

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
February 23, 2022**

Board of Appeals Members Present: Ken Evans, Richard Baldin, John Rusnov, Dustin Hayden
Administration: Assistant Law Director Daniel J. Kolick
Assistant Building Commissioner: Brian Roenigk
Recording Secretary: Kathy Zamrzla

Mr. Evans – I'd like to call this caucus for the meeting of February 23, 2022 to order. This is a time for the Board Members to discuss the items that are on our agenda. We'll invite your participation at 8:00 when the actual meeting begins. You can stay and listen to the Board Members talk about the items on the agenda. We have minutes for February 9, 2022. There was one comment I made to Kathy that we were missing addresses for a couple of people. We have two public hearing and one additional item. First on the agenda is Torres on Westwood.

The Board members discussed the following:

1) MARILYN AND MOISES TORRES, OWNERS

Requesting a 4.05' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5.95' Side Yard Setback is proposed in order to construct an Addition; property located at 22859 Westwood Drive, PPN 392-05-005, zoned R1-75.

Mr. Evans stated that this is a side yard variance in order to construct an addition. The Building Department received some calls regarding the container that the applicant is using to store materials in which is proposed to stay there. The Code does not speak to that issue. The applicant will be required to put down a hard surface drive for the property and the Building Department has stated that the applicant will do that. Mr. Evans also stated that he is not comfortable with the container. Mr. Baldin and Mr. Hayden stated that they have no issue with the request. Mr. Rusnov stated that the container issue needs to be determined by the Building Department not this Board. Mr. Roenigk stated that applications are reviewed based on the Zoning Code and approval would be based on that. Mr. Kolick stated that the Code does not specifically address this issue other than the size of the door which would then require a hard surface. The Board can encourage an applicant to clean up their property, but legally the Board cannot compel it. Approval conditions must be based on the variance request. Mr. Kolick suggested that City Council review the Code regarding shipping containers being used as accessory structures.

2) YOU AND DORA VANRACHACK, OWNERS

Requesting a 7'6" Side Yard Setback (North) variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio (North) encroaching 7' 6' beyond the main dwelling into the Side Yard Setback; property located at 18521 Clare Court, PPN 394-32-007, zoned R1-100.

Mr. Baldin stated that the HOA has approved this request. Board members saw no problem with this request.

3) STAPLES PLAZA/Bob Kunzen with Brilliant Electric Sign Co, Representative

Requesting a 35' Setback variance from Zoning Code Section 1272.12 (h), which requires a 35' Setback from the right-of-way and where a 0' Setback from the right-of-way is proposed in order to install a Monument Sign; property located at Staples Plaza, 12201-12465 Pearl Road, PPN 396-03-047, zoned General Business (GB).

Mr. Evans stated that the applicant removed the two variance requests with its revisions and the third one is the setback. Mr. Rusnov stated that they are now in conformance with the Code.

MISCELLEANOUS

Mr. Kolick stated that Mr. Roenigk needs to bring the Board up-to-date on the Olde Creek Trail staircase.

Mr. Roenigk stated that it was brought up to Code and the homeowner did put in a legal, graspable, handrail. It was inspected and approved and the file was closed out.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
February 23, 2022

The meeting was called to order at 8:00 PM by Mr. Evans.

Present: Mr. Evans
Mr. Baldin
Mr. Rusnov
Mr. Hayden

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Assistant Building Commissioner
Ms. Zamrzla, Recording Secretary

Mr. Evans – I would like to call this February 23, 2022 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. EVANS	PRESENT
	MR. HOULÉ	ABSENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	PRESENT
	MR. RUSNOV	PRESENT

Mr. Baldin – I'd like to excuse Mr. Houlé for just cause.

Mr. Hayden — Second.

Mr. Evans – Thank you Mr. Baldin for the motion. Mr. Hayden for the second. May we have a roll call please.

ROLL CALL: ALL AYES: MOTION PASSED

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances. We have minutes from February 9, 2022. If there are no changes, we will submit those as they were given to us for the record. 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) MARILYN AND MOISES TORRES, OWNERS

Requesting a 4.05' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5.95' Side Yard Setback is proposed in order to construct an Addition; property located at 22859 Westwood Drive, PPN 392-05-005, zoned R1-75.

