dramatically over the last 15 years. Over the last 5 or 10 there's been a lot of changes, but this issue has never been brought to our attention by any municipality in Northeastern Ohio in which we cover 72 cities throughout that area. This is the first time we've been suggested to put on a graspable handrail on it. I'm very familiar with that, when we did wood decks putting a graspable hand railing on was very easy, minimal and cost effective. When we sold this project to this family, we never had it brought to our attention before in the City of Strongsville. Maybe we never had this railing submitted in this City, I don't know that for sure. It's never been brought to my attention before or I wouldn't be here tonight to understand the situation. We're a contractor that builds 300+ decks a year. We're very familiar with the Code. What we're requesting from you is to allow this to remain as is. Not that we would be against putting in a handrail, but for a maintenance free deck there is an expense to put it in. I wanted the parties to understand that the cost in this situation on this staircase would be upwards of \$1500. That was not an expense that we thought of at the beginning of this project. I don't want to make a decision based upon an expense, but I wanted to exhibit another railing that is approved every single day. It's throughout the entire City, not that I want to shoot myself in the foot, but this is approved with no questions and it doesn't meet a graspable handrail requirement either. This one has a graspable top, and this one has a graspable side. They all are built within 34" and 38" in height, and they are all built with a maximum of 36" wide. That's what the

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Klonowski continues - discussion has to be about consistency not only on this job for any other decks that are built throughout that community and the City.

Mr. Rusnov – You said it has a graspable top, and then the other one has a graspable side.

Mr. Klonowski – Right, you have a full graspable side when you're going down that railing, and this one has a graspable side. This one has the graspable top. Neither one of these handrails meet the Residential Code which requires a full inch and a quarter graspable surface to reach your hand around like you would going down your basement steps. This railing is approved every single day, and this is the railing that Ms. Ziernicki wanted because of the clean look and the flat rail cap.

Mr. Rusnov – Where is it approved?

Mr. Klonowski – I'm saying we've built this railing throughout all municipalities and I've never had anyone not pass it on the final inspection. They have never even brought to our attention that they require a graspable handrail on it.

Mr. Rusnov – Do you think it was possible that it's an oversight?

Mr. Klonowski – I can't answer that question, but I can tell you that I've built over 4,000 jobs, and this has never happened before.

Mr. Rusnov – Is there anything like it in Strongsville?

Mr. Klonowski – I can't answer that question. I could tell you there is another job in Strongsville, but I'm not going to. I don't have that address, but it's going to run into the same problem. Just going through my pictures today I found another one, and I knew it would be coming up on the next agenda. Part of this meeting is also so moving forward, I can know to notify my customers and my salespeople ahead of time if they want to use this popular style of railing we need to let them know they'll be required to include cost of maintenance-free materials to keep it to Code. I understand I told Michelle that we could do an inexpensive fix on this which would be putting a wood graspable handrail on that, but that would be a wood handrail on a maintenance-free deck that was very expensive. Number two it would require drilling holes regardless how we do it into her maintenance-free post. The customer understands where we're at after many discussions, and she doesn't want to start trouble with the City. She is just saying that she's happy with it as is, and it meets their needs. I understand from the City's perspective where you're coming at this, but that's what we have to figure out.

Mr. Kolick – If that doesn't meet the Code, which you're saying it doesn't meet the Code because it's not graspable, and someone does fall they will be exposed to liability. I'm not talking about

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Kolick continues - that one, I'm talking about what you've got built. It's something they need to think about regardless of what happened here. Even if we reversed the decision of the Building Commissioner, it doesn't meet the Building Code, so if someone falls and they can't grasp it because it was slippery from rain or something they could be exposed to liability.

Mr. Klonowski – I would like the City to understand because this goes beyond this job that it's a problem on almost every single deck in this entire City that is made with a maintenance free railing. None of them have a graspable handrail on them. I shouldn't say none of them, but 98% don't.

Mr. Evans – At this point, one of the things that I look at because I do risk management for a living in the Insurance side, and given the steepness and the height of the stairs because it's not just two or three steps it's considerably higher. Here not only do we have to look at whether the Building Code is correct and everything, but oftentimes we have to be the one that says for the resident that we're going to uphold something because it's the right way for the resident even if they may not want it. It's ultimately protecting them. Mr. Miller, Classic has presented another railing system that meets approval, but not necessarily Code in other communities. Are we aware that it has been presented in Strongsville as an option for railings on a deck that we have or have not approved?

Mr. Miller – I couldn't say to any specific case at this time. We'll probably want to look at that railing in person. There are two different types of handrails, type one and type two rails, which are permissible by Code. Even though we think of a graspable handrail as something that we can simply wrap our hand around, some of those handrails are permitted to be on the top where you could slide your hand down. Other than the fact that the post in that one picture that he showed, it would have to be a continuous run. So therefore it would not meet the Code in the photo you showed.

Mr. Klonowski – It's a tough one, know what I mean?

Mr. Miller – It is tough especially with the maintenance-free decks. When everything was treated wood it didn't make a difference you were staining for 40 hours and this you're power washing for an hour and a half.

Mr. Klonowski – Putting dollar fifty bracket on the side with a two by two balusters down it with a return. This was costing you a couple of dollars, and it was very easy to do. In the world of maintenance-free decks they don't make a lot of options for that other than the ADA aluminum powder-coated graspable railing which has a lot of components to it if someone wants to continue it maintenance free. That's why we're asking for consideration and things to look at. This is the world of the future. No one wants to build a wood deck anymore. So we all need to understand what the right answer is.

Mr. Kolick – Do they make a maintenance-free railing that would comply right now?

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Klonowski – No. That exhibit that I put in there, the graspable thing, you'll find that. It's for ADA requirements that is requiring a continuous graspable handrail is what that is. As far as a true railing that would meet a continuous run like you're saying, no. No.

Mr. Kolick – I know if this were to get sold through FHA, VA, and whatnot, they come and look at these, would they approve a railing like that? Only if you know, I don't know the answer to that question.

Mr. Klonowski – I have house inspectors coming through all day long, and you look at typical Code 4" spacing in your balusters, 6" spacing on your stair openings, 36" wide, no more than 8.25" tall, etc. These are all the things that people look at, and it's approved. It's safe, nobody, and again that's why I'm here, no one has contested this before. I'm here to find out the answer. I need to know this, and no one else has brought anything that says you have to put a graspable hand railing on these decks before this job. We're not trying to contest necessarily, we're just trying to find answers.

