

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS  
Meeting of  
August 9, 2023**

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

**Administration:** Assistant Law Director Daniel Kolick

**Building Commissioner:** Ted Hurst

**Recording Secretary:** Mitzi Anderson

The Board members discussed the following:

**1) PATRICK GARRITANO (OWNER)**

- a) Requesting an 86.75 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 286.75 SF floor area is proposed for an existing roof over a concrete pad **and**
- b) Requesting a 1'- 3" height variance from Zoning Code Section 1252.04(4)(g), which permits a maximum height of 12' for accessory buildings less than 323 SF and where a height of 13'- 3" is proposed for an existing roof over a concrete pad, property located at 19097 Quail Hollow Drive, PPN 397-14-033, zoned R1-75

Mr. Hayden - Item number one is at 19097 Quail Hollow Drive, this is a request for a square foot floor area variance as well as a height variance for an existing roof over a concrete pad.

Mr. Rusnov – This is an existing roof. Was there a permit applied for?

Mr. Hayden – I will yield to Ted for an answer on this?

Mr. Hurst - No, there was no permit issued at the time it was constructed.

Mr. Rusnov – How is the quality of construction?

Mr. Hurst – The report I received from the Assistant Building Commissioner who was out and visited the site noted that the quality was not the best but he was working with the homeowner to try and resolve some of the issues.

Mr. Baldin – Are the issues something that we should be concerned about?

Mr. Hurst – I believe there are some issues that we should be concerned about but I will have to defer that back to Steve. Unfortunately, I did not receive a report from him before he left.

Mr. Baldin – Maybe the applicant can enlighten us about this on the floor.

Mr. Evans – Technically, whether we grant a variance is not based on whether or not this meets building code, that is up to the Building Department to make that determination. I am concerned because after I looked at it, it did not look like it met code so, I wouldn't be surprised if there were some issues. If we were to approve the variance it would still need to meet the code and the Building Department would be responsible for doing that. I would suspect some of that would be to take apart or dig up the area so that they could see the way the posts are put in. The height variance is not something we have been inclined to grant.

Mr. Kolick – Do we know if this was installed by a contractor or by the homeowner?

Mr. Hurst - I do not know the answer to that.

Mr. Kolick – We do have a penalty fee for someone that starts work without a permit.

Mr. Hurst – Absolutely.

2) **MICHAEL RUESS (OWNER), BRIAN STEPP-DIAMOND RIDGE CONST, AGENT**

Requesting a 21' front building setback variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100' front building setback from the street centerline and where a 79' front building setback is proposed for a garage addition, property located at 16468 Glendale Avenue, PPN. 397-15-012, zoned R1-75

Mr. Hayden - Item number two is located at 16468 Glendale Avenue, this is a variance for a garage addition.

Mr. Houlé – They really do not have any other area to build if they are going to expand.

Mr. Rusnov – This is the only place that he can go and we have granted other variances similar to this throughout the City. Especially because this was under a very old code.

Mr. Baldin – All of those houses are definitely in line.

Mr. Kolick – Will this come in front of the other houses?

Mr. Hayden – It definitely will but I did not have a tape measure with me when I went out to view the property. It looks to be 15' to 20' out.

Mr. Evans – Looking down the street I think there were one or two others that may be a little bit beyond but none of them that I saw were 21' out.

Mr. Kolick – If you bring it out then the next one and the next one.

Mr. Evans – As John made the observation, the code has changed a number of times and while the houses are very much in line, I'm not sure because of the size of those houses some people do not have options.

Mr. Hayden – I can't pin point how long ago but we had one similar to this on Howe Road.

Mr. Kolick – So you know, this code section has been there since the early 60's and the 100' has never been changed.

Mr. Rusnov – Steve and the Building Commissioner are going to be working on revising the code.

Mr. Kolick – We have been looking at structures and roofs; however, we have not looked at anything involving front yard setbacks.

Mr. Rusnov – What is the status of the twenty-day waiting period?

