

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
September 13, 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) **XHULJA IFRIM (OWNER) (TABLED AT AUGUST 23, 2023 MEETING)**

Requesting a 5' 10" setback variance from sidewalk on a corner lot from Zoning Code Section 1252.17, which requires a 16' setback from sidewalk on a corner lot and where a 10' 2" setback variance from sidewalk on a corner lot is proposed for an existing fence, property located at 17135 Misty Lake Dr, PPN. 397-23-137, zoned R1-75

Mr. Hayden – Item number one was tabled at our August 23, 2023 meeting. We were waiting for the report from Officer Drlik which we did receive via email and it looks like there were no obstructions that were determined on this.

Mr. Evans – I am still amazed, I went back to the driveway on the east side of the fence and looked at it again because I thought maybe I missed something. I am not sure what he saw but for me backing out of it I would have a heart attack if there was traffic and we spoke last time regarding the liability for the Board in approving this. Mr. Kolick, my question is, are we absolved as a Board if anything happens as a result of this?

Mr. Kolick – We are protected either way by sovereign immunity but that shouldn't be a reason that you shouldn't do what you think is right regardless of the report.

Mr. Rusnov – Public safety should be the major concern.

Mr. Kolick – If you feel that you still need to make them angle the corner to give a clear view or if you think you need to move it back, we receive administrative reports all of the time but it does not mean that you have to agree with everything. I am not saying ignore it but it doesn't give you anymore protection whether he says it or if he doesn't say it and it doesn't automatically put the City in jeopardy.

Mr. Rusnov – I am worried about public safety and that is the issue. Can we ask them to angle that as a condition?

Mr. Kolick – Sure.

Mr. Baldin – We brought that up last time and a couple of comments were made about it and I think angling it on the corner by the driveway would be the way to go.

Mr. Hayden – The big thing for me was setting a precedent of having this so close.

Mr. Kolick – You also have to look at the sidewalk.

Mr. Baldin – That is what I looked at primarily and also the traffic on Drake Road.

2) PAUL WAGNER, (OWNER), ADAM SWARTZ, AGENT

Requesting a variance from Zoning Code Section 1436.02, which requires a concrete driveway and where a newly installed asphalt driveway is proposed, property located at 20592 Drake Rd., PPN. 393-35-003, zoned R1-75

Mr. Hayden - Item number two is Mr. Wagner on Drake Road. This is an asphalt driveway and he is looking for a variance where the code requires a concrete driveway or pavers.

Mr. Evans – The problem would be that we have turned down at least a half dozen and maybe as many as a dozen on Drake Road that have asked for dispensation or a variance from the code. We have been steadfast in saying no and the reason is simply that we don't want to set a precedent, particularly on Drake. We understand people don't want to necessarily do the expense of concrete but in the end, they would get that back in the sale value of their home, perhaps. The problem is allowing one when we have turned down so many would be a really unreasonable thing to do.

Mr. Rusnov – Was there a permit issued?

Mr. Kolick – They never requested a permit, it would be different if he requested a permit and they overlooked it.

Mr. Rusnov – So, he just went ahead and did it?

Mr. Kolick - He just went ahead and did it.

Mr. Baldin – Do we know if the contractor has a license in the City to do the work.

Mr. Kolick – Steve, I don't believe they did at the time but then they came in later and got it. Was that the situation, do you recall?

Mr. Mohnar - I don't recall, I would have to look into that.

Mr. Evans – The recourse of the homeowner would be if they used a contractor that was licensed in the City they should know better and they might have recourse that way. Otherwise unfortunately without coming in for a permit, it is on the owner.

Mr. Kolick – The homeowner could still have recourse to the contractor if the contractor said he would do it according to the law or said he would obtain the permit.

Mr. Rusnov – If he does that he may have to pull the asphalt driveway out.

Mr. Kolick – He may have to pull it out if we don't grant him the variance.

Mr. Rusnov – But, that would be at his expense.

Mr. Kolick - His or the contractor depending on how his contract reads.