Mr. Rusnov – Maybe I can save you a little time. Why don't you make a phone call to the Cleveland office of Veterans Administration downtown to the Loan Guarantee department and ask them that. Send them pictures and see if that conforms to the VA requirements. That might be a simple way to resolve this. A simple yes or no would work.

Mr. Klonowski – You think it's going to be relative to the Strongsville's requirement if the VA is going to require it?

Mr. Rusnov – Let's just say we'd consider it.

Mr. Klonowski – I understand.

Mr. Kolick – We want to make sure for all the homeowners in the City that they're able to sell homes that will pass VA and FHA requirements. It certainly is a factor that we take into account, especially if they say absolutely not. I think that would actually aid in our decisions because we want the homeowners to resell their homes with VA and FHA financing.

Mr. Rusnov – I'll even give you two names, Zetti Adams and John Diaz.

Mr. Klonowski – If you happen to have their numbers...

Mr. Rusnov – I don't have them memorized, this is about as good as you're going to get out of me. They have about 30-40 years' experience in VA loans. It's a suggestion, and don't use my name.

Mr. Baldin – Would the railings be made from PVC pipe, aluminum or what?

Mr. Klonowski – What is this railing made out of?

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Baldin – No, that's your composite deck, but if you had to put new railings in what would you use?

Mr. Klonowski – The graspable rail would be required to be made out of a powder-coated aluminum.

Mr. Baldin – Powder-coated aluminum, and what you're saying is that it would be maintenance-free, and PVC pipe would also be maintenance-free, right? One is more expensive than the other? The second question is can we get away with a handrail on one side?

Mr. Rusnov – Yes.

Mr. Klonowski – Code allows you to put one handrail on one side, but my concern was that Code requires that a stair opening be a minimum of 36". One of the concerns I have is that we build our steps at 4' wide, because by the time we subtract out the size of the post and the railings, we're left at a 38" opening right now, and that starts at a 48" wide opening. If I was to put the ADA graspable handrail on it it's going to stick out about four inches, so that's going to shorten my opening to 34" which then doesn't meet Code for the width then.

Mr. Miller – You can put a handrail in the width of the stairway. If measured at the handrail, it can't project any more than 4.5" into the required 36" width, but the minimum clear width of the stairway at or below the handrail, including treads and landings, with one rail is 31.5". That the stairwell Residential Code.

Mr. Klonowski – For any stairway opening or just with the graspable handrail?

Mr. Miller – With the handrail installed.

Mr. Klonowski – You can't build a stairway 31" wide.

Mr. Miller – No.

Mr. Klonowski – But because of the handrail they allow it.

Mr. Miller – That's the same as how the Ohio Building Code allows an encroachment into the clear space.

Mr. Klonowski – That is something good to know.

Mr. Evans – OK? Alright, so the public hearing for this is scheduled for November 8th. We'll invite you back at that time. Do we advertise for this? We do, OK. So we'll send a notice out to everyone within 500'. So neighbors will be made aware of the request to appeal.

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Klonowski – I can't make the November 8th meeting, I know that for sure, because I'm leaving town on that day. How does that work if I can't be here on the 8th?

Mr. Kolick – We can do either of two things. One, we could proceed without you here, but if you're more comfortable being here we could just set it for the next meeting instead. We haven't posted it yet, so we can post it for the meeting after if that's what you'd like to do.

Mr. Klonowski – That would be December 8th?

Mr. Miller – November 29th.

Mr. Kolick – Would you like us to post it for November 29th? We could post it at that time if you'd like.

Mr. Klonowski – I'm actually heading out of town for three weeks in November. When is the next meeting?

Mr. Kolick – December 8th?

Mr. Klonowski – December 8th would be perfect. So we'll let you know on that.

Mr. Kolick – Please let us know tomorrow because she has to post it if it's going to go forward for the next meeting.

Mr. Klonowski – I can tell you right now that December 8th would be perfect.

Mr. Kolick – Is that when you'd like us to set it?

Mr. Klonowski – Yes.

Ms. Zamrzla – It's not on December 8th. It's on the 13th.

Mr. Klonowski – Even better.

Mr. Evans – OK. December 13th.

Mr. Klonowski – That's a Thursday again?

Mr. Evans – Wednesday.

Mr. Klonowski – Right, OK.

Mr. Rusnov – One last shot.

Mr. Klonowski – I'll call those folks.

3) **MICHELLE ZIERNICKI AND JOSEPH WILSON, OWNERS/Klassic Custom Decks, Inc., Representative, Cont'd**

Mr. Rusnov – They should be able to give you something in writing. We can't just take your word for it that he said that it was OK and to go ahead and do it. That's not the way it works.

Mr. Klonowski – It's a State Code, and I know there's issues to go against that.

Mr. Rusnov – We'll consider what they have to say.

Mr. Klonowski – Absolutely, and I'm going to give them a call. Thank you.

Ms. Zamrzla – The public hearing notices will not be going out tomorrow, they will not go out until two weeks before the meeting. So it'll be the beginning of December or the end of November.

Mr. Evans – OK. Thank you.

Mr. Klonowski – Thank you.

PUBLIC HEARINGS

4) **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 – OK. Now we'll move on to our public hearings. Item number four is Goodwill Industries with Nathan Wellman or whomever is here to represent them. Please come up to the microphone and give us your name and address for the record.

Mr. Lane – Bart Lane, Goodwill Industries, and our store is located at 16160 Pearl Road, Strongsville.

4) GOODWILL INDUSTRIES/Nathan Wellman, Representative, Cont'd

Mr. Evans – Thank you, Sir. Alright, we have you here because you have asked for a number of variances regarding signage on Pearl Road. You were sworn in, correct?

Mr. Lane – Yes.

Mr. Evans – You came in right at the right time. You were right there.

Mr. Lane – Yes. I found out that it wasn't where you fill the applications out. So I had to get over here quickly.

Mr. Evans – Right. Alright. The variances on the signage, you asked for higher and bigger and everything else. When Robert Gamperl was here the last time we talked about options. I believe one of them being investigated by Goodwill is going to Goodyear to see if they are willing to work within the signage that is there, and put both of them on the existing sign. Would that be correct?

Mr. Lane – That is correct. Basically I'm here just to ask to table the vote until further discussions can be had. Unfortunately this isn't on the top of Goodyear's' priority list, so it's taking a while.

