

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
October 23, 2024**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé, Richard Baldin

Administration: Law Director, Neal Jamison

Building Commissioner: Ted Hurst

Recording Secretary: Mitzi Anderson

The Board Members discussed the following:

1) CYNTHIA SOPHIA KATAKOS, (OWNER)

Requesting (2) 6.89' minimum lot width variances from Zoning Code Section 1252.05, which requires a 75' minimum lot width and where a 68.11' minimum lot width is proposed for (2) lots, in order to split parcel into two lots, property located at 18630 Prospect Road, PPN. 394-14-006, zoned R1-75

Mr. Hayden – Item number one on the agenda is for 18630 Prospect Road. This is for a minimum lot width variance for an approximately 7' variance to split the parcel into two lots.

Mr. Houlé – How does this work, will one lot be okay and the other lot be 6.89' short?

Mr. Baldin – I think they will be equal.

Mr. Rusnov – There will be approximately a 3' difference on both lots.

Mr. Baldin – After speaking with the owners, I think they are going to be about the same size.

Mr. Hayden – Mr. Hurst, are you aware of the lot sizes?

Mr. Hurst – Based on the description on the plot plan, each lot will be 6.89' smaller than required by Code and once the lot is split each lot will be 6.89' smaller than it is supposed to be.

Mr. Rusnov – There are very few lots available in the City and a lot of the them were developed in the 1940's, 1950's and 1960's. In my opinion, I would rather have two houses than a vacant lot.

Mr. Evans - My only concern, is that the lots on either side are developed as homes but they are developed on the wider lots. In this case there is a stretch of five lots that are all the same size and if we subdivide this one then we will have two houses in close, where the other ones are farther apart. While I think the Zoning Code has changed a lot, I think the reason Council made the changes years ago and made it 75' is because they did not want the houses to be close together. If we allow the homes in at 68.11', they are going to be close and the homes will sit on the property but they will take up the entire space. People should be able to develop their lots as they want to, but I think that subdividing it will go against what Council did in establishing the 75' lot width.

Mr. Rusnov – I have a question for the Law Director, if we give them the variance, do they have to conform to the current setback requirements?

Mr. Jamison – Yes, but the only other thing that I would add is that there is a shed on the larger lot and if this parcel is split that will have to be removed.

Mr. Rusnov – Can we make the removal of the shed a condition?

Mr. Jamison - Yes, because you cannot have an accessory use, if there is no main use, just to point that out.

Mr. Baldin – I saw the large shed and wondered about it and figured it would come up during discussion tonight.

Mr. Jamison – I would make it a condition that if the variance is granted the shed will have to be removed.

Mr. Baldin – There have been areas in the City in the past, where on a couple of the streets the lots are smaller.

Mr. Rusnov – You can look at Morris Drive.

Mr. Baldin – That is the one that I am thinking of.

Mr. Rusnov – The street has different lot sizes and home sizes, if they conform to the current zoning with the side and front yard setbacks, I don't have an issue with it. Also, we should make it a condition for the removal of the shed.

2) DAVID JABLONSKI, (CO-INDEPENDENT TRUSTEE)

- a) Requesting a 265 SF floor area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF floor area and where a 1265 SF floor area is proposed, in order to construct a garage addition
- b) Requesting a 4' building side yard setback from Zoning Code Section 1252.04 (e), which requires a 5' building side yard setback and where a 1' building side yard setback is proposed, property located at 14938 West 130th Street, PPN. 399-01-017, zoned R1-75

Mr. Hayden – Item number two on the agenda is for 14938 West 130th Street, which is a square foot floor area variance for a garage addition, along with a request for a side yard setback variance. Before we get to any comments from the Board, I will defer to the Law Director for comments regarding deed restrictions that we received from the Cleveland Metroparks.

Mr. Jamison – The City and Mr. Hayden have received comments from the legal department of the Cleveland Metroparks. They have informed the Board and the applicant that the structure they are proposing would violate their deed restriction. Essentially, this Board is not bound by what is in the deed restriction but it can be considered as a factor going forward. I would point out to the applicant that if the Board were so inclined to grant this variance and they built this structure, they should anticipate being sued by the Cleveland Metroparks because they will enforce the deed restriction. You are not bound by that but it is a factor in your decision tonight. I don't know if you have any questions based on that.