Mr. Houlé – It would set precedent if we agreed to it.

3) GARY GROMIAK, OWNER

Requesting a 48 SF variance from Zoning Code Section 1252.15, which permits a 192 SF accessory building and where a 250 SF accessory building is proposed to construct a shed with a porch, property located at 14572 Hartford Trail, PPN. 399-27-102, zoned R1-75

Mr. Hayden - Item number three is Mr. Gromiak, this is a request for a square footage variance for an accessory structure which is a shed with a porch. This is something that has come across our plate numerous times over the years. I do not have an issue with this.

Mr. Baldin – There is plenty of room back there and I recognized the name because we have been there before.

Mr. Rusnov – This fits in with COVID starting in 2019 and people are spending a lot of money on their properties for a stay at home vacation. By putting a porch on the side of the shed they have another place to sit.

Mr. Houlé – There is also common land behind there.

Mr. Evans – The homeowners association also furnished a letter. Mr. Kolick, should we condition the variance on the removal of the existing shed?

Mr. Kolick – Yes, you should. Another thing he needs to be made aware of is that he needs to be out of the swale easement.

4) CARMELA LOPICCOLO (OWNER), THE PATTIE GROUP, AGENT

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of a nonconforming building or use to construct a screened porch over an existing patio
and
- b) Requesting a 180 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 380 SF floor area is proposed to construct a screened porch over an existing patio
and
- c) Requesting a 25' 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 26' rear yard depth to construct a screened porch over an existing patio, property located at 21608 Hickory Branch Trail, PPN. 391-15-049, zoned R1-75

Mr. Hayden - Item number four is Ms. Lopiccolo, this is a multiple variance request for square footage and a non-conforming building on Hickory Branch Trail.

Mr. Baldin – I don't have much of a problem with this and there is common ground behind him; however, there is a shed right up against the house which is not permitted.

Mr. Rusnov – We have been getting a lot of these and that is why the code has to be revised.

Mr. Evans – I agree with Mr. Baldin, the shed really should not be that close and I don't know if it has fire rated drywall inside but my guess is it does not.

Mr. Hayden – Mr. Baldin, how close do you think it is?

Mr. Baldin - One foot at the most.

Mr. Evans – In this case I think we should be paying attention to the condition of the shed and where it is located as well.

Mr. Baldin – There is room to move the shed.

Mr. Rusnov – By requesting fire rated drywall are we overstepping our bounds?

Mr. Kolick – It is something the Building Commissioner should address with the Board.

5) **BRIAN KONEVAL, OWNER**

- a) Requesting an 895 SF floor area variance from Zoning Code Section 1252.15, which permits a 323 SF floor area and where a 1218 SF floor area is proposed to construct an accessory structure
and
- b) Requesting a 10.5' height variance from Zoning Code Section 1252.04(g), which permits a height of 15' and where a 25.5' height is proposed to construct an accessory structure
and
- c) Requesting a variance from Zoning Code Section 1252.12(b) which requires any accessory building with a door or doors that equal or exceed 6' in height and 7' in width provide a driveway in accordance with Zoning Code Section 1436, and where no driveway is proposed for an accessory structure, property located at 20466 Drake Rd., PPN 393-35- 007, zoned R1-75

Mr. Hayden – Item number five on the agenda is for 20466 Drake Road. This is for a accessory structure with a deep back yard on Drake Road; however, this a big building.

Mr. Evans – A second house.

Mr. Hayden – My initial concerns are the size, height, and will there be a business running out of this.

Mr. Evans – Or if this will be used as a residence. Unfortunately, we have made that mistake and I am not inclined to make that mistake again.

Mr. Baldin – I agree, we went after one real hard and it was not followed up on by the City either.

Mr. Kolick – Also, let's see what he wants to store in the shed, this backs up to the homes on Beachwod and Parkwood.

Mr. Rusnov – This is a huge variance.

Mr. Houlé – All the way around.

