

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
September 27, 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) **PAUL WAGNER, OWNER (REQUEST WAS DENIED AT THE SEPTEMBER 13, 2023 MEETING)**

Requesting a reconsideration from the denial of 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 one is a request for reconsideration of an asphalt driveway, we discussed during the last meeting that this is something that is prohibited by the City. However, these are special circumstances where the homeowner was relying on the contractor to comply with the City and ultimately that did not happen.

Mr. Rusnov – I was asked by the powers to be to check and see how many asphalt driveways there are in the City. I started on Drake to West 130th but, I didn't make it to Prospect or Boston and I was up to 12 asphalt driveways. One of them was a newer home, how in the world did that slide through?

Mr. Baldin – Where was that located?

Mr. Rusnov – On Drake Road, it is the one that sits way back.

Mr. Kolick – We granted a variance for that one, which belongs to Cappy.

Mr. Rusnov – There was a variance granted for the new house with the winding driveway.

Mr. Houlé – There was one on the north side of the street.

Mr. Rusnov – This was on the south side of the street and it abuts the freeway.

Mr. Houlé – By I-71.

Mr. Kolick – Yes, that is Cappy, we granted a variance for that. There are times we have granted variances if they sit back off the road for asphalt driveways.

Mr. Hayden – We talk a lot about trying not to set a precedent; however, I do feel like this is a special circumstance. I did have a chance to talk to the homeowner after our last meeting and the discussion regarding the contractor was that he was going to handle everything.

Mr. Rusnov - We are dealing with the entire City and the differences in code. One of the worst ones I have seen was two doors away from me which was built in the 1950's.

Mr. Kolick – We did permit asphalt driveways until Council outlawed them, that is why they are there because they preexisted before the code change and you were allowed to keep it but, if you wanted to change you would have to conform to a concrete driveway, they were permitted as a nonconforming use.

Mr. Evans – Mr. Chairman, I just want to make the point that ignorance is not one of the reasons we have for granting variances. If we would grant this variance I want to make sure we are absolutely specific on why this variance was granted because we will have to live with this and there will be a boat load of people that will come in and ask or demand for the same thing and I don't think we should be allowing it.

Mr. Hayden – We will hear from the homeowner on the floor.

2) BRIAN KOZEL (OWNER), JIM PETROPOULEAS, AGENT

- a) Requesting a 568 SF floor area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF floor area and where a 1,568 SF floor area is proposed to construct an attached garage
and
- b) Requesting a 14' garage width variance from Zoning Code Section 1252.22 (d), which permits a 36' garage width and where a 50' garage width is proposed to construct an attached garage, property located at 13140 West 130th Street, PPN 398-27-013, zoned R1-75

Mr. Hayden - Item number two is Mr. Kozel on West 130th Street, this is a SF floor area variance as well as a garage width variance for an attached garage.

Mr. Baldin – I didn't see a problem with this and he has a yard and a large lot.

Mr. Rusnov – The addresses are screwed up over there; however, he has a huge backyard and that would be at the rear of the property and would not be visible from the street.

Mr. Houlé - This would be similar to a previous variance that was granted, he has a large lot and it is completely invisible from the street.

Mr. Kolick – We want to make sure it is not going to be used for business purposes.

Mr. Evans – We did one for a basketball court on West 130th which led to another one next door, it is a breeding ground. Even if this person says it is a garage you will have a business in there before you know it and I think that it is too big.

Mr. Houlé – According to the drawings it is a three-car garage plus a work area.

Mr. Evans – It is much bigger, when you are talking about 50' wide.

Mr. Baldin – I agree the size they want is a little too large but I don't think they need anything that big.

Mr. Kolick – The lot width on the County's records is showing 116' wide x 750' deep, almost 2 acres, 1.997 acres.

Mr. Evans – I though it was an 80' lot.

Mr. Kolick – 80' wide is a lot different than 116' wide but we can ask them on the floor.