Mr. Evans – I can imagine. Getting it on the Cavs uniforms probably trumped this. What I'd like to do before we react to your request to table is get the public hearing out of the way.

Mr. Lane – 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 declare the public hearing closed. Then we'll entertain your request to table it. If that is what you'd like to do, we'll table it to November 8th. Perhaps Goodwill will have an answer by that time. As soon as you know when you've got that back, contact our building department and let us know so we know when to put you on the agenda. Then we'll deal with it as soon as that decision is rendered by Goodyear.

Mr. Lane – That's fine, thank you.

Mr. Evans – OK. Anything else? OK. You're all set. Hopefully we can get it on the November 8th meeting's agenda.

5) WILLIAM MCVEY/David M. Leneghan, Representative

Appeal from the decision of the Building Commissioner, pursuant to Codified Ordinance 1402.01 RCO Adoption, which requires inspections for permit #RALT 17-2294 and where the applicant did not request inspections at 10354 Eastland Road, PPN 391-27-033, zoned R1-75.

Mr. Evans – Number five on our agenda is William McVey with David Leneghan representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Leneghan – Good evening I'm David Leneghan, my office address is 200 Treeworth Blvd., Suite 200, Broadview Heights, Ohio 44147.

Mr. Evans – Thank you.

Mr. McVey – William McVey, 2392 Boston Road, Hinkley, Ohio 44233.

Mr. Evans – Thank you. Alright, so Mr. Leneghan, are you taking the lead-off on this?

Mr. Leneghan – Thank you again members of the Board. As I mentioned when I was here two weeks ago, taking the items in reverse order made the most sense, and I still think that's the case. There's the issue of the kitchen being remodeled without approval or inspection. I had mentioned that under the Residential Building Code of Ohio that tiling, carpeting, cabinets, countertops and finish work is exempt from approval. We were happy to provide to you pictures of the kitchen. You can see from the pictures, the before and after, that there was no electrical removed, no drywall removed. The cabinets and countertops were removed, and new ones were put back in. Also there was new tiling put on the floor. You had requested to see some pictures, and we were able to get some of those for you to show the work that was done in the kitchen. The next item was the electrical load center. The McVey's indicated that they were not the ones that did the installation of that. I understand from the caucus at the prior meeting, there was some electrical work that was done with the bank or something before them. Maybe it had something to do with them. Nonetheless the City did ask him to have an electrician look at that stuff. We provided that to them, with their request for the permit. That was a licensed electrician in the State of Ohio, Jim's Electric. I think with the load center that was easy to dispense with as well. As it relates to the next two items, two and one in that reverse order, the wiring in the basement and the insulation, he was being adjudicated for failure to expose that wiring and insulation in the basement. We had mentioned to you that when the one inspector was out there, Mr. McVey indicated to him that he'd be happy to expose it to him, and made that available. He said he'll make a call, and figure out if he needed to, and in the end he didn't do that. Subsequent to that the McVey's had sold that property. As it relates to the violation that he did not expose the wiring in the basement or should, he had indicated that he was willing to do that. Again, you had asked some questions about some pictures, and he had the one picture, the first one, that shows the insulation up to four feet. He had put the drywall in and painted that. It also shows the wiring there, and the drywall that was done

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Leneghan continues - around that hot water tank. Those were the only pictures that he had of the before, but he had some after pictures of the basement. That was the only before picture he had sent to my office, and provided to you at the same time. We would ask that if you have any other specific questions we'd be happy to address them, and that you then grant the appeal.

Mr. Evans – OK. Thank you Mr. Leneghan, we had asked for some clarification from the Building Department regarding how we had proceeded on this. So Mr. Miller, are you able to provide that?

Mr. Kolick – Mr. Miller should take the microphone on the floor if he's going to be a witness like any other. So that would be appropriate.

Mr. Evans – Thank you, Mr. Kolick. Thank you, Mr. Miller.

Mr. Miller – For some history on the property in question. We received an application on July 21st of 2016 from a management company to have the power turned on. The house was vacant, there were existing property maintenance and Building Code violations. In your packet, you were given some photos that were taken on July 25th as the inspection detailed the exposed insulation in the basement, the exposed studs in the basement, and I think it also showed an exposed Romex cable in the kitchen where a microwave at one time was. On December 6, 2016, that project was archived as incomplete with a statement that said that new owners had taken over. On December 6, we received another application from some property managers for an inspection to get the power turned on. I was on site January 11, 2017, and failed the inspections for the same reason **that was the first time they failed. We have photographs of those of the exposed studs in the basement, the insulation, and you should have copies of the notes that were made at that inspection.** On January 11, 2017, we posted a condemnation order on that dwelling in accordance with our Codified Ordinances, Chapter 1472, which states that any building or structure in relation to the existing use constitutes that a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment in which constitute a public nuisance are declared to be unsafe structures. Our policy in our Department is when we find homes that have been abandoned or in foreclosure, and have problems, we condemn them to protect the housing stock in this City. It's to stop unscrupulous contractors from buying those houses, coming in, and throwing some paint up, and then we inherit a nightmare. So that is within our Codified Ordinances to post these condemnation orders and a copy of that order was taped to the front window of that home on January 11, 2017. That notice was subsequently removed by someone, but we're not sure who did that. To go into the things that were discussed by Mr. Leneghan, first of all, the kitchen in accordance with the Residential Code of Ohio, Chapter 1, Section 102.10.2, says that replacement of branch circuit overcurrent devices are not required by Ordinance or by Code, and we agree with that. If they start to replace any wiring in the home, then an approval is required. Additionally, in 102.10.2 under minor repairs, it says nor shall ordinary repairs include the addition to, alteration of, or replacement of, or relocation of any electrical wiring. In the kitchen where it was remodeled, in your photos that Mr. McVey submitted, you'll see a peninsula counter top and in accordance with