The Board members had no changes to the minutes of August 23, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
September 13, 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 September 13, 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 August 23, 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) **XHULJA IFRIM (OWNER) (TABLED AT AUGUST 23, 2023 MEETING)**

Requesting a 5' 10" setback variance from sidewalk on a corner lot from Zoning Code Section 1252.17, which requires a 16' setback from sidewalk on a corner lot and where a 10' 2" setback variance from sidewalk on a corner lot is proposed for an existing fence, property located at 17135 Misty Lake Dr, PPN. 397-23-137, zoned R1-75

Mr. Hayden – Item number one on our agenda is Mr. Ifrim, this request was tabled from our August 23, 2023 meeting. If we can have the representative come forward to the microphone and state your name and address for the record.

Mr. Carlo Ifrim, 17135 Misty Lake Drive, Strongsville, Ohio 44136

Mr. Hayden – We did hear from your spouse at the last meeting. If you can give us a recap of the variance request.

Mr. Ifrim – Yes, we built the fence according to the permit and drawings that were submitted, which had the footage written on them and I'm not sure if something was missed. I guess we were supposed to stay back 16' from the sidewalk and we are only back 6' or 10' and I believe there has been some concerns with us having to push it back a little bit.

Mr. Hayden – One of the things we were waiting on from our last meeting was the Police Officer report and the Officer came out to look at things from all angles to determine if there were any sight distance or safety issues. We did receive the report back and it was noted in Officer Drlik's report that he did not really see any sight issues not at least while he was out there. I believe you were here for most of caucus and you may have heard our comments around this issue.

Mr. Ifrim – I was not here for caucus.

Mr. Hayden – A couple of things discussed were, a couple of us went out to the property and backed out of the driveway on the eastern side and that is still a concern for some of us. Is there any option to angle that?

Mr. Ifrim – Angle the corner?

Mr. Rusnov - We are interested in public safety and you have been a gentleman with us. If you could angle the fence on the eastern corner that would help with the sight line.

Mr. Ifrim – We will think about it. We did talk to our neighbor the one with the driveway and they said that they haven't had any issues. There is about 20' between the fence and Drake and there is a lot of space there for them to get a good view and obviously there is no obstruction coming from the east. They said there is no reason to be worried from the west either.

Mr. Rusnov – But we do worry, if angling that corner helps some kid on his tricycle that you can't see.

Mr. Baldin – I think that is the big issue of somebody coming down the sidewalk. There is a lot of traffic on Drake Road but I was not too concerned about the traffic. There was a gentleman riding the bicycle when I was there and I did have a problem with seeing him.

Mr. Ifrim – I had a couple of friends help me with this one and I don't know much of what I'm doing but I will see if they can come back out and help me.

Mr. Rusnov – Would you like to table that again?

Mr. Kolicjk – I don't think that we need to do that but I think you need to get with the Building Department regarding getting directions on angling the corner.

Mr. Molnar – Just come down and see us and we will chat.

Mr. Ifrim – At the Building Department?

Mr. Molnar – Yes.

Mr. Baldin – We don't want you to take the whole fence out and push it back.

Mr. Ifrim – That would not be ideal because if we come back 5'-6' we have a tree there that we would have to remove.

Mr. Rusnov – Basically if you agree to angling the corners we will vote on this.

Mr. Ifrim – Okay.

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 a request for a 5' 10" setback variance from sidewalk on a corner lot from Zoning Code Section 1252.17, which requires a 16' setback from sidewalk on a corner lot and where a 10' 2" setback variance from sidewalk on a corner lot is proposed for an existing fence, property located at 17135 Misty Lake Dr, PPN. 397-23-137, zoned R1-75, with a condition that the eastern corner be angled as required by the Building Department.

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

MOTION APPROVED

Mr. Hayden – Mr. Ifrim, 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. Please get with the Building Department sometime within the next week regarding angling the fence.