Mr. Evans – Item number one on the agenda is Torres on Westwood Drive. There is no one here yet so we will move this item to the end of the agenda.

2) YOU AND DORA VANRACHACK, OWNERS

Requesting a 7'6" Side Yard Setback (North) variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio (North) encroaching 7' 6' beyond the main dwelling into the Side Yard Setback; property located at 18521 Clare Court, PPN 394-32-007, zoned R1-100.

Mr. Evans – Item number two is Vanrachack on Clare Court. If you will come forward to the microphone. Please state your name and address for the record.

Mrs. Vanrachack – My name is Dora Vanrachack. My address is 18521 Clare Court.

Mr. Evans – You are here this evening asking for a variance. Give us a quick idea what the project is and why the variance is necessary.

Mrs. Vanrachack – I found out after I put in my pool that the way I want to put my project in is to put a sidewalk in from the side and I needed a variance and also I wanted to extend the area around the firepit we would like to put in and I did not realize that where my house ended would not allow a lot of room for seating and so I was told I would have to come here and ask for permission. If not, we will find another way. Along with that we are doing an outdoor kitchen. It's a huge project we're hoping to enjoy.

Mr. Evans – We talked in Caucus about this.

Mr. Rusnov – You are trying to maximize the use of your property and you're limited by the topographical issues to add what you want.

Mr. Vanrachack – Correct. My neighbor, who it directly affects on the north side, has no problem with it. I spoke to him personally.

Mr. Hayden – We do have HOA approval. I have no issues with this project.

2) **YOU AND DORA VANRACHACK, OWNERS, Cont'd**

Mr. Baldin – I don't have any issues either.

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

Mr. Rusnov - Mr. Chairman, requesting a 7'6" Side Yard Setback (North) variance from Zoning Code Section 1252.16 (e), which requires a Concrete Patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a Concrete Patio (North) encroaching 7' 6" beyond the main dwelling into the Side Yard Setback; property located at 18521 Clare Court, PPN 394-32-007, zoned R1-100.

Mr. Hayden – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the 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 and then you can move forward with the project. You are all set.

Mrs. Vanrachack – Thank you.

3) **STAPLES PLAZA/Bob Kunzen with Brilliant Electric Sign Co, Representative**

Requesting a 35' Setback variance from Zoning Code Section 1272.12 (h), which requires a 35' Setback from the right-of-way and where a 0' Setback from the right-of-way is proposed in order to install a Monument Sign; property located at Staples Plaza, 12201-12465 Pearl Road, PPN 396-03-047, zoned General Business (GB).

Mr. Evans – Item number three goes into Other Business and that is Staples Plaza. If we could have the representative come forward and state your name for the record.

Mr. Kunzen – Bob Kunzen with Brilliant Electric Sign Company, address is 4811 Van Epps Road, Brooklyn.

3) **STAPLES PLAZA/Bob Kunzen with Brilliant Electric Sign Co, Representative, Cont'd**

Mr. Evans – First and foremost, we want to say that we're pleased to have you back for just the setback variance and that the other things are conforming. It's a very nice looking sign. We did the public hearing on this at the last meeting so we really don't need to do a public hearing.

Mr. Baldin – I am pleased with the changes and the sign.

Mr. Rusnov – Thank you for conforming with the Code and your setback, I think, follows the line of where that sign was originally before the road was widened.

Mr. Evans – If there are no other comments, then I will entertain a motion.

Mr. Hayden – Mr. Chairman, requesting a 35' Setback variance from Zoning Code Section 1272.12 (h), which requires a 35' Setback from the right-of-way and where a 0' Setback from the right-of-way is proposed in order to install a Monument Sign; property located at Staples Plaza, 12201-12465 Pearl Road, PPN 396-03-047, zoned General Business (GB).

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been approved. We appreciate you working with us. There is the twenty day waiting period.

Mr. Kolick – We have twenty days. He may have to get back before the Architectural Board. Check with Carol Brill and see. I'm not sure where they left it off with you.

Mr. Evans – Because of the change in design. You are all set for tonight.

Mr. Kunzen – Thank you.