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Miller continues - the Residential Code of Ohio, Chapter 1 section 113 for Existing Buildings, no alteration can be made that would then violate the existing Code. The 2014 National Electric Code requires an outlet to service that countertop. That's where we get to the point where we had said that you would need to bring the kitchen wiring into compliance with the current Code because of the placement of the new extended countertops. There are specific requirements for the placement of outlets to alleviate the use of extension cords and therefore tripping hazards in the kitchen. Additionally it was stated that an electrician was hired. I want to state as a matter of record that they listed Jim's Electric as their electrician, and we found that they did not have a current registration with the City. We summoned the owner of Jim's Electric to court, James Tweardy. Before he appeared in court, he called me and stated that one of his employees without his knowledge misrepresented the company as a representative for Jim's Electric and performed that work. That person was brought to court with Mr. Tweardy. We attempted to pursue action against him with the Ohio Construction Industry Licensing Board because he was not licensed as an electrical contractor in the State of Ohio. They were told by the Board that they do not administer those two residential contractors. Our concern is that we don't know if that person was a first year apprentice or a 15 year journeyman performing the work. So we have issues with the work that was performed especially since it was concealed. In the photos that were presented by Mr. McVey, it clearly shows that the basement ceiling was removed and that the first floor joists were exposed. Therefore those recessed lights were added with new wiring. They couldn't have been added without wiring. So whether that circuit was extended from an existing circuit, if that is the case, an extension of an existing circuit under the 2014 National Electric Code required arch vault protection. Additionally we have to make sure that the cable that was installed above that now dry walled ceiling meets the minimum clearances for the placement of the wire so if anyone were to anchor anything to that ceiling or drill up through the drywall and pierce the cable, because then that could be a potential fire hazard. Additionally Mr. Leneghan stated at the last meeting that he did not think there was a requirement for inspection for insulation, the Residential Code of Ohio in Chapter 11 does require insulation in basement walls. Our concern was that with the house being vacant for well over a year, there is a sump pump in that basement, no power was at that house, and obviously the reason the drywall was removed was because water got into that basement. We don't have any record of that. We only have reports from neighbors that the basement at one time had a lot of water in it. You can see from the picture that they cut up four feet of drywall. Our concern on that issue of the insulation was that if that insulation was wet it could of wicked up into the insulation and so there could be a mold issue there. We didn't want that concealed at the time. Additionally at the first meeting, there was some mention that they didn't understand that there were permits or inspections required. When the permit was issued, the required inspections were listed on the left hand side of the permit. I think you gentlemen should have a copy of that in there. I have had numerous discussions with Mr. McVey prior to this meeting. He took possession of the dwelling in May of 2017 according to the auditor's website. We talked about the requirements for the things that needed to be done. We had some concerns about the existing heating system whether it had been damaged due to flooding. We wanted that inspected and certified by a licensed contractor. That contractor did certify that, we

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Miller continues - additionally wanted some sort of certification of the wiring system because we were not sure that the wiring that was in the wall hadn't been compromised due to moisture. Again, that was concealed without inspection even that portion of the wall or a verification that the insulation integrity was indeed still intact. So we proceeded to the point where we got to inspections, we were called and were told that the job was done without the required inspections as listed on the permit. We sent our field inspector Brian Roenigk, he's our Electrical/Building Inspector, out to look at the job that was done. We advised him to go out and take a look at it. See what is going on out there and then we'll make a decision. He went out and everything was pretty much concealed. Somebody replaced the panel because the pictures that we took originally you'll see that the panels are different. The door hinge opens a different way than what is currently there. As of January 11, 2017 the old panel was still there. The new panel had not been installed. That was the last time I was in the dwelling.

Mr. Evans – Mr. Miller, if the applicant took ownership on May, 17, 2017, that transition of the electrical panel would fall at his responsibility because he's the one that sold the home and had the work that was written up on the application done, correct?

Mr. Miller – It could be that the second electrical permit that was issued for the power restoration was never completed. It's still an open permit of over 300 days in our system.

Mr. Evans – It will become the responsibility of the current owner.

Mr. Miller – Whomever bought the house would have to comply with whatever that was.

Mr. Kolick – So the Board can understand that. If that electrical panel was changed either by Mr. McVey or by the prior owner when Mr. McVey was applying for the Building Permit and Occupancy Permit, you'd still need to check that panel and make sure that the panel complied. Whether he changed it or the previous person changed it.

Mr. Miller – That is correct. We would have done that inspection as part of our inspection through the house. Our Electrical Inspector would have opened that panel up, seeing that there were new breakers installed just to make sure that the wiring within the panel and the terminations on that new breaker were compliant with the National Electric Code.

Mr. Kolick – What would you need to look at? Both in the basement and in the kitchen, that would need to be exposed by the applicant or the current homeowner for you to know that everything complied with the legal requirements of the Codes?

Mr. Miller – We would have to be able to verify the wiring system was done correctly above the ceiling at some point. Not to say that the whole ceiling would have to be cut down, but there would have to be some access so that we could verify that whomever installed that wiring installed it

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Miller continues - indeed with the correct clearances from the bottom of the floor joists where they bored through. Then we'd have to make sure there was no splicing in the ceiling; that in the light fixtures, because the ceiling is solid, there can't be any splices above that ceiling. In the kitchen, again we go back to the compliance of 210.52 of the National Electric Code which requires that no space on a kitchen counter be more than two feet from an outlet. That's a big issue. That's a big issue that when a kitchen is remodeled, obviously houses that were built in the 50's if you had two outlets on the counter you were good to go. That leads to extension cords and plug strips these days which is a hazard. At the very minimum we'd want to see an outlet installed on the long end of that peninsula counter to serve it. Someone could run an extension cord from around a wall, and there's a tripping and electrical hazard, a burn hazard if something was pulled off the countertops. So that would be the bare minimum that we'd want to see done in our inspections.

Mr. Evans – Are there other questions?

Mr. Rusnov – No.

Mr. Evans – Alright, thank you Mr. Miller. Mr. Leneghan or Mr. McVey do you want to come back up?