2) PAUL WAGNER, (OWNER), ADAM SWARTZ, AGENT

Requesting a variance from Zoning Code Section 1436.02, which requires a concrete driveway and where a newly installed asphalt driveway is proposed, property located at 20592 Drake Rd., PPN. 393-35-003, zoned R1-75

Mr. Hayden - Item number two is Mr. Wagner, if we can have the representative come forward to the microphone and state your name and address for the record.

Paul Wagner, 20592 Drake Road, Strongsville, Ohio 44149

Mr. Hayden – Please briefly take us through what occurred with this project. You heard some of our comments in caucus.

Mr. Wagner – I have lived in the house for 28 years and I wanted to get a driveway but never actually had the funds. I finally had the funds and started looking and asphalt is what I wanted because I thought it was the best looking for I wanted. I contacted Charlies Paving and they came out and looked around and said he could do this for so much and I said okay, are you going to take care of everything. They are licensed, bonded, insured and a reputable company and I had no reason to believe that they weren't going to pull a permit. Also, I had no idea that you can't have asphalt and I did not know that until they called me on Thursday and said we can come out tomorrow and do the work and I said okay, let's do it. In my mind everything was done on their part but when he came back out, he said that the City was out and we were not supposed to do this. I asked what did they say when you pulled the permit? He said we didn't get a permit but we have done 5 or 6 driveways in Strongsville and we have never had a problem.

Mr. Rusnov – They never go caught.

Mr. Wagner – Probably. Then they said you are probably going to have to pull it and I said if you would have gotten the permit we wouldn't have to go through this whole deal. It is in there now and it looks amazing, I know there is no asphalt permitted but, I had no idea and I am not trying to pull a fast one.

Mr. Rusnov – Nobody says you are.

Mr. Wagner – I contacted him and he was supposed to be here today.

Mr. Rusnov – Most people are not aware of the building code. You are relying on the experts to do this and they know that they have to get a permit and that they have to have concrete.

Mr. Wagner – I tried to contact him about coming out here today and I did not get a call back.

Mr. Kolick – I believe Mr. Hurst said that he was not licensed in the City but he did come later after the fact to get a license; however, he was not licensed at the time that he did the work. If you use a licensed contractor and if he is licensed before he does the work, then we have some leverage to make him come back and do the work and meet the code. In this case we don't because he was not licensed to begin with, note for the future, check with the City to make sure the contractor is licensed before he does any work.

Mr. Wagner – I took his word and I asked are you going to take care of it and he said yes.

Mr. Rusnov - Basically, your only fault was that you trusted the guy.

Mr. Kolick – If you had come in and asked for the permit it would have been denied.

Mr. Evans – Mr. Wagner, our problem is that we have had a number of people on Drake and elsewhere in the City that have come in and asked for a variance to not have a concrete or paver driveway and we have always said no. If we were to say in your case, yes, we will give you the variance then we set a precedent that becomes very hard for us to follow going forward because we would have everyone doing the same thing putting in a driveway and saying I didn't know I needed a permit. That becomes a real issue for us and City Council, who oversees this Board and are the ultimate authority. So, it has nothing to do with you trying to follow the process because the contractor may have been at fault on this but, that is our problem because we have to deal with setting a precedent. That is not something we like to do because we have turned down so many people that are in the vicinity of where you live. I believe in caucus we talked about the fact that you may be able to go back to the contractor, certainly now that they are licensed in the City which gives some indication that they wanted to do the right thing. To have them take the driveway out because ultimately if we were not to grant the variance that would be the process that would have to be followed.

Mr. Wagner - Would my property be grandfathered in because it previously had an asphalt driveway?

Mr. Kolick - Mr. Chairman, probably 45 years ago we permitted asphalt in the City but when anybody came in to improve their property they had to pull out the asphalt and put in concrete. Unless there is a real hardship because of topography or some other reason, Council has required us to only permit concrete or paving systems but basically concrete on the driveway. We understand there is a difference in cost but we can't take that into account under the conditions under the code for granting variances. There aren't any other hardships that we can look at and economic hardship is not a hardship we can consider.

