

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
November 2, 2023**

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

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) **RAYMOND KOVARIK (OWNER)**

Requesting a 306 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 506 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 19572 Applebrook Circle, PPN 399-33-034, zoned R1-75

Mr. Hayden - Item number one on the agenda is Mr. Kovarik, with a request for a floor area variance. This request is not uncommon to what we have seen here in the last couple of months.

Mr. Rusnov – This house is on a cul-de-sac and has an irregular shape lot in the front, I have no issues with the request.

Mr. Baldin – I agree.

Mr. Evans – No homeowners association is necessary on this one.

2) **DAVID STAHL (OWNER)**

Requesting a 280 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 480 SF Floor Area is proposed to construct an unenclosed pavilion over concrete pavers, property located at 19703 Ennis Drive, PPN 394-29-122, zoned R1-100

Mr. Hayden - Item number two on the agenda is Mr. Stahl, with a request for an unenclosed pavilion.

Mr. Rusnov – We are expecting a zoning change in the near future.

Mr. Hayden – I do not see an issue here, I spoke with the homeowner briefly before caucus and we do not have homeowners association approval so, he does understand that he may need to comeback to the following meeting. We can address that issue with Mr. Stahl on the floor but we will cover that on the floor.

Mr. Evans – Their plans show that they have a solid back wall, I would like to ask about that because this takes us into a little bit different territory than screened in or whatever. I would like to be sure that they understand the ramifications of our approval, that they cannot wall in the entire thing.

Mr. Hayden - We can address that issue with Mr. Stahl on the floor.

Mr. Houlé – They do have common land behind them.

Mr. Rusnov – Mr. Chairman, what about proposing moving up our meeting an hour? Instead of starting our meetings at 7:00 pm, we could begin at 6:00 pm and caucus a half hour before.

Mr. Kolick – What we need to consider is the Members getting here and more importantly if the applicants will be able to make it on time, if they are coming from work downtown. That is why these meetings were originally set at 8:00 pm, to give people plenty of time to come to the meeting.

Mr. Rusnov – We can ask the people as they come through here. Could you have made it at 6:00 pm instead of 7:00 pm?

Mr. Hayden – We can probably do some due diligence on that, originally when we changed the time from 8:00 pm, I got in touch with each one of you and talked to Steve, I think the general consensus was that 7:00 would work. However, to Mr. Kolick's point, would individuals who are trying to make it to the public hearing be able to make it? We can ask over the next couple of meetings to see if we can get some feedback and the question can also be asked when they file their applications.

The Board members had no changes to the minutes of October 18, 2023

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
November 2, 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. Steve Molnar, Asst. Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this November 2, 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.

Mr. Hayden - Before us we also have minutes to approve from our meeting on October 18, 2023. We discussed this in caucus and there were no corrections or changes needed and we will file those accordingly.

Mr. Hayden – We also need a motion on the approval of Findings of Fact and Conclusions of Law, Re: Denial of a Variance for Jon Millard; Owner, 19275 Spinnaker Circle, PPN 397-25-054

Mr. Houlé – Mr. Chairman, motion to approve the Findings of Fact and Conclusions of Law, Re: Denial of a Variance for Jon Millard; Owner, 19275 Spinnaker Circle, PPN 397-25-054

Mr. Baldin – Second.

Mr. Hayden – Thank you, Mr. Houlé for the motion and Mr. Baldin 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 – We also need a motion on the approval of Findings of Fact and Conclusions of Law, Re: Denial of a Variance for Bernard Polomski and Kelley Carameli; Owners, 16973 Deer Path Drive, PPN 397-11-094

Mr. Houlé – Mr. Chairman, motion to approve the Findings of Fact and Conclusions of Law, Re: Denial of a Variance for Bernard Polomski and Kelley Carameli; Owners, 16973 Deer Path Drive, PPN 397-11-094

Mr. Baldin – Second.

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

ROLL CALL:

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

MOTION APPROVED

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) **RAYMOND KOVARIK (OWNER)**

Requesting a 306 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 506 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 19572 Applebrook Circle, PPN 399-33-034, zoned R1-75

Mr. Hayden – Item number one on the agenda is for Mr. Kovarik. Please give us your name and address for the record.

Raymond Kovarik, 19572 Applebrook Circle, Strongsville, Ohio 44136

Mr. Kovarik – I am requesting an extra 306 SF patio awning and the hardship is the weather. The weather comes in from the west and my house faces east to west, I get all the rain in there and it puddles up against my foundation. I was hoping to build the whole 37' awning as a protection for the foundation in the house and also be able to use it all year, that is the major hardship. The secondary hardship is COVID no matter how much we hate to say it, it has affected how I play with the kids and how I do things and I thought building this would keep us home and under cover and we would be able to have the birthday parties here.

Mr. Rusnov – In other words it is a staycation for you?

Mr. Kovarik – Yes, it is a big deal.

Mr. Rusnov - You are improving the property, have plenty of room and also have an irregular topography because of where you are located.

Mr. Hayden – Mr. Kovarik, is there any intention on enclosing this in the future?