Mr. Leneghan – The one thing I didn't hear from him was the position from Mr. McVey that when the inspector came out he specifically told him that he'd be happy to remove any drywall that he needed to expose whatever he wanted. They've simply not responded to that, and I would assume at this point that they've conceded that issue. That's what he's being cited for. As it relates to the claim that there's some electrical in the floor joists exposed in the basement, from the very first picture that was provided to you, you can see in the top right hand corner that there's a light fixture. The wiring that went to the finished product, the can lights, is the exact same wiring that was there before. The only thing that would have changed would be changing this fixture that was a light to a can fixture. The wiring didn't change, it was already run there. As it related to the arch vault, they went out and looked at that, they opened up the load center. It didn't take rocket science to open a panel to determine whether the panel was correct or not. They had the opportunity to do that, they either choose not to, or they are just making a claim that there's an issue with that. They're not even claiming that it's in fact an issue that they're being cited for. What they are citing for is wiring in the basement that's being concealed. Not that they didn't get the chance to open that, because they did have that chance to open it up. They just choose not to. The wiring in the basement was not concealed. We have the picture there to prove that it wasn't, and they gave them the opportunity to do it. He just didn't do it. What do you do? Say that you can't sell your house until two more weeks later when you come back? That was not denied. As it relates to the kitchen and the claims that now there needs to be a whole lot more electrical put in there. It's the same as before. The electrical wasn't done. If these cabinets weren't changed, which there's no violation of putting cabinets in because as I said they are exempt. He's claiming that when you do this work you now have to bring something up to Code. It's the exact same as before. So if they

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Leneghan continues - would have left and the house burnt down it was the exact same. I think they're making a great and unwarranted leap because there was no approval process required in the Code for that in the first place because cabinets and countertops are exempt from the same statute that I stated before that he's citing as it relates to the arch vault. That's 101.10, Building, number 6. Painting, papering, tiling, carpeting, cabinets, countertops, and finish work is exempt. The kitchen is exempt. I don't know what to say about the load center.

Mr. Evans – I don't mean to interrupt you, but he did mention the fact that there was wiring for a microwave that was changed?

Mr. Leneghan – I think he was mentioning that there were pictures from 2016 or prior to his ownership in early 2017 when someone else was doing something about a microwave being exposed at some point. I don't know what that is, I'm not privy to that picture, and I haven't had an opportunity to speak to my client about that. As it relates to the microwave, the same wiring that is there in the wall servicing that microwave from before is the same that is servicing the current microwave to date. No new wiring was cut open to rewire and it's in the exact same spot as the previous microwave. I can tell from the new pictures that it's on the right of the window in this open area above the stove area. That's the same thing that's there now. I don't know what to say about that.

Mr. Evans – That would be the same argument that there was for in the basement that there was one florescent light fixture that became four or however many number of cans.

Mr. Leneghan – No there's one picture of one. There were other florescent light fixtures, I'm just saying that from the one picture we have, that is in the identical location as where the other was. The lights are right where they were, he just replaced the florescent to a can light. The wiring stayed the same, as I understand it.

Mr. Evans – OK.

Mr. Kolick – How do we know without physically looking at what he did with that wiring when he changed from one to another, whether he had to splice it or cut it back or whatever, that is the whole reason for the inspection so that we'd have an opportunity to see that. As far as your timeline, you're correct. He doesn't have to wait two weeks for it, but the Code gives us four days to inspect once he requests the inspection. So I'm sorry if that holds up a sale of the house, but we have certain things we have to do in a certain period of time. Under 108.1 it says we have to come out and see it. I know you're saying you didn't want to hold up the sale of the house for two weeks, but we have to do the inspections to make sure the improvements are safe. I'm hearing here tonight that there were at least lighting fixtures changed in the basement that we didn't know about before. We have to inspect those, hopefully everything was done right. We don't know that

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Kolick continues - though, we don't know where he took the wires and where they're at in the ceiling. We need to see if they are right above the drywall.

Mr. Leneghan – That opportunity was provided and given to them. He was there. He said I will do this for you. Then to be cited for it for failing to do that, there's a problem there. So you can't be cited for not doing something that he was there to do. Maybe if he had been cited for something different. Here you have failure to expose wiring in the basement. He said he would do that for you. Then for him to be adjudicated for failing to do that. There's a disconnection with that. You can't have it both ways.

Mr. Kolick – What I'm saying is that at the time the inspector came it was already covered. That's the violation. It shouldn't have been covered until after the inspector saw it. That's what the problem is. He didn't see it. I don't know what he offered or didn't offer, but the fact is that it never should have been covered to begin with before the inspector saw it. The inspections were on the sheet. The inspector needs to see it. That's what he's being cited for. Not whether he offered to bring down the ceiling or whatever he offered to do. The fact is that it was already covered. What our inspectors do, they're not going to have someone bring down the whole ceiling, and they'll come back and talk to the Building Department to see how they wanted to proceed. Then the Building Department then states what they need to have done, but it was already covered when the inspector got there.

Mr. Leneghan – The inspector was there twice, and the offers were made to him twice, not just once. Several times he said we can expose this wiring if you think there's an issue. He said there was no issue, and it wasn't a problem. He said that it wasn't redone. If you have a concern because something is concealed, and you have a belief that you need to see something that you want to believe is correct. That was provided them twice.

Mr. Evans – Mr. Leneghan, I might be inclined to agree with you had we had a qualified licensed electrician that had done the work. At this point, there's not a whole lot that convinces me otherwise and I believe the Building Department did the appropriate thing in giving the citations. I understand that Mr. McVey is doing a first time renovation in this City, and it's unfortunate that things didn't go the way he wanted them to. I can only see that information was furnished to him. Then things were covered up, and things were done, and it's an expensive lesson to learn, but I don't see in my opinion that you've presented any information that changes that.

Mr. Leneghan – I respectfully disagree with you although I understand your position. Any work that was done was either done by himself and you don't need a licensed electrician for that, and when the City asked for him to have a licensed electrician, he went out and got one to do that. To get the arch vault and all those other things, you have a scope of work that the gentleman performed. There was no load center on that. To confirm that some load center was done. There was putting in the receptacles, it was very minimal work that was done. There was no work on

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Leheghan continue s- that by the electrician to run a 1000' of electrical cable. You're asking for something that is just not there. You can't prove the negative.

Mr. Kolick – Mr. Leneghan, let me ask you about the kitchen, did he install a microwave or wire a microwave into the kitchen or was that already there.

Mr. Leneghan – The microwave was moved and put back in.

Mr. Kolick – The microwave was moved. Who did the wiring installation for that, to move it?

Mr. Leneghan – There was no wiring to be done. You just disconnect the microwave, and then you put a new one in.

Mr. Kolick – He just plugged it into a receptacle is what you're saying. Was the receptacle moved?

Mr. Leneghan – I honestly don't know. He'd have to answer that.

Mr. Evans – Mr. McVey?

Mr. McVey – In the old kitchen, the microwave was in the same spot. The wire was in the cabinet. You can't see it from the picture because we don't have pictures of the old kitchen. We didn't open the doors to take pictures of it. That's where the microwave was plugged in. If you look at any above stove microwave, it's plugged in inside the above cabinet. That's where it was plugged in at, and that's where the current one was plugged into. I unscrewed an outlet cover, unplugged it, put the new cabinets in, put the new microwave in and plugged it in, and it worked.