Mr. Wagner – Why is asphalt not allowed?

Mr. Kolick – Council did a study years ago and determined they didn't want anymore asphalt drives within the City. That is a policy decision that we can not reverse here as a Board.

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 a request for a variance from Zoning Code Section 1436.02, which requires a concrete driveway and where a newly installed asphalt driveway is proposed, property located at 20592 Drake Rd., PPN. 393-35-003, 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. HOULÉ	NO
MR. EVANS	NO
MR. HAYDEN	NO
MR. BALDIN	ABSTAIN
MR. RUSNOV	NO

MOTION DENIED

Mr. Hayden – Mr. Wagner, this variance has been denied by this Board. I would urge you to get back with your contractor in conjunction with the Building Department to determine what the next steps should be as far as removal.

Mr. Wagner – My next step is to contact the contractor and tell him he has to come out and replace it with concrete or pavers.

Mr. Rusnov – The Building Department and Legal Department will answer any of your questions.

Mr. Wagner – I don't think they do concrete.

Mr. Kolick – You may have to get another contractor.

Mr. Wagner – And they are just going to refund me the money with no problem?

Mr. Kolick - That is not a matter in which we can get involved with and that is between you and your contractor. We do not have your contract and we do not know what it says, if they were required to do it according to law or if they were required to get a permit and didn't get a permit then I think you would have some recourse against them. If you were required to get a permit and you didn't than you probably don't have any recourse against them. We can't get involved in that private dispute; however, you will have to pull out the asphalt and replace it with something that meets code and the Building Department will work with you on timing but you need to contact them and it will be between you and the contractor regarding the cost.

3) GARY GROMIAK, OWNER

Requesting a 48 SF variance from Zoning Code Section 1252.15, which permits a 192 SF accessory building and where a 250 SF accessory building is proposed to construct a shed with a porch, property located at 14572 Hartford Trail, PPN. 399-27-102, zoned R1-75

Mr. Hayden – Item number three Mr. Gromiak or a representative. If we can have the representative come forward to the microphone and state your name and address for the record.

Mr. Gary Gromiak, 14572 Hartford Trail, Strongsville, Ohio 44136

Mr. Hayden – If you could take us through your project and the need for the request of the variance.

Mr. Gromiak – We live in a ranch with no basement and no storage so we put the shed that we have there which stores all of our outdoor furniture, lawn mower and snow blower and we need to replace it with a bigger one. We have a storage unit that we are paying for per month to store all of our patio furniture and the other things that we use outside. By putting this in we can get rid of the existing shed because it is bigger than what we have.

Mr. Rusnov – Are you planning to get rid of the existing shed?

Mr. Gromiak – Yes.

Mr. Hayden – Thank you, that is one of the things we discussed in caucus if the existing shed was going to be removed. We also discussed since COVID everyone is trying to improve their property to make it more enjoyable and obviously more convenient as far as brining in patio furniture back onto the property which saves money each month. I do not have any issues with this particular request and it is something we have seen time and time again as far as square footage.

Mr. Kolick – Mr. Chairman, for the applicant, there is a swale that goes down the side of your property, ensure that the building is kept our of the swale easement.

Mr. Gromiak - Yes, I know that.

Mr. Hayden – We have received approval from the HOA.

Mr. Evans – 48 SF is not that big of a variance and given that there is a porch on the front of this that takes up a majority of the 48 SF.

Mr. Houlé – Basically about 2' bigger than the existing one.

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. Evans – Mr. Chairman, motion to approve a request for a 48 SF variance from Zoning Code Section 1252.15, which permits a 192 SF accessory building and where a 250 SF accessory building is proposed to construct a shed with a porch, property located at 14572 Hartford Trail, PPN. 399-27-102, zoned R1-75, subject to the removal of the existing shed.

Mr. Rusnov – Second.