3) JOAN WASDOVITCH (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 patio
and

- b) Requesting a 12' 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 38' rear yard depth, for the construction of a seasonal patio enclosure over an existing patio, property located at 14521 Baywood Lane, PPN. 398-19-174, zoned R1-75

Mr. Hayden - Item number three is a variance for a patio enclosure, this is in a small cluster community on Baywood Lane. I visited this property this afternoon and it is very tight back there.

Mr. Rusnov – This is a typical cluster development and they are generally 10' apart on very small lots. They do not have much to work with and they already have a covered patio off the back of the house that they would like to enclose.

Mr. Houlé - They have a patio and a pad.

Mr. Hayden - Yes, it is a covered patio with an existing pad. I think this request may go 4' – 5' past what is existing there. The other concerns I have is if the measurements are accurate, it sits above the swale back there.

Mr. Evans – The Pine Lakes Trustee letter indicates that the depth is 33' and not 38', so they were saying it is a 17' variance. I think we need to be certain of what is being requested; however, the drawings indicate 38'.

Mr. Hayden – We will get clarification of that from the homeowner on the floor.

Mr. Houlé - We also have a letter from a neighbor who is against the variance.

Mr. Hayden – Originally, we received homeowners association approval based on previous plans that were submitted but subsequently we received a denial letter from the HOA.

Mr. Baldin – We have received a number of notices regarding this project so, let's talk to them on the floor.

4) TERENCE DENTKOS (OWNER), ALEX SHERMAN, AGENT

Requesting a 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered pavilion, property located at 10947 Sand Creek Circle, PPN 391-15-066, zoned R1-75

Mr. Hayden – The last item is for Mr. Dentkos, this is a SF floor area variance much like the other ones we have seen.

Mr. Rusnov – This is an irregular lot, they have really shined this house up since they have purchased it.

Mr. Houlé – There is no doubt that they need some type of shade back there because it gets full sun and it is on a cul-de-sac lot.

Mr. Kolick – It backs up to common area with a common strip of land.

Mr. Houlé – The homeowners association did approve it all.

Mr. Baldin – I did not see a problem.

The Board members had no changes to the minutes of September 13, 2023.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
September 27, 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 27, 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 – We do have a revised agenda this evening so, we will require a motion to adopt that revised agenda.

Mr. Houlé – Mr. Chairman, motion to adopt a revised agenda for tonight.

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 - Before us we also have minutes to approve from our meeting on September 13, 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 Three Variances for Brian Koneval, Applicant 20466 Drake Road, PPN. 393-35-007

Mr. Houlé – Mr. Chairman, motion to approved the Findings of Fact and Conclusions of Law, Re: Denial of Three Variances for Brian Koneval, Applicant 20466 Drake Road, PPN. 393-35-007

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) PAUL WAGNER, OWNER (REQUEST WAS DENIED AT THE
SEPTEMBER 13, 2023 MEETING)**

Requesting a reconsideration from the denial of 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 one is a reconsideration request from our previous meeting on September 13, 2023. Mr. Wagner can you come forward and please give us your name and address for the record.

Paul Wagner, 20592 Drake Road, Strongsville, Ohio 44149

Mr. Kolick – We should first proceed with a motion to reconsider the variance.

Mr. Houlé – Mr. Chairman, motion to reconsider the denial of 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. 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	ABSTAIN

MOTION APPROVED

Mr. Hayden - Thank you Mr. Wagner, if you would reiterate your project for us and also, you have submitted a letter requesting a reconsideration of the project.

Mr. Wagner – Thank you for the reconsideration, approximately at the beginning of July I looked for a contractor to put in a driveway and I contacted a paving contractor and the first time he came out we didn't agree on everything but the second time he came out we agreed. He assured me both times he was out that they had done previous driveways in Strongsville. I asked him if they take care of everything and he said yes, that is what we do, five or six times we have done driveways out here. The following week he was supposed to come out but he cancelled, the week after that he called me on Thursday night, July 27th and he said everything looks good we are good to go and we have an opening tomorrow, if you want us to come out tomorrow we can start. I said yes, that sounds great and they started Friday morning, I went to work and he called me at 2:00 at work and said that they were done. We took a walk and looked at the driveway and I said everything looks good to me. He asked for payment, I paid by check and he emailed me my receipt but as he was getting into his truck he told me that the City was out here and said that you cannot have an asphalt driveway, my stomach dropped because I had never heard that, he then left within about 1 ½ hours the check was cashed.