Mr. Kolick – OK. Was there an island that was extended in the kitchen?

Mr. McVey – No, it's the same exact layout.

Mr. Leneghan – It's not an island, it's a peninsula.

Mr. Evans – It's an extension. In relation to the kitchen wiring, I'm inclined to say that microwaves get plugged into a receptacle, and based on your definition of cabinets and countertops being exempt I would say that probably on the kitchen wiring that might be correct. The other circumstances, I personally don't agree with on that. Are there any other questions from the Board? This is a public hearing, and I'd like to get to that so we can get it out of the way.

Mr. Rusnov – No questions.

Mr. Baldin – No questions.

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Kolick – We do have here the other electrician. The Electrician from the City who actually went out to the house. He should probably address the Board about these issues at least to the extent that he's aware of them.

Mr. Evans – OK. We can do that.

Mr. Roenigk – Brian Roenigk, 6 Hampton Court, Olmsted Falls, Ohio.

Mr. Evans – Thank you Brian.

Mr. Kolick – Are you certified in electrical work Brian?

Mr. Roenigk – I'm a licensed Electrical Safety Inspector, Plumbing Inspector, Residential Building Official, and Building Inspector.

Mr. Kolick – Those are current certificates from the State of Ohio? Alright. Maybe you could address the Board on what you saw.

Mr. Roenigk – I'm probably the missing link here. This might help a lot. I went out the first date on August 2nd, 2017. The first inspection was what Mr. Miller said, it was more of a fact-finding mission. I went out there, and saw what was done, and the extent of the work that was done. I saw the new can lighting in the basement, and this was only for the basement. The owner said there were new outlets installed. He said there was new framing installed which was soffiting to cover up the duct work in the basement that went from one wall to another wall. I did know about the insulation, and I asked about it. He said that he did not know if the insulation had been replaced before the drywall had been put up. So after I saw the amount of work, I did not ask him to remove any drywall because he did offer to open up several spots for me, however the amount of work done, even several spots weren't going to satisfy what I needed to see to allow me to sign off on the work done.

Mr. Kolick – What is it that you would have needed to see?

Mr. Roenigk – Well, if I had seen the entire ceiling open because of the amount of can lighting in the ceiling, that would have been sufficient and I could have seen the new wiring possibly going down to new outlets in the wall. That would have satisfied me to sign off on it. By the type of work done, you can usually judge that the rest of the work has been done the same way, but opening up only a couple of spots in the ceiling and in the walls, it just wouldn't have cut it for the framing or the electrical work. I wouldn't have felt comfortable signing off on anything like that. That was the first meeting. The second time I went was August 9th, and that was for the kitchen. The way the City does kitchen remodels is that when new cabinets are put in they bring the outlets up to Code. That's how we've always done it in this City. There's never been an issue with that. No

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Roenigk continues - drywall needs to be taken down in that kitchen just the added outlets need to be done to meet the Code. That would have been enough to satisfy that part.

Mr. Kolick – So in this particular case, when you saw the remodeling of the cabinets that were done, were the outlets brought up to Code?

Mr. Roenigk – No I went over with the owner which ones were missing and which ones needed to be added. He said that he relocated the outlet for the stove, which I don't know what that meant because I didn't go behind the stove. I didn't do an inspection. It was mostly just talking with the owner about what work was done.

Mr. Kolick – If the outlet is relocated for the stove, is that something that you would need to inspect to sign off on it?

Mr. Roenigk – Everyone's definition of relocating can be different. I've learned that over the years. That could mean new wiring, but people think of that as relocating. It's hard to say until I did an inspection, and opened up boxes to see what I could find.

Mr. Kolick – Were those areas accessible for you to do the inspection at that time?

Mr. Roenigk – There was a stove in place, but it could have been done then. With the extent of the work done in that house, I don't have a whole lot of time to pull out stoves and open outlets. The second meeting was really more of a fact finding mission to see what was going on. During the process of these inspections, one of the pictures I took showed this new panel. The reason I didn't ask them to open this panel was that I didn't know that it was never inspected. I took this picture and showed it to Mr. Miller, and he said that's not the panel that was there when I was there. So I didn't know to inspect it. I thought this was already done and inspected. It wasn't until Mr. Miller and I talked that we determined that between his pictures and Mr. McVey's pictures that this was replaced at some point in time, and no one had seen it. That's why there's some confusion about this. I didn't know to inspect this when I was there because I thought it was already done.

Mr. Kolick – When you inspected the kitchen, were all those cabinets already installed by that time?

Mr. Roenigk – Everything was new and completed.

Mr. Kolick – Did you explain to the applicant at that time that he needed to bring the outlets up to Code?

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Roenigk – Yes I did. I pointed to what areas needed new outlets. The peninsula was one of them, and I think there were two other outlets missing to be in line with the National Electric Code for outlet spacing.

Mr. Kolick – Did you explain that after it was done you needed to come back to confirm that things were done to Code?

Mr. Roenigk – He asked me how he should do it, and I said that I couldn't answer that question. I told him that I couldn't tell him how, but I could tell him what the Code is and where they need to be. I believe he was under the impression that they needed to be done, I don't know if I actually said that he needed to get an inspection. I assumed he knew that when I said that it needed to be brought to Code.

Mr. Kolick – Thank you.

Mr. Evans – OK. Anything else?

Mr. Smeader – No questions.

Mr. Baldin – I think you've covered it very well.

Mr. Kolick – The applicant has an opportunity to present his full case.