1) **MARILYN AND MOISES TORRES, OWNERS**

Requesting a 4.05' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5.95' Side Yard Setback is proposed in order to construct an Addition; property located at 22859 Westwood Drive, PPN 392-05-005, zoned R1-75.

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Evans – We skipped item number on the agenda which was Torres and I'm wondering whether that would be you that came in. I would ask that whoever is going to speak to stand and let our Assistant Law Director swear you in.

Mr. Kolick administered the oath.

Mr. Evans – If you would give us your name and address for the record.

Mr. Torres – My name is Moises Torres. My address is 22859 Westwood Drive, Strongsville, Ohio.

Mr. Evans – During caucus we had a lot of discussion about this. Why don't you tell us about the project, what it is you intend to do, what your steps are in doing it. A two minute description would be great.

Mr. Torres – First I'd like to apologize. Someone took the chair out of the door and we've been outside for about twenty minutes. I know that we want to keep this as brief as possible. We purchased this home in Strongsville because we saw it had a lot of potential. It has a lot of land and I have property on the other side of the creek too. We want to create more family space, a bigger kitchen, a bigger family room, convert the living room into a larger dining room. That is the main idea of what we're trying to do. The way the parcel is, it makes it kind of complicated. I only have so much space before I get into the front 100 feet from where I can build towards the front. To do that it would take away from the existing home. We would like to keep the existing home. I have already restored the black walnut flooring and we'd like to keep as much of the existing house as possible. With the addition, we couldn't find a good place for the garage. The addition we can stay inside the ordinance limits, we can do that with the additional master bedroom, bathroom and family room and stay inside the limits. The issue was the garage. We didn't want to create a second building to the side because then it would be like one building here and one building there. It's an option but we don't think aesthetically it would look right. It wouldn't match with the other houses on Westwood Drive. That's one of the things that we've been trying to do. Before I considered anything, I did bring it up to my neighbors. One neighbor said to keep it on one side and another neighbor said there was no problem as long as I kept it on my land. So, this is what we've come up with. These are the preliminary drawings. We are open to suggestions. We'd like to save as much of the backyard as possible to enjoy the nature and make it a little bit more private. By making it an L-shaped house, the yard would then be more secure without having to put up fencing where we can keep an eye on the children.

Mr. Rusnov – If I understand you correctly, you are greatly improving the property and you're trying to maintain the look of the front of the house so it conforms with the rest. Westwood is one of the older streets and some of the homes are century homes. As I stated in Caucus, the Building Codes have changed repeatedly. I don't have any issues with what you're doing and what you

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Rusnov continues - have proposed here. I understand you are changing some of the interior to conform to modern standards.

Mr. Torres – Thank you.

Mr. Baldin – I think it's a very good improvement to the property. You do know that you will have to put in a concrete drive?

Mr. Torres – Yes.

Mr. Baldin – The only other issues is that you have a big storage trailer back there right now. I didn't know why it was there. We've had some discussion on that earlier before you arrived.

Mr. Torres – The reality of this particular home was that it had not been truly appreciated.

Mr. Rusnov – Or maintained.

Mr. Torres – There was a garage back there. It was a two car garage. A limb had fallen on the garage. The garage roof was never repaired. When we looked at the house the garage was full of debris. The tarp that was covering the damage had already deteriorated. The garage was torn down as a condition of us buying the home. Basically, it's now a toolshed for my tools and outdoor equipment. We are considering, if you allow it, to keep it for things that would be used for the back section of the house. My wife would like what's called a "she shed." She has seen containers that are converted into nice outbuildings. If we are approved for it, and of course we'll follow all the ordinances that would be required, it would look like a mini house. It would have the same exterior. It would have barn doors and on one side we would have patio doors. So that when the family is out there and jumping around in the pool, they have a better visual. It's sits way back in the shaded area and it's surrounded by trees. I've taken the container and stripped all the stickers off and we've already primed it navy ship grey, so that it would not be such an ugly eyesore. It also helps keep it from rusting. Its particular value is about \$5,000.00. If we can't come to some type of arrangement to keep it, if we can't afford to do what we have to do to it, I'll sell it.