Monday, I went to the Building Department and spoke with Ted and I thought I would have to fill out a permit because they didn't have one. He said don't do anything yet and he contacted the contractor and he came back out; however, I'm not sure of all the details with that. After that I received a letter saying that I had to come here for a variance.

Mr. Kolick – Mr. Wagner, were you under the impression that the contractor had already obtained the permit?

Mr. Wagner – He told me twice that they have done 5 to 6 driveways in Strongsville and I asked if he was going to take care of everything and he said yes, we do everything and I put my full trust in the contractor. I now know that it was wrong and, in the future, I will have to double and triple check. This has become a huge mess and I never wanted it to come to this. If he would have applied for the permit this could have been avoided but, he did not and I trusted him. I do have the receipt for the payment of the project.

Mr. Hayden – Thank you, Mr. Wagner, you were here for caucus and heard our comments and concerns and how we are careful about setting precedent on projects in the City. I would like to ask Mr. Evans to make some comments on the record regarding this request.

Mr. Evans - Mr. Wagner, our problem is that when we grant variances we have to live with the consequences of them. As I said in caucus ignorance is not one of the reasons that we have for granting a variance. We do understand that you talked to a contractor and in good faith and you accepted the contractor's comments. Your contract as I understand did not say anything about permits with the City or meeting City requirements. I would think that when paying that much money that you would want the driveway to meet City requirements whether or not a permit had been asked for or not and you know now that your driveway may or may not have met the requirements of the City.

Mr. Wagner – I received the contract after the fact, I never had anything signed.

Mr. Evans – Mr. Runsov in caucus talked about the number of asphalt driveways, our problem is that we answer to City Council and when we grant a variance because a resident gets stuck because they took the word of somebody, City Council may not see that we have done the right thing. I just want to make you are aware that if this Board does grant the variance there is another ultimate authority that may not agree with us doing that.

Mr. Kolick – Mr. Chairman, I did have Mr. Hurst go out and take a look at this driveway to make sure this meets general construction requirements, even though we don't allow asphalt driveways. He did confirm that it met construction standards, just so the Board is aware.

Mr. Evans – Mr. Kolick, just to be sure if we were to grant this variance the asphalt driveway is grandfathered but if he needs to replace it at any point this would not allow him to install an asphalt driveway again in the future.

Mr. Kolick – He would not be able to replace it but, he would be allowed to maintain it. Once you grant a variance it goes with the property so, he or anyone who owns the property would have the ability to do so.

Mr. Evans – I just want to make sure that a replacement is not something that would be guaranteed by a variance.

Mr. Kolick – If you are considering granting the variance you can make that part of the motion, that under these circumstances you are granting a variance but, if it needs to be replaced it must meet city code.

Mr. Rusnov – I was asked by a City Official to check and see how many asphalt driveways I could find in that immediate area and I found approximately 12 -15 homes with asphalt driveways.

Mr. Kolick – Mr. Chairman, the only thing I would note with that as I mentioned in caucus is that at one time we did permit asphalt driveways, until the code changed.

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 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, with the condition that if the driveway is replaced it has to conform to code.

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	ABSTAIN
MR. RUSNOV	YES
MR. HOULÉ	YES

MOTION APPROVED

Mr. Hayden – Mr. Wagner, 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) BRIAN KOZEL (OWNER), JIM PETROPOULEAS, AGENT

- a) Requesting a 568 SF floor area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF floor area and where a 1,568 SF floor area is proposed to construct an attached garage
and
- b) Requesting a 14' garage width variance from Zoning Code Section 1252.22 (d), which permits a 36' garage width and where a 50' garage width is proposed to construct an attached garage, property located at 13140 West 130th Street, PPN 398-27-013, zoned R1-75

Mr. Hayden - Item number two, if we can have a representative step up to the microphone and give your names and addresses for the record.