Mr. Rusnov – A question I would ask the applicant is, were you aware of this deed restriction? Unless their real estate agent told them there was a deed restriction, they may not have known about this until this big surprise popped up.

Mr. Jamison – That is a good point but, it was probably in their title work when they purchased their home and a lot of people do not read it. It probably was in there and that is why you record this information, because it runs with the land. It is probably something that caught them unawares but, now they are aware of it. This is not really between us but between them and the Cleveland Metroparks.

Mr. Rusnov – That is if the title company even brought it to their attention.

Mr. Jamison – That is another issue, which is between them and the title company.

Mr. Evans – I was wondering since this letter is dated October 22, 2024, if the applicant has received this letter. If they didn't we might want to furnish a copy to them so, that they can look at it while the meeting is going on.

Mrs. Anderson – The representative from the Cleveland Metroparks has forwarded a letter to the owner of the property.

Mr. Evans – Yes, but they may not have received it.

Mr. Houlé – The letter indicates that it was sent via email to the owner.

Mr. Evans – Okay.

Mr. Baldin – I spoke with the homeowner and he has received some information from the Cleveland Metroparks. My question is, can you explain what is a deed restriction? He does have a shed on the property that is close to the property line and the shed was approved by the City when he put it up and the garage he wants to put up will not go past that.

Mr. Rusnov – That is if there was a permit or if the City was aware of it.

Mr. Jamison - John brings up a good point, sometimes people over the course of time have erected structures without pulling a permit, absent that, the City would not know it is up. That is also probably the reason why the Cleveland Metroparks was not aware that the structure might have been preexisting. In terms of these restrictions, these do pop up particularly as it relates to these kinds of properties that are in a park setting. The City had a deed restriction for the Commons out front, there was an urban myth that you couldn't serve alcohol on the Commons and that it was a so-called deed restriction. I did the research and the title company pulled deeds out from the 1820's and 1890's and there is no restriction on the Commons for alcohol use; however, there is a restriction that it has to be used for a public purpose. Deeds run with the land, and like with our Commons they go back a long time. As far as this one goes, it is very possible that they did not know and they may have had structures on there before. Because of this process they have become aware of it and from the way the letter reads, they are going to seek to

enforce it. This has happened in other areas where people donate land and don't want anything being used on it except for the purpose that is set forth in the deed or deed restriction. This is not unusual and until the Cleveland Metroparks agrees to waive it, they can enforce it.

Mr. Houlé – It states the northern boundary, which would not affect the neighbor.

Mr. Baldin – There is a lot of land there and a creek, lets see what happens when the applicant comes up on the floor.

Mr. Rusnov – They can not do anything about the deed restrictions but you can guarantee that the Cleveland Metroparks will sue the City and win.

Mr. Jamison – They will not sue the City but they will sue the homeowner. You have the discretion to grant the variance if you so desire but, if they seek to start building this they will enforce their rights.

Mr. Hayden – Outside of the deed restrictions, we have been reticent in setting any precedent in going above and beyond the square footage on these types of projects. I did not have a chance to speak with the homeowner. What is the need for the additional 265 SF?

Mr. Evans – Mr. Chairman, the only other thing that is a concern is that this is a huge garage and they are running sewer, water, and electrical to it. We have had this problem before where we have allowed something like this and it becomes a residence, I would not want that sort of mistake here. If we granted the variance, I would like to make certain that we condition this on never being a living space, separate or together so, that we do not have a separate apartment out there.

Mr. Hayden – We will talk to the homeowner on the floor.

The Board Members approved the minutes for October 9, 2024

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 23, 2024
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Baldin
Mr. Evans
Mr. Rusnov
Mr. Houlé
Mr. Hayden

Also Present:

Mr. Jamison, Law Director
Mr. Ted Hurst, Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this October 23, 2024 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:

MR. HAYDEN	PRESENT
MR. EVANS	PRESENT
MR. HOULÉ	PRESENT
MR. RUSNOV	PRESENT
MR. BALDIN	PRESENT

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on October 9, 2024. We discussed this in Caucus and there were no corrections or changes and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Law Director, as well as our Building Department representative and Secretary.

Mr. Jamison administered the oath to those standing.

1) **CYNTHIA SOPHIA KATAKOS, (OWNER)**

Requesting (2) 6.89' minimum lot width variances from Zoning Code Section 1252.05, which requires a 75' minimum lot width and where a 68.11' minimum lot width is proposed for (2) lots, in order to split parcel into two lots, property located at 18630 Prospect Road, PPN. 394-14-006, zoned R1-75

Mr. Hayden – Item number one is for 18630 Prospect Road . Please state your name and address for the record.