Mr. Kolick – That will be on the ballot and we will see what happens with that in November.

**3) JUDY KAPLAN (OWNER), GREAT DAY IMPROVEMENTS, AGENT**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of an existing nonconforming building, for the construction of a seasonal patio enclosure onto an existing deck **and**
- b) Requesting a 17' rear yard depth variance from Zoning Code Section 1253.11 (c)(5) which requires the rear yard depth be not less than 50' and the applicant is proposing a 33' rear yard depth, for the construction of a seasonal patio enclosure onto existing deck, property located at 19364 Ridgeline Court, PPN. 397-28-053, zoned R1-75

Mr. Hayden - Item number three is located at 19364 Ridgeline Court, this is an installation of a patio enclosure on top of an existing deck. I did have the opportunity to speak with both homeowners and the home to the left is a vacant home which has been vacant for approximately 20 years so there is minimal impact.

Mr. Houle – The existing deck was there as part of the build of the house and maybe it was never approved by the Building Commissioner but it has been there as long as the house has been there.

Mr. Hayden – With the positioning of the bay window on the back, they really could not place this anywhere else.

Mr. Baldin – They have a large yard.

Mr. Evans – The applicant indicated that there was no homeowner's association there; however, this is Deerfield Woods.

Mr. Kolick – No, this would have a homeowner's association.

Mr. Evans – So, the applicant is incorrect that there is no homeowner's association and we would need homeowner's association approval. They should have been notified because they have common ground behind and we should have sent them notification. The applicant needs to get approval which I don't think that they did because they said that they are not part of a homeowner's association.

Mrs. Anderson – Chairman, I spoke with the resident and contractor and they were notified that homeowner’s association approval is required for this project. The resident stated that she was aware of that and was trying to obtain the HOA letter.

Mr. Kolick – Maybe she will have the HOA letter tonight, if not the normal procedure is to kick it to the next meeting until we find out what the homeowner’s association is looking for.

**4) MOISES & SALLY ZEDA (OWNER), JEFF OSLIN – BRIGHTCOVERS, AGENT**

Requesting a 106 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 306 SF floor area is proposed in order to construct an unenclosed aluminum awning over an existing deck, property located at 18256 Clare Court, PPN. 394-29-129, zoned R1-100

Mr. Hayden – Our last item is located at 18256 Clare Court, this is a 106 SF floor area variance for an unenclosed aluminum awning. This request is similar to the request we had at our last meeting and I did not find any issue with it.

Mr. Houle’ – This is one that said they did not need HOA approval but they have it now.

The Board members had no changes to the minutes of July 19, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
August 9, 2023  
7:00 PM**

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

Present:

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

Also Present:

Mr. Kolick, Assistant Law Director  
Mr. Hurst, Building Commissioner  
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this August 9, 2023 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

|            |            |         |
|------------|------------|---------|
| ROLL CALL: | MR. BALDIN | PRESENT |
|            | MR. RUSNOV | PRESENT |
|            | MR. HOULÉ  | PRESENT |
|            | MR. EVANS  | PRESENT |
|            | MR. HAYDEN | PRESENT |

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. Before us we also have minutes to approve from our meeting on July 19, 2023. We discussed this in caucus and there were no corrections or changes needed 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 Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

**1) PATRICK GARRITANO (OWNER)**

- a) Requesting an 86.75 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 286.75 SF floor area is proposed for an existing roof over a concrete pad **and**
- b) Requesting a 1'- 3" height variance from Zoning Code Section 1252.04(4)(g), which permits a maximum height of 12' for accessory buildings less than 323 SF and where a height of 13'- 3" is proposed for an existing roof over a concrete pad, property located at 19097 Quail Hollow Drive, PPN 397-14-033, zoned R1-75

Mr. Hayden - Item number one on the agenda is at 11190 Forestview Drive. If we can have the representative come forward to the microphone and state your name and address for the record.