Jim Petropouleas, 10883 Pearl Road Suite 101, Strongsville, Ohio 44136

Brian Kozel, 13140 West 130th Street, Strongsville, Ohio 44136

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

Mr. Petropouleas – Mr. Kozel's father is getting up in years and about two years ago he lost his spouse so, we are bringing in Mr. Kozel to live with his father. He is experiencing mobility issues and gaining weight and requires assistance. We came up with the idea of turning the garage into living space and building an additional garage. His father and himself love and collect tools and that is why the extra tool room is there and I am a fan of cars. Currently, we have three cars and there will be four so, that is why we are asking for the space. The existing garage will be turned into living space and one garage spot so that the elderly Mr. Kozel can have his car right there and walk right out into his in-law suite. That garage will have a hallway in front of it with a little connector to the attached garage which will be a three-car garage with storage and tool shop area. Mr. Kozel is also a Sergeant with the Hudson Police Department so there is no plan to turn this into a business enterprise. I have my business here in Strongsville which is a

professional law firm, so we do not have any plan to turn this into any type of business, nor do I want to have a business on our property. Additionally, he has had the house titled since 2006 and we have been long time residents. We have done a lot to improve the property and would like to turn that area in front of the in-law suite into outdoor living space. We are looking to improve the property and not leave Strongsville.

Mr. Kolick – Mr. Chairman, before we go on, part of the existing garage is going to remain a garage and then they are adding space. Does the 1,568 SF include the existing garage and the new space being added on?

Mr. Petropoulos – The new garage will be 1,204 SF with the 91 SF connection between the two.

Mr. Kolick – How much of the space is for the existing garage? I just want to make sure we are using the right numbers?

Mr. Kozel – 294 SF and the total is 1,568 SF.

Mr. Rusnov – So, the size of the variance is 568 SF.

Mr. Kozel – That is correct.

Mr. Rusnov – The previous information we received was in error.

Mr. Kozel – That is correct.

Mr. Petropoulos – The ranch is like a L shape, you pull around and the garage is in the back and the new garage will be built off of that, you will not see it from the road. This is a very long bowling lane type of yard and there is plenty of space for it.

Mr. Rusnov – Will the existing shed be removed?

Mr. Petropoulos – I think we are required to remove it.

Mr. Houlé – This is a 568 SF variance.

Mr. Evans – Mr. Kolick, my question is, they show the dimensions of the garage width of 45' and some inches but we are doing a variance for 50' which I would have to believe it includes the garage door that is maintained in the original structure?

Mr. Kolick – He is permitted a total of 1,000 SF for the garage and we have to take the area that he is keeping as part of the garage and add the new structure to it.

Mr. Evans – I'm talking about Item B which shows a 50' width when the plans are showing 45' width.

Mr. Molnar – The way it was figured out is that the new part is 50' including the breezeway between the two garages because the other one is already existing. He is adding on the 45' and 5' of the breezeway.

Mr. Baldin – Are the numbers correct because he already has a garage and is going to keep a portion of the existing garage?

Mr. Kolick – What is the width of the current garage that you are going to be keeping, so that we make sure we are using the right numbers? How much of the current structure will remain a garage?

Mr. Kolick – Steve, if the existing garage is 12' are we now looking at a garage width of 62'? That would be counting the new space and the old space.

Mr. Molnar - Mr. Kolick, the only thing I counted was the new structure that is being added on.

Mr. Kolick – We have to add on the old part because that is part of the garage so, we add another 12' on there.

Mr. Molnar – Are we counting the breezeway as part of the garage.

Mr. Kolick – No, the breezeway would not be counted as part of the garage space so, we would need to add 7'. They have 57' and are permitted 36' and a 21' garage width variance is required. The first number should be 21' garage width and a 36' garage width is permitted and where a 57' garage width is proposed.