Cynthia Sophia Katakos, 18630 Prospect Road, Strongsville, Ohio 44149.

Mr. Hayden – You were here for Caucus and heard some of our comments regarding the lot split. Please take us through the project and the need for the variance.

Ms. Katakos – Historically, my land has been landlocked because it was split zoned. First and foremost, I would like to thank you and City Council for approving the residential rezoning back then. I am unable to market my property because currently it is still landlocked. Selling it as buildable land or even developing it myself is not possible because if a road should abut next to the property, which is possible with my conversation with Parkview Builders, that would give me access and I could market it as buildable. Splitting the lot and building to the far south of the lot, there would be a setback necessary from the adjacent buildable lot if I was granted the variance. This would also give me a right-of-way, in the past when it was General Industrial, I couldn't access the General Industrial portion through residential land so, it sat vacant for years. I have been the homeowner for 32 years and I plan to continue my residency here in Strongsville. In hopes to market my property for sale as buildable land with the potential of a right-of-way. If the back land is what's desirable then I can build on the vacant lot adjacent to my existing home. I could include the shed with the dwelling lot and there is enough space behind the existing garage, to have it

moved closer or include it in the depth. The shed is larger than 192 SF, which is 12' x 16', if I had a 34 SF lot I could put a bigger accessory building on it. With the lot split there is only 18,866 SF, which falls within the parameters of needing 12,750 SF as a minimum lot size. I could definitely move the shed closer to the garage with a 5' setback from the property lines and the existing garage that is there. It can be done and that is not an issue, I can definitely have the shed moved. I have been unable to do anything with my land because I have been landlocked and this would allow me to unlock that land and offer the community additional housing and have our community grow for all families or the elderly.

Mr. Jamison – I would like to point out to the Board, that the applicant brings up a good point. When the City looked at the rezoning by Parkview Homes for the property behind here and to the north, there were certain properties including this one that were landlocked and were zoned Industrial but, they never had any access. That was one of the considerations that the City had including Council, in granting the rezoning. The applicant brings up a good point, her and three or four other properties on Prospect Road have this dilemma or challenge from when they did the split zoning years ago. The front portion of the lot is zoned Residential and the back portion is zoned Industrial, they never had the ability to get access to those properties and this would solve that by allowing this land to be freed up. I wanted to point this out for your edification because that was part of the consideration a couple of years ago, when they did the rezoning.

Mr. Rusnov – How will this property be split because this doesn't show a lot split?

Mr. Hurst – The dash lines show the recommended or the requested lot split and that would create one lot with 68.11' x 266' and the remaining parcel will be 68.11' and on the one side I don't have the dimension but the entire length will become the vacant lot. The shed will have to go, it cannot stay on the vacant lot because it would be an accessory structure on an empty lot. It is obviously too big to be moved onto the small lot so, you would either have to come back for a variance for the shed or just remove the shed and build a smaller one on your lot. If the lot split is granted, there will be a Lot A and Lot B will be the additional property left over, which is L shaped.

Mr. Houlé – Is that the section you were referring to as landlocked?

Ms. Katakos – Yes

Mr. Rusnov – It wouldn't be landlocked if we split it and it isn't landlocked now because it is all one parcel. So, it isn't landlocked.

Mr. Jamison – Maybe that is a bad term, when they did the rezoning that sort of cleaned it up. This is allowing her the flexibility to develop it herself.

Mr. Rusnov – You will have a smaller lot and a larger lot.

Mr. Baldin – Parkview has the property just north of that.

Ms. Katakos – They own property behind me as well.

Mr. Hayden – Are there any other comments?

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, I make a motion to approve (2) 6.89' minimum lot width variances from Zoning Code Section 1252.05, which requires a 75' minimum lot width and where a 68.11' minimum lot width is proposed for (2) lots, in order to split parcel into two lots, property located at 18630 Prospect Road, PPN. 394-14-006, zoned R1-75, conditioned on the removal of the existing shed

Mr. Rusnov– Second.

Mr. Hayden – Thank you , Mr. Houlé for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Hayden – Your variance has been granted by this Board and you are all set for the night.