**Mr. Patrick Garritano, 19097 Quail Hollow Drive, Strongsville, Ohio 44136**

Mr. Hayden – Please briefly take us through your project and the need for the requested variances.

Mr. Garritano - I built the structure without a permit and took some bad advice from my neighbor, that I didn't need a permit for this particular structure, this is no one's fault but my own. I think that everything else was clearly laid out in terms of what the structure is. Steve and I did speak and there was nothing that he saw that he didn't think that we could correct. He did not express any concerns, as a matter of fact he said that we could probably get it through.

Mr. Rusnov – Could correct or should correct?

Mr. Garritano – Should correct, thank you for the clarification on that.

Mr. Kolick - Mr. Garritano, was there a foundation problem, or what was it?

Mr. Garritano - The things that I can recall are he would like for me to go wider on the footers, different screws and different hurricane ties, all of which can be swapped out for what he indicated needed to be in for code.

Mr. Kolick – Can you bring the height down to be in code compliance?

Mr. Garritano - I have been thinking about this quite a bit, I think structurally yes. It would require me to separate the roof and have two different parts but yes, I do think I can bring the height down.

Mr. Rusnov – In other words everything is correctable.

Mr. Garritano - Yes, sir and that seemed to be Steve's opinion as well.

Mr. Baldin – What gave you the idea to build it the way you did?

Mr. Garritano - It is just a standard pavilion roof pitched in one direction. There are two reasons why I built it the way I did. One, I wanted to have access to the gutter, roof and siding of the house in case they needed to be changed. Two, about five years ago I had an estimate done to go completely solar but I wanted the height and the pitch the way it would be because I could probably get over 90 percent because it is east facing. So, it does offer me the ability to capture about 5 percent more of solar power from the sun.

Mr. Baldin – So you are saying that everything can be corrected and you plan on doing that?

Mr. Garritano – Yes, sir absolutely.

Mr. Hayden – I believe you were here during caucus. This Board has been very consistent with the height so I think that is of major concern and the square footage is a variance we have entertained and approved in the past. Are you willing to bring the height down within code? Correct me if I'm wrong, Mr. Kolick.



Mr. Kolick – If you tell us you are withdrawing Request B then we would just act on Request A.

Mr. Hurst – Mr. Chairman, I know it is unusual but if I may.

Mr. Hayden – Yes, sir.

Mr. Hurst - I'm not sure what the plan is to bring the roof down. Are you going to disassemble this entire structure and bring it down?

Mr. Garritano – No, the way I built it I can put up a temporary post.

Mr. Hurst – I would caution you on trying to lower half of this roof to a different pitch, just be careful because that is extremely dangerous and I do not want to see you get killed.

Mr. Garritano – Neither do I sir and I appreciate it.

Mr. Hurst – When you cut this in the middle and try to lower the tall end you are going to point load this thing and it is dangerous to do and I am just cautioning you to be extremely careful.

Mr. Garritano – Thank you.

Mr. Hayden – Is it your wish to withdraw Request B?

Mr. Garritano – Yes.

Mr. Evans – My question to the Building Commissioner is; if his intention is to put solar panels on this at some point does that change the structural requirements?

Mr. Hurst – No, the structure is built with more structural strength than a normal house is. It is a good question but it would certainly hold the panels effectively.

Mr. Kolick – Mr. Evans, so that you are aware, we have an ordinance that Council is going to be considering in their next meeting involving solar panels on homes. Where they can be, how many there can be, in fact solar panels on anything. That ordinance is just about finished and I would expect Council to get it at its next meeting and then it will be referred to Planning Commission and back to Council for a public hearing.

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, motion to approve request for an 86.75 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 286.75 SF floor area is proposed for an existing roof over a concrete pad, property located at 19097 Quail Hollow Drive, PPN 397-14-033, zoned R1-75

Mr. Baldin – Second.

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

ROLL CALL:

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

### **MOTION APPROVED**

Mr. Hayden – Mr. Garritano, your variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days. Also, you will need to contact Steve to make those necessary corrections.