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

4) CARMELA LOPICCOLO (OWNER), THE PATTIE GROUP, AGENT

- a) Requesting a variance from Zoning Code Section 1274.06, which prohibits the extension of a nonconforming building or use to construct a screened porch over an existing patio
and
- b) Requesting a 180 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 380 SF floor area is proposed to construct a screened porch over an existing patio
and

- c) Requesting a 25' 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 26' rear yard depth to construct a screened porch over an existing patio, property located at 21608 Hickory Branch Trail, PPN. 391-15-049, zoned R1-75

Mr. Hayden – Item number four is Ms. Lopicollo, if we can have the representative come forward to the microphone and state your name and address for the record.

Ms. Carmela Lopiccolo, 21608 Hickory Branch Trail, Strongsville, Ohio 44149

Brian Knauer, The Pattie Group, 15533 Chillicothe Road, Novelty, Ohio 44072

Mr. Hayden – Please give us a description of the project, it looks like it needs three variances.

Mr. Knauer – Carmela is unable to do anything without obtaining a variance but before the codes changed she had a design done for her from a different contractor, a patio and covered structure extension off of the house. The patio was installed there and a footer was poured and inspected to go along with the permit for having a structure built over top of this patio. Due to some personal things that happened in Carmela's life the structure was never built but the patio did go in place. We were brought in to help redesign the structure, there were some concerns with the original structure design and how it was attached to the house. Going through the design process we were sending items to the Building Department that would require a variance. We did our best to stick within the confines of what we were doing and we tried to make this feel like this was a part of the house with the roof lines. The shed that you mentioned during caucus is currently empty and is slated to be picked up for removal this weekend.

Mr. Hayden – We did receive a letter from the HOA acknowledging their approval of the concept.

Mr. Rusnov – We should condition this with the removal of the shed.

Mr. Hayden – Our biggest concern as mentioned in caucus was the removal of the shed.

Mr. Evans – We understand it is a non-conforming use and unfortunately, we have a lot of those in the City. We understand that you have been there and are going to stay there and we are glad you are improving your property. We would like everyone to be able to enjoy their homes.

Mr. Kolick – Mr. Chairman, we are looking at some code changes to permit screened in porches but it wouldn't permit a three-season room. Just so you are aware in the future it won't be so easy to change it over from a screened in porch to something different. I am not saying you are intending on doing that I am just warning you in advanced.

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 – 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, motion to approve a request for a variance from Zoning Code Section 1274.06, which prohibits the extension of a nonconforming building or use to construct a screened porch over an existing patio and requesting a 180 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 380 SF floor area is proposed to construct a screened porch over an existing patio and requesting a 25' 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 26' rear yard depth to construct a screened porch over an existing patio, property located at 21608 Hickory Branch Trail, PPN. 391-15-049, 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. HAYDEN	YES
MR. BALDIN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES
MR. EVANS	YES

MOTION APPROVED

Mr. Hayden – Ms. Lopiccolo, your variances have 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.

5) BRIAN KONEVAL, OWNER

- a) Requesting an 895 SF floor area variance from Zoning Code Section 1252.15, which permits a 323 SF floor area and where a 1218 SF floor area is proposed to construct an accessory structure
and
- b) Requesting a 10.5' height variance from Zoning Code Section 1252.04(g), which permits a height of 15' and where a 25.5' height is proposed to construct an accessory structure
and
- c) Requesting a variance from Zoning Code Section 1252.12(b) which requires any accessory building with a door or doors that equal or exceed 6' in height and 7' in width provide a driveway in accordance with Zoning Code Section 1436, and where no driveway is proposed for an accessory structure, property located at 20466 Drake Rd., PPN 393-35-007, zoned R1-75

Mr. Hayden – The last item on the agenda is Mr. Koneval. If we can have the representative come forward to the microphone and state your name and address for the record.

Brian Koneval, 20466 Drake Road, Strongsville, Ohio 44149

Mr. Hayden – I do believe you were here during the duration of caucus and heard our comments and concerns. Please take us through the project and address some of those concerns.