2) **DAVID JABLONSKI, (CO-INDEPENDENT TRUSTEE)**

- c) Requesting a 265 SF floor area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF floor area and where a 1265 SF floor area is proposed, in order to construct a garage addition
- d) Requesting a 4' building side yard setback from Zoning Code Section 1252.04 (e), which requires a 5' building side yard setback and where a 1' building side yard setback is proposed, property located at 14938 West 130th Street, PPN. 399-01-017, zoned R1-75

Mr. Hayden – Item number two on the agenda is for 14938 West 130th Street. Please state your name and address for the record.

David Jablonski, 14938 West 130h Street, Strongsville, Ohio 44136

Mr. Hayden – I believe you were here during Caucus and heard some of our comments along with our legal counsel's comments. The floor is yours to discuss your project and the need for the variance.

Mr. Jablonski – I would like to first address the single living space because we have since decided to make it just a garage. I work from home and we were going to make it an office space upstairs, to get away from the kids, but we decided not to do that and it will be a stand-alone garage. Secondly, I do have a shed on the property and before I got married I pulled a permit and I had the City of Strongsville come out and show me where my landmarks were and I had to follow a 5' rule. Back then we didn't hear anything from the Cleveland Metroparks. The only thing that I am confused about and I did call the Cleveland Metroparks today, in that back area there is a creek and 15 years ago it flooded and it use to flood every heavy rain. At one point it flooded about 7 houses on our street and we did call the them and they said it was a Strongsville easement and they were not going to touch it. We got a hold of our Councilmen and they came and dredged the creek just on our side, they would not touch the Metroparks side and it was done fairly quickly. Today, I was talking to the gentlemen from the Cleveland Metroparks on the same issue and I said where is your line at because we have been told that this is a Strongsville easement? He would not give me that information, he said I don't have it.

The north side is full of trees on that easement and they have fallen on my driveway. So, that is one thing I am confused with, it is what it is, and if we can't use it I understand that but from the problems that we have had, they would not help us out and they said that it is the City of Strongsville's. Again, if we can't do it then we can't do it but I want to know what is my responsibility, not from you, but from the Cleveland Metroparks, on what I can and cannot do.

Mr. Jamison – One option that you have tonight is to table this request and figure out where your property line exist. That might require you to get a surveyor to come out and put stakes out and figure out where your property line exist. Once you have done that, I would call the gentlemen from the Cleveland Metroparks back and say I now know where my property lines are located. That easement is something different and doesn't mean that the City of Strongsville owns it. If the easement does exist, which I am not saying it does, it would just give us the ability to get in there and do work and it doesn't mean that we own it. If your property line is where they claim it is, they may not budge to allow you to do it but, maybe they are wrong, we don't know. You could request the Board to table this request, to give you some time for someone to go out there and locate your boundaries. In the future, if they try and give you the run around, you can say I have been out there and this is your property, not Strongsville's but yours, because they can't have it both ways.

Mr. Jablonski – Okay, let's do that.

Mr. Rusnov – You may want to reconsider and conform to the Code with the garage size. You said that you are not going to have a loft there so, basically these drawings are wrong. Tabling this request gives you an opportunity to present to us what you are actually going to build and to get the Cleveland Metroparks involved to see what their objections are and maybe you can prevent a lawsuit.

Mr. Hayden – The additional 265 SF, is that what was upstairs?

Mr. Jablonski – Yes, probably upstairs.

Mr. Rusnov – You should consult with Mr. Jamison and the Building Commissioner to see what the story is and they will help you avoid any problems.

Mr. Baldin – When I was out to review your property, you showed me what you believed was your property line. You have a shed on the property, which is 5' off of the property line and the garage is going to go on the inside of that.

Mr. Jablonski – Correct.

Mr. Baldin – I assume you received a permit for the shed.

Mr. Jablonski – Yes.

Mr. Baldin – The City of Strongsville approved it?

Mr. Jablonski – The City of Strongsville came out and put down stakes to show my property line.

Mr. Hurst – Mr. Chairman, from the Building Department, if the City approved a building permit, which I have no reason to believe that they didn't, the City does not enforce or research land deed restrictions. We would have no way of knowing if there was a deed restriction. It was approved, I'm quite certain based on our regulations that require them to be 5' from the rear and side line, thus we gave the approval. I don't think we should muddy the waters with the two different structures in two different time periods because, one has nothing to do with the other. The approved shed by the City is approved by our ordinances and this garage would have been approved by ordinances had it been within the size but the Cleveland Metroparks has stepped in and said we have a deed restriction and you can not build this here. The Law Director gave us direction to begin with, we can act on the variance and ignore the deed restriction because we don't enforce it or you can table it or deny it.