Mr. Kolick – Make sure you get in contact with the Building Department before you do anything as far as bringing the structure down and the foundations or whatever.

### **2) MICHAEL RUESS (OWNER), BRIAN STEPP-DIAMOND RIDGE CONST, AGENT**

Requesting a 21' front building setback variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100' front building setback from the street centerline and where a 79' front building setback is proposed for a garage addition, property located at 16468 Glendale Avenue, PPN. 397-15-012, zoned R1-75

Mr. Hayden - Item number two on the agenda is at 16468 Glendale Avenue. If we can have the representative come forward to the microphone and state your name and address for the record.

**Mr. Brian Stepp, 968 Remsen Road, Medina Ohio 44256**

Mr. Hayden – Please briefly take us through your project and the need for the variance.

Mr. Stepp – It is a basic 21’ extension off of the front of the garage and I believe there are three other properties that have the same thing done on the same street. We are basically taking up concrete in the front and extending out with the same roof line coming through which is pretty simple and pretty basic.

Mr. Rusnov – We have granted variances for other houses like this and this house was built to a very old code.

Mr. Houle’ – You said there are other similar houses like this on the same street?

Mr. Stepp – I believe there are three of them but I don’t believe they are exactly 21’.

Mr. Hayden – Mr. Evans noted in caucus that there were one or two on the street.

Mr. Baldin – There are a couple of houses similar on the street.

Mr. Stepp – They have nowhere else to extend because they cannot go to the back or on the side.

Mr. Hurst – Mr. Chairman, if I could just remind the resident that if this is approved the Building Department will need construction drawings.

Mr. Stepp – They have already been submitted.

Mr. Hurst – I need detailed construction drawings; have you spoken with Steve Molnar in the Building Department?

Mr. Stepp – I have not.

Mr. Hurst – If this is approved contact us in the Building Department and we will get you squared away.

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. Houle’ – Mr. Chairman, motion to approve request for a 21’ front building setback variance from Zoning Code Section 1252.04 (d)(2) Appendix IV, which requires a 100’ front building setback from the street centerline and where a 79’ front building setback is proposed for a garage addition, property located at 16468 Glendale Avenue, PPN. 397-15-012, zoned R1-75

Mr. Baldin – Second.

Mr. Hayden – Thank you, Mr. Houle’ for the motion and Mr. Baldin for the second. May we have roll call please?

ROLL CALL:

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

### **MOTION APPROVED**

Mr. Hayden – Mr. Stepp, your variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days. As mentioned by Mr. Hurst contact the Building Department to submit the detailed plans.

**3) JUDY KAPLAN (OWNER), GREAT DAY IMPROVEMENTS, AGENT**

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of an existing nonconforming building, for the construction of a seasonal patio enclosure onto an existing deck **and**
- b) Requesting a 17' rear yard depth variance from Zoning Code Section 1253.11 (c)(5) which requires the rear yard depth be not less than 50' and the applicant is proposing a 33' rear yard depth, for the construction of a seasonal patio enclosure onto existing deck, property located at 19364 Ridgeline Court, PPN. 397-28-053, zoned R1-75

Mr. Hayden - Item number three on the agenda is at 16468 Glendale Avenue. If we can have the representative come forward to the microphone and state your name and address for the record.

**Ms. Jessica Skimin, 1943 Midway Drive, Twinsburg Ohio 44087**

Mr. Hayden – Please briefly take us through your project and the need for the requested variance.

Ms. Skimin – The setback requirement is 50' and the room we are constructing is an enclosure with a gable roof and all windows which is on the existing deck. After it is built it will be 33' to the setback so we are asking for 17' to be granted.

Mr. Hayden – The one questioned that we had in caucus was; is this property located in a HOA and have you obtained the HOA letter?

Ms. Skimin: We have not obtained it yet and I do not want you to think that I lied on the application but I was not aware at the time. The homeowners have submitted that about 15 days ago and it is still in process. They have spoken with several neighbors and they have had people contact them about it but they have not given us a decision yet or any paperwork.