Mr. Kolick - For the applicant, are the tools that you have in the garage for working on these automobiles?

Mr. Petropoulos – Yes, he will be working on auto mechanic stuff.

Mr. Kolick – Be careful, we do not want to hear from the neighbors about things going off at night, taking off wheels and a lot of noise from there because that is why we have limits on the garage widths so that we don't run into a mechanic shop. If we get complaints, I don't want to have to see the police come out.

Mr. Evans – If the applicant sells the property they need to advise the buyer that this can not be used as a commercial space. They may not intend to but someone buying it may look at it and say I can convert this into commercial space and that would not be permitted. I need to make sure the applicant understands that because they would be responsible in communicating that to a buyer.

Mr. Kozel, - Absolutely.

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 a request for a 568 SF floor area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF floor area and where a 1,568 SF floor area is proposed to construct an attached garage and a request for a 21' garage width variance from Zoning Code Section 1252.22 (d), which permits a 36' garage width and where a 57' garage width is proposed to construct an attached garage, property located at 13140 West 130th Street, PPN 398-27-013, zoned R1-75

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

MOTION APPROVED

Mr. Hayden – 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.

3) JOAN WASDOVITCH (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 patio
and
- b) Requesting a 12' 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 38' rear yard depth, for the construction of a seasonal patio enclosure over an existing patio, property located at 14521 Baywood Lane, PPN. 398-19-174, zoned R1-75

Mr. Hayden - Item number three is a request for a seasonal patio enclosure. If we could have a representative from Baywood Lane. Please give us your name and address for the record.

Jessica Skimin, Great Day Improvements, 1943 Midway Drive, Twinsburg, Ohio 44087

Mr. Hayden - Please take us through the project that you will be working on for this client. Also, if you can address our comments from caucus.

Ms. Skimin – Would you like for me to make comments regarding going past what is existing there?

Mr. Hayden – We were not sure.

Ms. Skimin – There is an existing patio, concrete pad with a roof post and the homeowner would like us to enclose the existing patio with glass. We would not be extending but, following the existing footprint that is there.

Mr. Rusnov – You are building on what is already there and enclosing it with glass?

Mr. Skimin – Yes, correct.

Mr. Baldin – There is an additional concrete pad from what was originally put in. Have you extended that?

Mr. Skimin – No, we are not extending the concrete pad and we are not touching anything on the existing structure, we are just enclosing it with glass.

Mr. Kolick – Mr. Chairman, for the applicant, how far will the structure be off of the back-property line? We have different numbers and you are required to be 50' off of the rear property line

Ms. Skimin – I believe that it is 33' from the rear property line and from the structure itself it is 11.5' plus the 7" post so, about 12' off of the house.

Mr. Baldin – You are not going any further than what is already there?

Ms. Skimin – Yes, correct.

Mr. Kolick – If it is 33' and we require 50', then the variance should be 17' and not 12' as indicated on the request for Item B.

Mr. Hayden – I think there was some confusion regarding the plans that were submitted.

Ms. Skimin – Yes, there was because we had originally submitted the wrong drawings for a different project so, new drawings were resubmitted.

Mr. Hayden – Just to restate this request, you are going to close in the existing structure without any further extension.

Ms. Skimin – Correct.

Mr. Kolick – Therefore, the variance request would be for 17' and the third number should be 33' in Item B.

Mr. Baldin – As a seasonal patio you are going to enclose this with glass. Are you planning on heating this room?

Ms. Skimin – No, it will not be heated at all; however, there is an existing ceiling fan. This will be a three-season room made out of glass and aluminum, the new walls, windows, door will be glass and we are not using any foam, the aluminum will be sandstone to match the color of the house.

Mr. Evans – Mr. Kolick, would I be correct that we can specify in the motion that this will be a three-season room without heat?

Mr. Kolick – We can but, understand that the new code, which is still in the talking stage, will not permit glass, it will only permit screens. Currently, they cannot have it at all.

