

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

**Meeting of  
October 5, 2011  
7:30 p.m.**

Present - Board of Appeals Members: Glenn Goist; Rich Baldin; Ken Evans; William Harr  
Administration: Assistant Law Director: Dan Kolick  
Building Department Representative: Joe Allen  
Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

**(F) PUBLIC HEARINGS**

**1) JON HUNSICKER, OWNER**

Requesting a variance from Zoning Code Section 1252.18, which permits one accessory building and where an 8' by 10' by 8' 2" second accessory building is proposed; property located at 10795 Prospect Road PPN 391-25-015 zoned R1-75.

The Board discussed the difference between a storage building and a playhouse concentrating on the designed use or the intended use. The Board also discussed the similarities and differences between this applicant and Mr. Semple, who was denied a second accessory building, which he called a playhouse.

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

**MINUTES OF MEETING**

**October 5, 2011**

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

Present: Dr. Goist  
Mr. Baldin  
Mr. Evans  
Mr. Harr

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

Dr. Goist – Good evening, ladies and gentlemen. I'd like to call this October 5, 2011 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy, would you call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. BOHAC

Mr. Baldin - Mr. Chairman, I would like to make a motion to excuse Mr. Bohac for just cause.

Mr. Harr – Second.

Dr. Goist – We have a motion and a second. Kathy, would you call the roll.

ROLL CALL: ALL AYES: MOTION CARRIED

Dr. Goist – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. For all of you who are in the audience this evening that would like to speak before this Board, if you would please stand and, also our Secretary and Mr. Allen in the Building Department, and our Assistant City Law Director will swear you in.

Mr. Kolick then stated the oath to those standing.

**(F) PUBLIC HEARINGS**

1) **JON HUNSICKER, OWNER**

Requesting a variance from Zoning Code Section 1252.18, which permits one accessory building and where an 8' by 10' by 8' 2" second accessory building is proposed; property located at 10795 Prospect Road PPN 391-25-015 zoned R1-75.

Dr. Goist – There are no New Applicants this evening. There is only one Public Hearing and it's for John Hunsicker. If you would like to come forward and give us your name and address please and again go through your request for this variance.

Mr. Hunsicker – My name is Jon Hunsicker. I live at 10795 Prospect Road. Our application is for a playhouse for our grandkids.

Dr. Goist – To carry that a little bit further, you have a very large accessory building in the back, plus your garage. Am I correct?

Mr. Hunsicker – Correct.

Dr. Goist – That accessory building, did it require a variance?

Mr. Hunsicker – No, it did not.

Dr. Goist – It did not.

Mr. Hunsicker – No, due to the size of the lot, we were advised we could go as high as 20' by 20'. So, we did that.

Dr. Goist – I asked the question because it is so large.

Mr. Hunsicker – Yes.

Dr. Goist – Your purpose for this is just to use it as a child playhouse for the grandkids?

Mr. Hunsicker – Yes.

Dr. Goist – Board members, I know we had quite a discussion in caucus. Mr. Evans, would you like to start off with your comments?

Mr. Evans – Thank you, Mr. Chairman. Mr. Hunsicker, the accessory building that you now have on the property, my notes say that you had indicated that that was used for a business?

Mr. Hunsicker – No.

Mr. Evans – You do not operate a business there. Okay. Right now, that accessory building, I'm guessing, is pretty full?

1) **JON HUNSICKER, OWNER, Cont'd**

Mr. Hunsicker – Yes.

Mr. Evans – Yes. When I was out there, there wasn't anyone home and I wasn't going to break in to see if it was full. Most sheds tend to fill up once you build them. They seem to draw things from everywhere. In looking at the property, obviously your lot is very, very large. Looking at the Cuyahoga County numbers of the lot size, it's a very large lot and can certainly accommodate a lot on it. I am concerned because as a Board member, the Building Department has identified it as an accessory building and as such, whether or not it would be a playhouse or whether it would be a second shed or anything, the fact that we would allow one to be built would be of concern and then, at this point, the other question that I need to ask on the floor, which we didn't get to in caucus is for Mr. Allen. Mr. Allen, the building that is there now is at the maximum square footage. Would we not need a variance for additional square footage as well as the additional accessory building or because that is under 200' as a second accessory building, does that not require a variance for the square footage?

Mr. Allen – At this point, we do not add the two together.

Mr. Evans – Okay, because I'm thinking of other ones where we have had the two buildings and that has been an issue but I think that had been tied to something else. I just wanted to be sure.

Mr. Kolick - Mr. Chairman, that is why we show the size. We are showing the size here so that if this would be granted, no one else could come in and put something in that is larger on that site.

Mr. Evans – So, that is a limiting constraint?

Mr. Kolick – That is a limiting constraint because it's on here as such. It's a limiting constraint by your ruling. If this were to be granted, it would be limited to the size you grant.

Mr. Evans – Well then I guess I need to follow up that question because we had a concrete patio that was going to be for an intended use of a basketball court and we put a limited constraint on that of not having lighting for night use and it would seem to me that if we can limit the size in granting the variance that we ought to be able to limit the purpose and even though that becomes an enforcement issue, at least at that point it is in there so that we would not have somebody that could build a second shed unless it was used as a playhouse.