Mr. Leneghan – Again, just going back to the kitchen, and I don't care about what the rules are for updating the electrical because he's not cited for that. He's cited for failure to expose the electrical wiring in the kitchen, and from all the pictures that you see nothing was changed that would require the electrical wiring to be exposed in the kitchen. As it relates to the kitchen being remodeled, I've already recited for you the Code where it states that it is not subject to the approval process because cabinets, countertops, and tiling is exempt. As it relates to the load center finally, and once again. I understand that there's a before and after picture. He's indicated that he hasn't done that. If the issue is that needs to provide access for inspection of that load center, where someone needs to go in the basement and open it up, that's not a difficult task to do. We'd have to coordinate that with the new owner, but opening it up to see that everything is terminated properly is a rather simple task. I've been around a lot of electrical and construction stuff, and as I said before I built my own house, it's almost impossible to mess up the connection into the circuit breakers once you have it there. Nevertheless we could take a look at that to make sure it looks pretty and is done well. I think that's an easy fix as it relates to the appeal process on that issue. To secure and provide access for that inspection. I'm not certain why it wasn't done before with the several inspections that he had there. He indicated that he did do inspections, and he indicated that he was there for what he called his review process. As it relates to exposing wiring in the basement, again as it relates to what's being cited for the appeal that was provided, they just didn't do it. Whether

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Leneghan continues - they did it in their own timeframe or not, that was provided to them. They just chose not to do it at that point. I don't see how you can cite someone for something that he's willing to do, and the testimony was consistent with that because the inspector didn't want to do it for whatever reason. I get that, whether he needed to figure out how or what, I don't know, we can't speculate. At least he confirmed that in fact, it was offered and provided. The same thing that he now wants done again. So I'm not quite certain what that's about. I think from all the testimony and what was provided at most, I would concede number three as it relates to the load center. If somehow he bought into the responsibility for that as an owner of a prior task that someone else had done and did not close out that permit. He thought it was closed out or whatever, I think the current owner would have that same problem. I'm certain as the seller he'd like to confirm whatever the City's concerns are with respect to that. Because right, he's probably inherited that problem that wasn't closed out. For that reason I would concede issue three only, and proceed with one, two, or four. Thank you.

Mr. Kolick – Could we have Mr. Miller come up with regard to the load center? What would you need to see on the panel? Is that something that you could see or is it another thing that needs to be uncovered in order to take a look?

Mr. Miller – I would think that any issues with the load center could be seen simply by taking the cover off the panel to make sure that the wiring that is there is terminated, that there's an equipment grounding conductor in accordance with the National Electrical Code that the neutral and grounding systems are bonded together in accordance with the National Code. So all those are visible inspections that could be easily accomplished by removing the cover of the panel.

Mr. Kolick – OK. Then for the applicant, since it's his permit application, he'd need to make the arrangements to do it. I suppose he could contact the individual that he sold the house to and make the arrangements to have us go in and look at it so we could remove this item off the table. Are you willing to take care of that, Mr. McVey and make the arrangements for an inspector in the City to go out to the house to look at the load center?

Mr. McVey – I didn't request a permit for a load center.

Mr. Kolick – I'm not asking whether you requested it or didn't. The point is that you're responsible for it. Even your attorney has conceded that. We just want to take care of it. If taking off the panel, and we can see that it complies, then that's all we need to do on that issue.

Mr. McVey – The inspector opened it up and looked at it.

Mr. Kolick – The inspector says that he didn't inspect it.

Mr. McVey – Then he lied.

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Kolick – OK. Are you willing to do it or not, if you're not then we'll act as we need to act on it. Are you willing to arrange for the inspection of the panel?

Mr. McVey – I'll contact the current homeowner. I just request that he not be the inspector. If he's saying he didn't look at it before, then he's lying.

Mr. Kolick – OK. We will send out an appropriate electrical inspector to do it. One that is certified to do it, whether it's him or whomever. It's up to the City, not up to you to determine, but it will be someone who is certified to do it.

Mr. Leneghan – What Mr. McVey is willing to do is contact the homeowner to try and arrange a mutual time when the homeowner and the City inspectors can go out to look at the load center. I can't promise that she'll do that, but he will promise that he'll act in good faith and try to make that arrangement with her. Whomever the owner is, he'll contact them and use good faith efforts to accomplish that.

Mr. Kolick – Fair enough. My suggestion is that we table item three until we see if Mr. McVey can get the City in there to look at it. Then they can see if the load center is fine. Again our aim is to make sure these places are safe and wired correctly. If it's done correctly, then they'll report to us if it is. If it isn't they'll report that over to Mr. McVey. So item three we can table here at least until the next meeting, and see if we can get this accomplished.

Mr. Leneghan – It might require more time than just the next meeting. I would suggest if possible to table it for three meetings and hopefully by then it'll be inspected. I don't know what you do at that point.

Mr. Kolick – Our fear is safety. I don't want to see something happen in the length of three more meetings. There's no reason for that unless she's out of town or some other reason we can't get in there and get this done before the next meeting. This has got to be done or at least attempted to be done so we can get this inspected as soon as possible. If for some reason this individual is out of town or something won't work then get back to the City about it and let us know. Let's at least get this load panel issue tabled and hopefully concluded before the next meeting, and not three or four. OK? My suggestion is that with that agreement with the parties we can table item three. I think the other items you're going to have to act on here tonight.

Mr. Miller – I'd like to address the Board. I'd like to refute something that was said by Mr. McVey regarding the kitchen. In the packet, if you look at his packet of pictures the kitchen before number two you'll see the cutout for the microwave with the NM Cable hanging out of the wall. That's exactly the same picture I took in January of this year. He then stated that an outlet is now in the cabinet, and the microwave is plugged in. That tells me that wiring has either been extended because it doesn't appear that there's enough wiring to get up inside the cabinet to install a

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Miller continues - receptacle outlet. So again, I dispute that no wiring was done in the kitchen. Additionally I dispute that there was no wiring done in the basement ceiling because if you look at the number of recessed fixtures in that ceiling, I don't believe there were that many surface mounted florescent fixtures in that ceiling when I was originally in that basement. So those are two items that I dispute that was brought forth in testimony here tonight. Additionally, on his application for alterations, he clearly states in the brief description of the work covered under this permit; it says that framing, insulation, electrical, drywall, and paint. What is that?

Mr. Evans – The basement, correct?

Mr. Miller – It says for basement and flood repair. It was written in there. Clearly he stated on his application that work is being performed, and then stated to us that he had hired an electrical contractor as such, not the homeowner performing the work.

Mr. Evans – Thank you Mr. Miller.

Mr. Leneghan – If I may respond to the new item he brought up, and that's the framing. The framing is not subject to this adjudication order of any violation, but nonetheless the framing that was done I think we can see from the picture was non-structural. The very first picture doesn't show the closet for that sump pump. The second picture clearly shows a bump out in the wall and a door with respect to that little bit of framing that was done. Nonetheless the framing is not something that is being cited, so I don't know why he brought that up. I don't think from the pictures that the little bump out for a little sump pump room there's any electrical that was run in that area. Thank you.

Mr. Kolick – Are there any other questions?