Mr. Hayden – It appears some of our comments in caucus do not apply since this is not extending past what is already existing.

Mr. Houlé – However, we still have an issue with the homeowners association.

Mr. Hayden – Was the issue based off of that potential extension?

Mr. Houlé - We will need to have that clarified.

Mr. Skimin – As far as the homeowner’s association, the homeowner and myself have tried to reach out to them and we haven’t been able to get through. They did originally approve it so, I don’t know if there was confusion because of the other drawings. I would have liked to come here with feedback from them but, I haven’t been able to get a hold of anyone there.

Mr. Kolick – The homeowners association representative is here so, they can address this. In response to Mr. Evans’s question, you can make it subject to that but as a practical matter we will never know. That is why the new code change is only going to permit screening so it is not changed into a four-season room.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance.

Mr. Hayden - Is there anyone in the audience that wishes to speak against the granting of the variance.

Mr. Scott Goldberg, 5866 Broadview Road, Cleveland, Ohio 44134

Mr. Goldberg – I am the managing member of Albion Webster Development Company which is the developer at The Reserve at Pine Lakes Village, which is a cluster association. The most recent Phase 60, which is the 5th cluster phase, includes the applicant’s home which is subplot 101 and there is a 50.09’ rear separation between the applicant’s home and Posta’s house who is also here tonight and she is most directly affected by the variance request. We submitted some letters to this Board which I am not going to read but ask that they be incorporated into the record (See Exhibits A, B and C). Our biggest concern with this variance request is that we are worried about existing cluster homes seeking similar variances for things other than an enclosure of a covered patio. If this homeowner sells the home, this variance would run with the land and allow some other permanent structure that would reduce the rear yard separation between the houses. If this Board grants a variance whether it is 12’ or 17’, I am sort of confused with what the applicant is seeking, our greatest concern is that we will have existing homeowners who are seeking to build an addition to the rear of their home and this would be a precedent for them in the future to seek that sort of variance and that is really our main objection to this request. The home was built without variances but as an addition it creates the possibility that we will be facing this issue with the other homes. There are 101 lots there and that is our greatest concern.

Mr. Rusnov – Correct me if I am wrong we are granting this for an existing patio that is covered. We are not granting any variances for size or addition but for what is there. If they were going to expand this they would have to come to the City for a building permit and get a variance for an addition to that porch.

Mr. Hayden – I think we are confused because the information we received was not accurate and it looked as if they were extending past this and basically sitting above the easement and they are not.

Mr. Rusnov – They are not?

Mr. Houlé – I have a question for Mr. Goldberg. As the builder, did you build that pad that is there now with the covering on it?

Mr. Goldberg – That was part of the home. Actually, I am not the builder, my sister of Kensington Homes is the builder. The patio that is covered is not affecting the 50' rear setback.

Mr. Houlé – The builder built that and not the owner.

Mr. Goldberg – That is correct, as an open-air structure.

Mr. Rusnov – Those plans were approved when that cluster was built, as it sits.

Mr. Houlé – So, this variance is already in existence.

Mr. Kolick - Not as an enclosure.

Mr. Houlé – The variance that goes into the 33' versus the 50' has been built already, so it would have required a variance already.

Mr. Rusnov – It was part of the original house.

Mr. Kolick- No, the code permits an open area on the ground; however, the code drew a distinction with the setbacks for a concrete patio or deck, they could go into the rear yard setback. Once you start putting up walls or glass you are dealing with something that is entirely different.

Mr. Baldin – Obviously, there can't be 50' there anyway.

Mr. Hayden - I think it is from the back of the house to the next house. I think this goes back to the initial information which was incorrect. They are not going any further than the existing concrete.

Mr. Kolick – The initial plans showed a 12' variance and now they have come in with an objection because they are now showing a 17' variance and they are going 5' out further from the initial plan.

Mr. Goldberg – The covered patio is 12' x 12' and I think they showed something more than that in their original submission. Also, the homeowner added an uncovered patio so the submission for the building plans were incorrect, misleading in our opinion and confusing.