Mr. Kolick - Mr. Chairman, you can add conditions and you can try to do something with the use like that. We haven't for the very reason you're talking about. It makes enforcement impossible because what happens when at the point the owner stores a picnic table in there in the off season. If that's the only thing stored in there, is that still a playhouse at that point or is it being used for storage? What happens if the kids' toys are stored in there? Is that for storage then if there are Little Tykes things in there? We haven't encouraged this Board to do that type of thing because I don't want to see it impossible for the administration to enforce

1) **JON HUNSICKER, OWNER, Cont'd**

**Mr. Kolick continues** - that type of thing. The second problem is with a subsequent owner. You can put that condition on but the subsequent owners may have no idea of the condition. If they used it for storage, they could be doing that innocently. I don't think it would be malicious. You can place conditions upon the variance but it certainly would not be the desire of the administration that we start changing use on things like that. Now, to some degree we have imposed some constraints such as no storage of hazardous material and those types of things. You're getting closer to that use thing but to take it this far would make it impossible for the Building Department to enforce.

Mr. Harr - Mr. Evans, I would have concerns about opening a back door where folks that are truly applying for second accessory buildings are representing it as something that it's not because we opened that avenue as a use that may not be acceptable regardless of what the City interprets the building to be by definition.

Mr. Evans – I think also in caucus we talked about how we recently denied requests that were very similar to this in nature of it being a second accessory building where the lots were much smaller and even though it was described by use as a playhouse it looked more like a shed because it was exactly the same as a second one the individual had on his property. At least from an appearance standpoint, this one has been presented to us as a playhouse and I'm assuming that you are still intending on using the same playhouse design that you presented at the last meeting. You have not changed the style of what you're intending to purchase or anything?

Mr. Hunsicker – No, I'm just waiting for your approval to consummate the deal with the dealer.

Mr. Evans – Which is a wonderful thing to do so that you don't get caught in a bad position. That's all that I have, Mr. Chairman.

Dr. Goist – Thank you, Mr. Evans. Mr. Harr?

Mr. Harr – My comments really run along the same line. Mr. Hunsicker, I appreciate what you would like to do here. From an aesthetic standpoint I certainly appreciate this more than just your average shed and I very much appreciate the fact that you are taking the proper steps and working through channels in the manner of which it should be worked. That said, as Mr. Evans indicated that a very similar situation where a second shed that was already existing was proposed to be used as a children's playhouse and this Board took a very stringent line on this. If there is presently not a distinction between the potential use of that building or what it's designed for allowed for in the Code, for me personally it makes it a difficult decision when comparing it to a case that we really just ruled on very recently.

1) **JON HUNSICKER, OWNER, Cont'd**

Mr. Hunsicker – If I may interject at this point, I had been advised that I should let my neighbors know that it's not a storage building but it's a playhouse and I went around to all the neighbors and the neighbor that was adjacent to the one that was in violation and talked to the gentleman and his wife and they both asked if I wanted them to come and stand up for me because you're looking to put in a playhouse. There was no one that I spoke to and there was only – out of twelve neighbors, there were only four that weren't home. My next door neighbor and the one across the street were – everyone that I spoke to said go for it. They all had no problem with it because they knew it was going to be just a playhouse and so I had advised the neighborhood that that's what we're looking to do.

Mr. Harr – I absolutely appreciate that that's what you want to do with it and again, on a personal level, if the Code made a distinction and allowed that building as a separate category, if you will, but in the present environment it falls under accessory buildings whether it's a playhouse – whether you intend to use it for a playhouse or it's designed in a gingerbread fashion or what have you – if it falls in that category, it remains problematic. I don't have any other comments.

Dr. Goist – In a little bit of opposition to Mr. Harr, grandchildren are special. Mr. Harr may soon find out what it's like to have grandchildren.

Mr. Harr – Hopefully not too soon.

Dr. Goist – Your grandchildren you can send home. Your only children, they stay at home. I'm very much in favor of grandparents taking care of the grandchildren. So, I tend to side with the applicant. Mr. Baldin?

Mr. Baldin – Yes, Mr. Chairman, I do have some mixed emotions about this situation. I think it speaks highly that there are no neighbors here due the fact that all the letters were sent out within 500' and since they aren't here, I would have to say that's a good sign. On another note, we know he's not running a business out of the present building. What do you store in the present shed?

Mr. Hunsicker – As I said at the last meeting, it's my honey-do list shed. I've got all sorts of projects in there that I want to get done and I keep my riding lawn mower and lawn equipment in there.

Mr. Baldin – In your present garage you also have an historic car?

Mr. Hunsicker – Yes.

Mr. Baldin – Okay. You have a large setback house with a large driveway and a big concrete patio. You have a double deck back there. I really have a problem with it and if it is a playhouse instead of a shed or a shed instead of a playhouse, whatever we really want to call it and the Building Department is starting to look at these things a lot harder, I can only see



1) **JON HUNSICKER, OWNER, Cont'd**

Dr. Goist – I'm sorry Mr. Hunsicker but your variance has been denied. I will ask the Law Department to prepare a Findings of Fact and Conclusions of Law for this matter.

Mr. Kolick – Okay.

Dr. Goist – I know that you heard some alternatives that can be taken. You heard my thoughts.

Mr. Hunsicker – If I may speak candidly, I could put a little safety town back there with five, six, seven buildings and it would be within the Code.

Mr. Kolick – Whatever you do, stop by the Building Department so that they can advise you. I don't want this Board to be directing you on items not before them. Anything you propose to do you should stop at the Building Department and they will tell you whether it's permitted or not under the Code.

Mr. Hunsicker – As far as structures.

Mr. Kolick – Structures, different sizes, foundations, whatever, stop at the Building Department before you do anything. That's always the smartest way to do it.

Mr. Hunsicker – Thank you, gentlemen.

**RULING: VARIANCE DENIED**

Dr. Goist – If there is no other business to come before this Board this evening, the meeting is adjourned.

Meeting adjourned at 8:20 p.m.

<u>Signature on File</u>	<u>Signature on File</u>	<u>November 2, 2011</u>
Dr. Goist, Chairman	Kathryn A. Zamrzla, Sec'y	Approval Date