Mr. Evans – Let me cut to the chase. We spent a lot of time in Caucus talking. Our Code in this City currently doesn't have anything to say about containers. Our problem is that the Building Department operates on a black and white system. If it doesn't say you can't have it, then you can. So, when it is silent it means that the City can't approve or disapprove it. As a Board when we look at things, we're looking strictly at the setback and the side variance and everything. That's our ability. You talked about improving the property and you're going to do a lot and we appreciate that. The problem with the container is that we can't say no to it. Our problem is that if we start having a proliferation of containers throughout the City, regardless of how nice yours looks, the rest of them are probably going to be crappy containers that we now have to put up with.

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Evans continues - We are going to go back to City Council and have them take a look at this issue. Once your addition and renovation is done, you're not going to be able to sell that and get it out of there. We can't say that you can't do it, but we would love to influence you to build a different "she shed" which would be much preferred to having the container back there. We can't say no but we would love to influence you to sell it and get it out before you do the renovation work, but we can't require that. We are going to ask City Council to take care of that because we think it's something that will come up again. We would ask that you consider getting rid of it. There are some requirements on door openings and sizes because of they stay where they are now on the container you would have to put a concrete drive back to it. You could make them smaller but it's still a container and for us it's an issue. Does that make sense Mr. Kolick?

Mr. Kolick – Yes. Mr. Torres it is the preference of the Board that the container be moved off the property. You would have to do that before you renovate. To keep it there as a permanent structure could cause us problems in the City. You have a nice large backyard but the next one could be down the street backing up to a housing development which could cause a problem. I have heard the Board say that it is their preference for you to move that container out. That's your choice.

Mr. Evans – We can't require it.

Mr. Rusnov – Mr. Torres could contact the Building Department to see what he has to do to make this conform to Code.

Mr. Evans – But there is no Code that covers the container. That's the problem.

Mr. Baldin – What is the size of the container?

Mr. Roenigk – It's just under 400 square feet. It's 40 x 9?

Mr. Torres – 40 x 8 by 9 feet tall.

Mr. Baldin – Is it sitting flat on the ground?

Mr. Torres – It's on an 8 x 8 cross ties.

Mr. Rusnov – Railroad ties.

Mr. Torres – I wouldn't want it sitting on the ground because it would rot the bottom out. I wouldn't want to close it because then critters would nest. I do take care of my yard. It's a solid box, it's waterproof. If the City was to consider addressing it and addressing options as it pertains to this, I would be a great case study.

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Evans – As you said there are a lot of these containers being made into little houses and that's part of what we look at because we deal with things where we've approved garages and all of a sudden there's someone living above the garage or they are running a business out of it.

Mr. Rusnov – The beauty of that container is that it's 8 x 40 and with this gentleman's connections he could, with a torch, make it a twenty footer or a fifteen footer.

Mr. Roenigk – It actually falls within the requirements for his lot size. The only issue would be the doors.

Mr. Baldin – There are a lot of big lots like yours that have a very nice structure in the backyard, maybe with overhangs, but they're all on concrete. Very large but their door sizes had to conform and they look nice in the yard. And what you're saying is you would like to dress this up and make this a so-called "she shed" because I heard you say that eventually you would like to put a pool in and you have seven grandkids. You wouldn't be the first one to have one that was oversized. We have made a lot of people conform and bring them down to size. I think it's going to be a tough responsibility to keep that shed from rusting out and trying to conform with what we want. You would have to put in a solid drive.

Mr. Torres – I'm definitely going to take heed. I'm not saying yea and I'm not saying nay. What I'm saying is that I will definitely take what you're saying into consideration. I want to be a good citizen and neighbor in Strongsville as I have been in Cleveland. We want to abide by the rules. We're not here to make waves. We're here to take advantage of what's available to us.

Mr. Baldin – I would ask Mr. Kolick if there are any type of contingencies that we could put in.

Mr. Kolick – I think we need to ask the applicant if he is willing to that container out of there. That is the question and it would be up to the applicant if he is willing to take that out.

Mr. Torres – Sure. I would have to put it towards the front during construction.

Mr. Kolick – We're not worried about during construction. If you're putting debris in it, that's not the problem, or even temporary storage until you get the garage up. That's fine. The City can live with that. It's the permanency of the situation. Once we start allowing these, not everybody is going to be painting it. There will be stickers all over them and they will be rusting out in their yards and that's what we're trying to avoid.