Mr. Hayden - Is there anyone else in the audience that wishes to speak against the granting of the variance.

Claire Pattie, 11311 Saddlewood Lane, Concord, Ohio 44077

Ms. Pattie – I am the daughter of Ms. Anne Posta who is the homeowner of the property at 14409 Glenbrook, which is directly behind this property. My mother has lived at this property for 17 years and I agree with what Scott said that this variance should not be granted. We are objecting to this variance because last week they extended the concrete from the original 12' x 12' and now there is another pad outside and it looks like they were getting ready to add that to the plans. I am confused about what transpired, because it is difficult to hear back there and I don't think my mom could hear any of this.

Mr. Rusnov – All we are dealing with here is the existing 12' x12' with the four post, and the roof on the back of the house but nothing else.

Ms. Pattie – No, what I am talking about is this new concrete pad suddenly appeared two weeks ago. What is the purpose of that and is that allowed?

Mr. Rusnov – I have no idea and I don't know if they were issued permits, I am not the Building Police.

Ms. Pattie – Alright, I am just letting you know.

Mr. Hayden – Just to clarify, what they are looking to do is enclose what is already there. They are not looking to extend beyond that.

Ms. Pattie – What I could hear from back there is that it is not permissible because they do not allow glass.

Mr. Hayden – As far as enclosing it, we do not allow that at all.

Mr. Kolick – Unless a variance is granted.

Mr. Hayden – What we were referring to is that there could be a code change that would eventually allow screening but not glass for an enclosed structure, that has not taken place. At this point it is against code to have an enclosed structure unless a variance is granted.

Ms. Pattie – Allowing this variance will negatively impact the neighborhood as Scott was saying but, most importantly the resale value because the houses are so close together and adding a structure even though it is glass, is still encroaching on the space between the two homes. This house is my mother's biggest asset and it would make it much more difficult to sell, if you look out her back door and see how close this neighbor is. Once you grant such variances it opens pandoras box that we were talking about, for others to do the same. This was a planned community with restrictions and rules for a reason and allowing this variance would be a grave mistake.

Mr. Hayden - Is there anyone else in the audience that wishes to speak against the granting of the variance.

Ms. Kathi Andrews, 13858 Glenbrook Drive, Strongsville, Ohio 44136

Ms. Andrews – The builder is here with us tonight and if this home was built with an enclosed structure on the patio it would not have been permissible to put it on that lot. This is because it would take the 50' that is required from structure to boundary and it would now be 33' or 38', whatever number you want to use. If I would have asked the builder to have an enclosure off the back of my house, she would have said I am sorry but you will have to pick another lot that I am developing because it will not fit according to City code.

This is a big objection for me as a Trustee because we are trying to keep this community uniform. If we take this and you approve it, that opens the door for other people to come in and build a home with a patio off of the back, 50' from the structure is the property line and now all of sudden they want to enclose it because this one has been enclosed. An enclosure does not belong on the back of that house, on that lot. The builder would not have been able to put it there, I know because when we built we wanted to add an enclosure and Michelle told us you will have to pick a different lot and we wanted the lot and did not install the enclosure. That is why we the Trustees are against this and are trying to keep everything in conformity. She does an excellent job with following the letter of the law in Strongsville and I think this would be a horrific mistake and it is something we will have to live with. If you give this variance to them this will be setting precedent for everyone who comes after.

Mr. Hayden – Mr. Kolick, if I could get some clarity here, on the 50' rear yard depth because I am not sure that it is 50' between these houses.

Mr. Baldin – I agree.

Mr. Kolick - The structure is required to have a 50' setback from the structure to the rear lot line so, there must be 50' there even though it does not look that way. They are asking to go another 17' into the lot.

Mr. Baldin – When this was built they allowed it to be constructed with the 12' x 12' pad and with the cover.

Mr. Kolick – That is because it is not regarded as a structure, if it has a pad and a cover over it. It is only regarded as a structure once walls are put around it and that is the distinction made in the code. Once they start putting glass walls around it, then you are bringing the structure closer to the back-property line.