Mr. Kovarik – No, that is not my plan.

Mr. Evans – Mr. Chairman, the only thing we would want to tell Mr. Kovarik is that even though it might not be his intention now, he can not do that going forward because that would require a change from it becoming a room as opposed to an awning over a porch. I am assuming that you are not going to put in a fire pit.

Mr. Kovarik – No, some electrical and maybe some ceiling fans to keep the air moving.

Mr. Baldin – I do not see a problem with this request and it will be a nice addition.

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 a 306 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 506 SF Floor Area is proposed to construct an unenclosed covered patio over concrete pad, property located at 19572 Applebrook Circle, PPN 399-33-034, zoned R1-75

Mr. Evans – Second.

Mr. Hayden – Thank you, Mr. Rusnov for the motion and Mr. Evans 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 – Mr. Kovarik, 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.

2) DAVID STAHL (OWNER)

Requesting a 280 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 200 SF Floor Area and where a 480 SF Floor Area is proposed to construct an unenclosed pavilion over concrete pavers, property located at 19703 Ennis Drive, PPN 394-29-122, zoned R1-100

Mr. Hayden – Item number two is for Mr. Stahl. Please give us your name and address for the record.

David Stahl, 19703 Ennis Drive, Strongsville, Ohio 44149

Mr. Stahl – The purpose for this request is for a 280 SF variance for an unenclosed structure. As noted, there will be three sides that are open and will have a full screen that comes down. The backside will be a solid wall, which we plan to use to hang a TV and a bar area.

Mr. Evans – Is the solid back wall the wall of the house?

Mr. Stahl – It is not.

Mr. Evans – This is a standalone pavilion.

Mr. Stahl – Yes, it is a standalone pavilion.

Mr. Rusnov – I have no questions

Mr. Hayden – I didn't either.

Mr. Baldin – I think it is a nice addition which has some common ground in the back, it should be no problem.

Mr. Hayden – The one thing that was discussed in caucus is that we do not have homeowners association approval so, we will hold the public hearing tonight and hold it open for the November 15, 2023 meeting.

Mr. Kolick – Mr. Chairman, to the applicant, the three sides that are proposed to be screened in, will that be permanent screening?

Mr. Stahl – They are retractable screens and are considered 90 percent closed, which means they will not be down during the summertime and it is a heavy enough screen so in the wintertime they block the air a little bit which will enable us to utilize the pavilion a little longer. Also, I spoke with Steve on several occasions and I am getting a stamped and signed drawing and I am working on that right now.

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. Hayden – We will hold the public hearing open until the November 15, 2023 meeting.

Mr. Kolick – Mr. Chairman, this probably raises an issue here because we are looking at a code change, under the code change we were only permitting screened in walls but, nothing solid. The question is, should we leave it that way or should we include one wall?

Mr. Rusnov – It would be tough to hang a TV on a screen.

Mr. Kolick – I am not saying he shouldn't but, I am trying to determine what is your recommendation for the code change because right now we were only looking at permitting screened in areas. Also, we would permit a door but only a screen door.

Mr. Evans – I don't think you were looking at a pavilion.

Mr. Kolick - We were looking at both because you can put four walls around a pavilion just like you can put three walls around a screened in porch. I am not sure if I would call this an unenclosed pavilion.

Mr. Evans – We have had a number of pavilions that have had not a full wall but, a partial wall for a fireplace and TV. I think one was also for a kitchen area and those walls we determined were not structural walls but were walls to put things on.

Mr. Kolick – I am not pushing for it or against, I am looking for input from the Board for what you think would be appropriate.

Mr. Hayden - I think a maximum of one wall would probably be appropriate, not that you would have that frequently.

Mr. Rusnov – That would accommodate a bar, TV or whatever you want to do.

Mr. Hayden – Yes, I would say one solid wall.

Mr. Kolick – The one that is attached to the house is okay but, the question is if you get a pavilion like this what would you want to do?

Mr. Molnar – Do we still consider that unenclosed even though it is attached to the house with one solid wall?

Mr. Baldin - A lot of people that put up these decks are going to enclose them.

Mr. Kolick – That will be an enforcement question and at that point they should come in for a building permit and then we catch them at that point.

Mr. Evans – That is the reason it is important for us to state this so, that it is on the record. At least at that point if they fail to come in for a permit and they decide to do that and a neighbor complains, we are on record saying that we are anticipating that they would.

Mr. Kolick - We are meeting next Thursday to hopefully finalize this, when I say finalize it I mean that it would have to be drawn up into an ordinance. This would then be forwarded to Council, they would have to refer it to the Planning Commission and then Council has to have a public hearing on it, which means we are still looking at next year.

Mr. Hayden – Any additional questions?

Mr. Houlé – Dan, the issue on the ballot relating to Council regarding business and commercial projects only, does that go into effect right away or is there a waiting period?

Mr. Kolick – I would have to check the law, there may be a 30-day waiting period.

Mr. Hayden – If there is no further business this meeting is adjourned.

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date