Mr. Hayden – Should you keep that, you mentioned that you were going to make it look like the existing house that's there. If you were to do that, once you're done, would you even know that it was a container?

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Torres – The outside would be wrapped and it would be insulated.

Mr. Hayden – Are you doing vinyl siding on your home?

Mr. Torres – We haven't decided whether we're going to do vinyl or if we're going to use wood.

Mr. Hayden – But it would be something that would go over the metal?

Mr. Torres – Yes.

Mr. Rusnov – You would probably use spray insulation and put the furring strips up just like a house. Is that accurate?

Mr. Torres – That's exactly what would happen. We have a budget and that's part of what we would have to take into consideration whether or not we could keep this or not.

Mr. Baldin – I can see you back in front of us wanting to put something back in the yard.

Mr. Torres – Such as?

Mr. Baldin – Another type of shed or a place to sit.

Mr. Torres – Yes, definitely. It may be an enclosed gazebo. I have to do something because my wife is not going to feel comfortable and I have to keep her out of the sun. We already have an awning. There was an awning on the garage that we removed with the idea of using it in the future. What I would do after we cut patio doors in the side and the doors in the back that open and they're nine feet tall and they're very heavy, I would cut those out put a header across and put barn doors there or maybe just a regular man door or two man doors and the sliding patio doors would go on the side where it's 40 feet long and then a stone patio and then the awning would come across.

Mr. Baldin – Your idea of what you want to do now and if that had to disappear, you would end up doing something like that in the near future. Once you get the house up that's the second thing you would do.

Mr. Torres – The good thing about the container is that it's a solid container. It's durable. I could create a faraday cage inside there for my ham radio things. It has a lot of potential. But if it's not possible we will do something back there eventually.

Mr. Evans – We understand the container provides a shell that you would be modifying. The problem is that someone else will want one and leave it to rust. We can only ask you to consider that. It's not germane to the variance request, but it is something we have to look at.

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Rusnov – It's a request, not a command.

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

Mr. Kolick – Before you put a motion on the floor. Mr. Torres, if that container stays back there you better deal closely with our Building Department as we have limits to the size of any openings you may have, if not, you have to have a concrete driveway leaving from your driveway all the way around to that storage structure if it would fit vehicles through the doorway. They can talk with you about the dimensions of the doorway. So, if that is going to stay, just before you do any modifications, talk to the Building Department.

Mr. Torres – I will make sure I do that. Thank you.

Mr. Kolick – The other thing I would note for the Board is when we look at these side yard variances, the one thing our Building Department makes sure is that there are no structures within fifteen feet of one another. So, when they're getting five feet within their side yard, we want to make sure the next building over is at least ten feet off the side yard so we don't create a fire problem. I know that Brian did that in this case just to make sure they are at least fifteen feet apart.

Mr. Roenigk – Mr. Torres and I worked together for more than a year on this.

Mr. Evans – I will then entertain a motion.

Mr. Hayden – Mr. Chairman, requesting a 4.05' Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where a 5.95' Side Yard Setback is proposed in order to construct an Addition; property located at 22859 Westwood Drive, PPN 392-05-005, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION PASSED

Mr. Evans – The variance has been granted by this Board. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You will be notified by the Building Department at the end of the twenty days if there is no objection or review by

1) MARILYN AND MOISES TORRES, OWNERS, Cont'd

Mr. Evans continues - Council. Then you can move forward with the project. Again, we would ask you to consider what we've talked about tonight and I apologize that we didn't have the door open for you to get in tonight.

Mr. Torres – Thank you.

Mr. Evans – Is it the Board's wish to send Mr. Kolick back with note that would go to City Council asking them since we have been approached about a container and used as a platform for a shed, that we would ask Council to take a look at that issue?

Mr. Rusnov – Yes, it would be a wise move.

Mr. Baldin – Absolutely.

Mr. Hayden – Shipping container, railroad car, semi-truck body and whatever else would fall into the category.

Mr. Kolick – We'll put together a memo for your signature, Mr. Evans.

Mr. Evans – If there is nothing else, then we will adjourn the meeting.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Secretary

March 9, 2022
Approval date