Mr. Baldin – We have been granting variances for people to put covers over the decks and patios as long as I have been around here and we know that a lot of them are going to enclose them.

Mr. Kolick – What I can tell you is that the only thing we have granted through the Board that I can recall is roofs over it and we haven't granted variances for enclosures.

Mr. Baldin – That is what I am saying, people are going to enclose them.

Mr. Kolick – It would be up to us to enforce it, when we catch them.

Mr. Baldin – I did not see 50’.

Mr. Rusnov - This went through engineering, planning, and legal to have these cluster homes constructed obviously no one has said anything about the rear lot setback being less than 50’. The Engineering Department had to check that and I don’t think they do that from their computer, I believe they go out to the site and look.

Mr. Kolick – We get a lot of topographic plans and the building inspectors when the house is being constructed they go out and check; however, they are going from structure to the property line, not including the concrete patio.

Mr. Rusnov – We are at the beginning of revising the Code.

Mr. Kolick – We are looking at one change which is allowing roofs over patios more than what we currently allow. We are not looking at allowing structures over patios to have more than what we currently allow.

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 will entertain a motion.

Mr. Evans – Mr. Chairman, motion to approve a request for 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 patio and a request for 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 over an existing patio, property located at 14521 Baywood Lane, PPN. 398-19-174, zoned R1-75

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

MOTION DENIED

Mr. Hayden – This variance has been denied by this Board. Please inform the applicant of the Board's decision.

4) TERENCE DENTKOS (OWNER), ALEX SHERMAN, AGENT

Requesting a 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered pavilion, property located at 10947 Sand Creek Circle, PPN 391-15-066, zoned R1-75

Mr. Hayden – The last item on the agenda is Mr. Dentkos or a representative. Please step up to the microphone and give us your name and address for the record.

Alex Sherman, Sherman & Sons , 790 Barchard Street, Grafton, Ohio 44044

Mr. Hayden – Please give us a description of the project.

Mr. Sherman – We are doing a full landscape project; however, this variance is for the 16' x 24' open pavilion, which will be located in the back corner.

Mr. Rusnov – On the right-hand side as you are looking at the house, there is an existing patio currently there with common area behind you and a wall. Also, it is an irregular shaped lot.

Mr. Sherman – It is a pie shaped lot and it opens up very wide.

Mr. Hayden – Thank you, Mr. Sherman, as we discussed in caucus we have been seeing a lot of improvements to homes since COVID. This is a variance that is very similar to ones we have approved in the past and I think this is a great improvement to this property.

Mr. Rusnov - Since the homeowners have purchased this home they have spent a lot of money on it, with upgrades to the windows, siding, roof and landscaping and this is a major improvement for the area.

Mr. Alex – They have invested a substantial amount of money for upgrades and I think it is raising everyone's home value around the area.

Mr. Evans – Mr. Chairman, I would like to communicate to the applicant that you should advise the resident that they will not be allowed to enclose this at any point down the road.

Mr. Sherman – Are they allowed to have retractable shades which, would go up and down so that they may avoid some sun.

Mr. Rusnov – A retractable awning?

Mr. Sherman – No, a retractable shade that is remote controlled and can go up and down.

Mr. Rusnov – Look at the window shade section of the City code, there is none.

Mr. Hayden – We do have homeowners association approval.

Mr. Houlé – We noted in caucus that this is on a cul-de-sac and there are geographic issues with it so, I have no issues.

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 184 SF floor area variance from Zoning Code Section 1252.15, which permits a 200 SF floor area and where a 384 SF floor area is proposed in order to construct an unenclosed covered pavilion, property located at 10947 Sand Creek Circle, PPN 391-15-066, zoned R1-75

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

MOTION APPROVED

Mr. Hayden – Mr. Sherman, 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 – Mr. Kolick, please draw up the Findings of Fact and Conclusion of Law for the items on the agenda that were denied tonight.