Mr. Smeader – I'd like to ask Mr. Miller a question please. Did I understand you to say that the contractors that performed the work misrepresented their certification or qualifications with the City of Strongsville?

Mr. Miller – The electrical person, I won't call him a contractor because he does not hold that certification with the State of Ohio as an electrical contractor. The person that performed that work was an employee of Jim's Electric, and performed the work under the company's name without the knowledge of the owner of the company as testified before the Mayor's Court Magistrate when he was summoned to court for working in the City without an active registration or permit.

Mr. Smeader – If I understood you correctly you said that you couldn't tell if he was a one year apprentice or a 15 year journeyman.

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Miller – There's no way to know that.

Mr. Smeader – So my concern is that without the City being able to observe the basement ceiling wiring, how confident are you about how it was installed? Do you think it would pose some sort of electrical or fire hazard?

Mr. Miller – I don't believe that I could comment on that without seeing at least something in there.

Mr. Smeader – That's my point, that without seeing, how could you know?

Mr. Miller – If I can't see it, I can't comment as to the integrity of the wiring that was installed. I still don't believe that all those locations of recessed fixtures were existing florescent fixtures in that house. I believe they are all dedicated runs to each individual can because they'd all have to be put on the same switch or two switches, whatever is down there. I don't even know how they're switched on because I haven't been in the dwelling since January.

Mr. Smeader – Thank you.

Mr. Evans – Are there any other questions from anyone?

Mr. Kolick – I suggest we just take them separately. A motion should be made to grant the appeal on item one, then you take a vote, then same for item two, item three we'll table based on what we've said here tonight, and then we'd do the same thing for item four. Just so you're clear, you are moving to grant the appeal, so if you vote in the affirmative, you're granting the appeal. If you vote in a negative, you're voting to deny the appeal and upholding the Order.

Mr. Evans – We'll table number three so it'll be continued from the process. Alright. May I have a motion please for granting number one?

Mr. Houle – I make a motion to grant an appeal for (1) wiring and basement ceiling concealed prior to inspection. Expose wiring in basement ceiling for inspection according to RCO 108.1; property located at 10354 Eastland Road.

Mr. Smeader – Second.

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

ROLL CALL:

ALL NAYS

MOTION DENIED

5) WILLIAM MCVEY/David M. Leneghan, Representative, Cont'd

Mr. Evans – The request for the appeal on item number one has been denied. Item number two is insulation in the basement. May I have a motion for that please?

Mr. Houlé – I make a motion to grant the appeal for the insulation in the basement concealed prior to inspection. Expose insulation for inspection RCO 108.1; property located at 10354 Eastland Road.

Mr. Smeader – Second.

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

ROLL CALL: ALL NAYS MOTION DENIED

Mr. Evans – The request for an appeal on item number two has been denied. We're continuing number three to table it until the next meeting. Item number four was the kitchen remodeling. May I have a motion for that please?

Mr. Houlé – I make a motion to grant the appeal for the kitchen remodel without approval or inspection. Secure approval and expose all wiring for inspection RCO 107.1 and RCO 108.1; property located at 10354 Eastland Road.

Mr. Smeader – Second.

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

ROLL CALL: ALL NAYS MOTION DENIED

Mr. Evans – Item number four then has been denied for appeal as well. Item number three we'll deal with as we're able to determine whether that meets the requirements or not.

Mr. Kolick – Normally you request Findings of Fact and Conclusions of Law, and I would presume you'd want this done with this one as well?

Mr. Evans – We will do that, yes we normally do that at the end of the meeting, but I'll entertain that request now. Thank you. So Mr. McVey we will hold on Item number three the electrical load center, and hopefully you'll be able to get in touch with the owner, and we can get that one eliminated. The other three you'll have to work out with the Building Department in order to determine what's appropriate. At the last meeting, I spoke with Mr. Biondillo about the City being able to try and work on that, and I believe they will so that we can verify what we need to. You'll need to get in touch with the Building Department to follow that process. OK? Then you are all set and done for the night, thank you.

OTHER BUSINESS

6) **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 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' Height is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.

Mr. Evans – Item number six on our agenda is Denis Breno, if you'll make your way to the microphone please, and give us your name and address for the record.

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

Mr. Evans – Thank you. We're going to keep this one really short, Mr. Breno. The two items that you've asked for we spoke about in caucus. You have amended plans which we appreciate the fact that you're able to work with us. We all agreed in caucus that we like the plans. So Board members is there anything else we need to cover?

Mr. Smeader – As we understand it the ceiling height will be 15', and the additional 3' will primarily be the copula.

Mr. Breno –Actually, I'm not sure. Is that?

Mr. Smeader – Give or take.

Mr. Breno – I thought the total of the roof line was at 18'. In fact, I can't even see it on this. Can you see it on your plans?

Mr. Rusnov – There's some serious shuffling going on here.

Mr. Miller – Its 18' to the top of the ridge vent. The copula would be additional amount.

Mr. Smeader – So it's 18'.

Mr. Miller – 18' to the ridge.

Mr. Smeader – What's the ceiling height?

Mr. Breno – Plus the copula.

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

Mr. Smeader – The roof height is 18'. Plus the copula. In caucus, my understanding was that it was a 15' with roughly a 3' copula. Was I wrong?

Mr. Evans – The roof was 18'. So the copula is in addition to that so that means that we need to increase the variance.

Mr. Baldin – So the plans that we have here really don't show the changes you intend to make?

Mr. Miller – By definition the height of a building is grade to ridge so certain architectural features above that by interpretation could be exempt.

Mr. Evans – Alright. So we've already had the public hearing on this. Are there any other questions?

Mr. Smeader – No questions. Thank you.

Mr. Evans – Again we appreciate you working with us on this. May I have a motion please?

Mr. Baldin – I make a motion to approve a request for 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; and also approve a request for a 3' Height variance from Zoning Code Section 1252.04 (g), which permits a 15' Height and where an 18' Height is proposed in order to construct a Detached Garage; property located at 19288 Hunt Road, PPN 399-30-003, zoned R1-75.

Mr. Houlé - Second.

Mr. Evans – Thank you Mr. Houlé. 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. Again our thanks for you being able to work with us on this. You are all set to go. Thanks for being here.

Mr. Breno – Thank you.

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

<u>Signature on File</u>	<u>Signature on File</u>	<u>November 8, 2017</u>
Mr. Evans, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date