Mr. Hayden – For us to move forward with a decision we do need to have the HOA decision.

Mr. Kolick – We can proceed with the public hearing and continue the public hearing until the next meeting, in case anyone is here.

Ms. Skimin: So, then we would have to come back?

Mr. Hayden – Yes, you would. Since we have opened the public hearing today we will keep it open until the next meeting, granted there is no one to speak at the public hearing and we have received the HOA decision then we would be able to vote on it at that point.

Ms. Skimin: Okay.

Mr. Kolick – If you receive the letter please forward it to our Secretary so that we will have it and it can be distributed.

Ms. Skimin – Yes, definitely I will do that.

Mr. Houle' – When we caucused we noted that there was common land behind there and the pool. This is all the more reason we need HOA approval but it is also shielded from any other neighbors and I don't see a problem with granting it we just need the HOA approval.

Ms. Skimin – As soon as I get that I will send that over to Mitzi.

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. Kolick – We will table the request and continue the public hearing to the next meeting or whenever you receive the letter.

Ms. Skimin – Will I need to submit additional paperwork or will everything roll over to the next meeting.

Mr. Kolick – Everything that we have will roll over other than the HOA letter. If you cannot get the letter until the next meeting let the Secretary know and we will roll it over to the following meeting or however long it takes for you to get the letter.

Mr. Kolick administered the oath to Judy Kaplan.

Mr. Hayden - Please state your name and address for the record.

**Ms. Judy Kaplan, 19364 Ridgeline Court, Strongsville, Ohio 44136**

Ms. Kaplan - When is the next meeting?

Mrs. Anderson – August 23, 2023

Ms. Kaplan – Is Mitzi the person I would send it to.

Mr. Hayden – Yes.

**4) MOISES & SALLY ZEDA (OWNER), JEFF OSLIN – BRIGHTCOVERS, AGENT**

Requesting a 106 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 306 SF floor area is proposed in order to construct an unenclosed aluminum awning over an existing deck, property located at 18256 Clare Court, PPN. 394-29-129, zoned R1-100

Mr. Hayden – The last item on our agenda is located at 18256 Clare Court. If we can have the representative come forward to the microphone and state your name and address for the record.

**Mr. Mike Sheets, 3453 West 140<sup>th</sup> Street, Cleveland, Ohio 44111**

Mr. Hayden – Please take us through your project and the need for the variance.

Mr. Sheets – We are requesting a 106 SF variance, it is a 20' x 16' aluminum frame awning which is going over an existing deck and we are attaching the awning to the deck joist.

Mr. Evans – Mr. Chairman, I think this goes back to that people are using their homes more and entertaining.

Mr. Hayden – Mr. Sheets, do you know in the future if there is any intention to enclose this structure?

Mr. Sheets – No, not that I am aware of.

Mr. Houle’ – This is the upper deck, there is already a lower deck and the covered patio decking below and this is to just to give them some shade up above.

Mr. Sheets – Right.

Mr. Rusnov – Instead of taking a vacation they are fixing up their yard.

Mr. Houle’ – It can’t get that much more fixed up because they have a beautiful pool and back yard with common land behind their house so this will not affect anyone.

Mr. Baldin – We have also received the HOA letter.

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. Baldin – Mr. Chairman, motion to approve request for a 106 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 306 SF floor area is proposed in order to construct an unenclosed aluminum awning over an existing deck, property located at 18256 Clare Court, PPN. 394-29-129, zoned R1-100

Mr. Houlé – Second.

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

ROLL CALL:

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

**MOTION APPROVED**



Mr. Hayden – Mr. Sheets, this variance has been granted by this Board. There is a twenty-day waiting period during which City Council has an opportunity to review our decision. If Council chooses not to act you will be notified by the Building Department at the end of the twenty days.

Mr. Hayden – If there is no other business to come before this Board, we are adjourned.

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Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date