Mr. Jablonski - I would like to table it for now.

Mr. Hayden – You can contact the Building Department and work with them, get in touch with the Cleveland Metroparks and hire a surveyor if that is the route you are going to go. We may see you back here depending on the square footage.

Mr. Jamison – If in fact the gentlemen received a permit and did not have to get a variance the last time, they would not have notified the Cleveland Metroparks in that situation. That is probably why they did not step up the last time. It sounds like it is an issue of where your boundary line is and that needs to be resolved.

Mr. Evans – Mr. Chairman, I would think that you need to hold the public hearing so, that we can get that out of the way.

Mr. Hayden – If he shrinks the square footage he may not need a variance.

Mr. Evans – If you don't do the public hearing tonight, you may need to do it in the future, that is all that I am suggesting.

Mr. Jamison – In light of doing some additional work, let's defer the public hearing because we do not know what is coming back. If in fact he resolves that with the Cleveland Metroparks and modifies the plan, we still will need to give the public notice to everyone, just in case.

Mr. Hayden – You are all set for tonight.

3) MATTHEW SEMPLE, (OWNER) Key Improvements, Agent

Requesting a 12' rear yard depth variance from Zoning Code Section 1252.04, which requires a 50' rear yard depth and where a 38' rear yard depth is proposed, in order to construct an addition, property located at 9260 Priem Road, PPN. 391-04-039, zoned R1-75

Mr. Hayden – Item number three on the agenda is for 9260 Priem Road Please state your names and addresses for the record.

Matthew Semple, 9260 Priem Road, Strongsville, Ohio 44149

Katherine Semple, 9260 Priem Road, Strongsville, Ohio 44149

Mr. Hayden – If you can take us through the project and the need for the variance.

Mr. Semple – We are looking to add an in-law suite and I know you all said that it is a small lot but it is a deep lot, that backs up to Surrarer Elementary School. This does not block anyone's view and this is a single-story addition and we are looking for the extra depth.

Mr. Hayden – That is one thing that we did cover in Caucus that there is minimal impact to the houses around the property. Are there any additional comments?

Mr. Houlé – The house to the south of this property goes back further than this house is proposing. I don't see that this would impact anyone else.

Mr. Rusnov - This is another one of those streets similar to Morris Drive, with different lot sizes and the zoning codes have changed since these houses were built. I have no problem with this.

Mr. Baldin – I have no problem with it and this is a fenced in yard and they are going to keep the fence up.

Mr. Evans – There is probably no other place on the home where you could build the addition because of the physical layout of the home and the way that it sits. There would be no other place for it to go.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, I will declare the public hearing closed and entertain a motion.

Mr. Rusnov – Mr. Chairman, I would like to move for approval for a 12' rear yard depth variance from Zoning Code Section 1252.04, which requires a 50' rear yard depth and where a 38' rear yard depth is proposed, in order to construct an addition, property located at 9260 Priem Road, PPN. 391-04-039, zoned R1-75

Mr. Houlé – Second.

Mr. Hayden – Thank you Mr. Rusnov, for the motion and Mr. Houlé for the second. May we have a roll call please?

ROLL CALL:

MR. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES

MOTION APPROVED

Mr. Hayden – Your variance has been approved by this Board and you are all set for this evening.

Mr. Baldin – Ms. Katakos has a question.

Ms. Katakos - Can I proceed with the application for the lot split and the survey?

Mrs. Anderson – Yes, you will need to make application to the Planning Commission for the lot split. The next meeting available to apply for is November 21, 2024 and you would need to submit your documents. I can forward you the application for the Planning Commission for what is required.

Ms. Katakos – I have already received that from you. Can I proceed with the survey, is that first before I can submit anything for the lot split?

Mrs. Anderson – That is a part of the process.

Ms. Katakos – Being that the shed is a condition on the approval, can I still proceed and have that done in the interim?

Mr. Jamison - By the time you get to the Planning Commission that should be done because they will look at that. If it is not done they may deny it for that reason.

Ms. Katakos – So, that needs to be done first.

Mr. Jamison – I would agree.

Mr. Hayden – If there is no further business to come before this Board, this meeting is adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date