Mr. Koneval - I live in a ranch and initially submitted plans to the previous inspector and I was going to put an addition onto our house but the prices got crazy. I was planning on incorporating the storage into the addition but this seems to be the most feasible option. I want to build this structure and get rid of my existing shed and would like a space where I can put all of my yard equipment, and patio furniture on the second floor and I did not want to have to kneel down like in an attic and wanted to put the stuff from my basement including tools and my wife's décor for every single holiday. I have approximately 1238 SF in my basement and there are racks and racks of holiday décor and tools. On the first floor I would like to store a Dingo with some implements, a Kubota digger, three lawn mowers, and a tractor with implements. I am getting older and I would like to have a piece of equipment to do the job instead of being out there hustling. The first floor of the shed is for yard stuff, I do not want to put in a driveway, cars, boats or a RV's back there, I would like to have clean storage and would like to put in a work bench.

Mr. Hayden – I appreciate you taking us through that, you heard in caucus a lot of our comments were around the size and height especially.

Mr. Koneval - I don't think the size is big for the lot, I mean 1200 is pretty small and it is not 3000.

Mr. Evans – It is four times the amount that you are allowed.

Mr. Hayden – It is pretty large.

Mr. Koneval – What is the point of having an acre lot if all you can do is mow grass and I need the equipment to do that. The shed that I have now is unusable and is packed and I also have a two-car garage that I only use as a one car garage because of all of the stuff. This building is to alleviate all of that and utilize my basement for something other than a storage facility.

Mr. Kolick – Mr. Koneval, for your size lot we have a larger accessory building that is permitted by code up to 323 SF. Your building is almost four times the amount permitted under the code and that is pretty significant.

Mr. Koneval - I understand, when I was going to do the house addition I was going to put about that size onto my house but because of the way the house sits and the roof line details, it was really expensive. I thought putting this building in the back away from everybody, it is 200' back and you wouldn't be able to see it from the road and I have a neighbor that has a deep lot as well and it's going to share that fence line.

Mr. Kolick – Mr. Chairman, one of the reasons we don't permit accessory buildings this large and with garage doors is because regardless of what your intentions are the next person may want to store their antique automobiles back there. They have this huge structure with garage doors and now they start working on cars and that is part of the reason that Council has limited the size.

Mr. Koneval – I plan on staying there.

Mr. Hayden- We have to think about the things that may be out of your control that forces you to leave. We are really big on not setting a precedent with these projects that we review especially for me with the height. I have been on this Board for a few years and I don't know if we have gone much above our code with respect to height.

Mr. Koneval – I live in a ranch and there is nothing but duplexes around me.

Mr. Baldin – How long have you lived there?

Mr. Koneval – I have lived there since 2001.

Mr. Baldin – What have you done with all of the equipment since you have lived there?

Mr. Koneval – I am paying storage fees for the Dingo and when I want to use it I have to grab a trailer. I do have off site storage and I lease 600 SF for my personal use.

Mr. Baldin – Are you planning to run a business from there?

Mr. Koneval – No, I just have a lot of tools.

Mr. Baldin – Are you planning to run electricity or water back there?

Mr. Koneval – Maybe electricity but not water. I wanted to build a structure that is fire safe and built out of block so that I don't have to worry about mold, water, fire or rodents. I have that issue now there are a couple of mice and ground hogs in my current shed and I would like to mitigate all of those issues. I would like to put earth tone siding onto the shed to blend it into the landscape.

Mr. Baldin – You heard a lot of our concerns and we do not see a hardship and there are four different rules of hardship on why we permit variances. You are looking at a very large building, particular with the second floor and height, you are talking about a two-story building.

Mr. Koneval – Yes, it is close to it. I didn't want to have to make it bigger so logically it will be just a little bit taller.

Mr. Baldin – You have a subdivision behind you as well which the barn may obstruct their sight line.

Mr. Koneval – I have woods behind me so people directly behind me won't see it and the six neighbors along my property line are two story houses and this will be 200' from my house and 300' – 400' away from the neighbors.

Mr. Evans – Mr. Koneval, part of the problem is that we've had people before that have wanted a two-story accessory building and, in every case, they have become a residence.

Mr. Koneval – Who would want to live in a shed?

Mr. Evans – You say that you are not going to run water back to it; however, our problem is you may not be there for that long, you may decide you want to leave and something may happen and you are unable to live there. Someone else may say, we have a rental unit in the back and I can run a car shop out of it because we have a big garage door on it. Our problem is that when we make allowances they often times turn on us. City Council is our primary authority and when they set the code and look at it and there are exceptions that we make and they turn into problems it become our problem because we set the precedent. With a two-story building built out of block and it has two large garage doors it will be attractive to somebody.

Mr. Koneval – I only have one large garage door and I can eliminate it. What if I did something different with the garage door? I have lived my whole life in the City and I see all the other structures and garages. This is not even that big in comparison to some of the other garages I have seen. I just want pure dry no moisture storage like I have in my basement and that is why I wanted to have the elevated floor, that was the whole intent. I understand your concerns about having people run businesses and I don't think that structure is even big enough to run a business.

Mr. Hayden – When Mr. Evans speaks to things like that it is because it has actually happened. Mr. Koneval, I appreciate all of the information and you have heard some of our concerns regarding the square footage and height. Can you meet us anywhere lower than where you are at?

Mr. Rusnov - Or would you like to reconsider the size?

Mr. Hayden – We can certainly vote on what you are requesting.

Mr. Koneval – I calculated the size based on all of my stuff, I measured it out and that is what works so I don't know how much size you are talking in reduction. My exterior dimensions are 25' x 5' x 40' x 48'.

Mr. Rusnov – You are four times above what the code allows.

Mr. Koneval – I understand, if I had to reconsider, my wife and I would have to decide on what we would like to do. The cost of adding onto our house was pushing north of \$300,000 and that is why we pulled the hammer on it.

Mr. Baldin – Would you like to table this and think about it or do you want us to vote on it tonight?

Mr. Koneval – Vote on it and if it is a no, maybe we need to move. I don't want to do that but I really don't know what else to do because 300 SF is really not enough.

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.

Ms. Athena Fasset– 20359 Berkshire Circle, Strongsville, Ohio 44149

Ms. Fasset – The reason I am against it, everything that you all have talked about is exactly my concern. I thought I would have to ask a lot of questions but you hit on everything.

Mr. Rusnov – We are bound by the code and the only alternative would be to have the code changed to allow a building like this.

Ms. Fasset – This is my first time I've come to an appearance like this so I am kind of playing it by ear. I understand his needs but it is the precedent that we don't really want and I lived somewhere where that has happened and it doesn't stay like they say it will stay. I'm not saying that he won't go with the code and I felt like I had to come and say that but you all covered it all and I am satisfied. Thank you for letting me speak.

Mr. Baldin – Thank you for taking your time to show up.

Mr. Hayden - Is there anyone else 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 a request for an 895 SF floor area variance from Zoning Code Section 1252.15, which permits a 323 SF floor area and where a 1,218 SF floor area is proposed to construct an accessory structure and requesting a 10.5' height variance from Zoning Code Section 1252.04(g), which permits a height of 15' and where a 25.5' height is proposed to construct an accessory structure and a request for a variance from Zoning Code Section 1252.12(b) which requires any accessory building with a door or doors that equal or exceed 6' in height and 7' in width provide a driveway in accordance with Zoning Code Section 1436, and where no driveway is proposed for an accessory structure, property located at 20466 Drake Rd., PPN 393-35-007, zoned R1-75, with a condition that the existing shed be removed

Mr. Houlé – Second.

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

ROLL CALL:

MR. BALDIN	NO
MR. RUSNOV	NO
MR. HOULÉ	NO
MR. EVANS	NO
MR. HAYDEN	NO

MOTION DENIED

Mr. Hayden – Mr. Koneval, this variance has been denied by this Board at this time.

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

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date