

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

**Meeting of
February 24, 2021
7:30 p.m.**

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

The Board members discussed the following:

1) MICHAEL AND SARAH TERRIGNO, OWNERS

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where one (1) 120 SF Shed exists and one (1) 528 SF Pergola is proposed;
- b) Requesting a 336 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 528 SF Floor Area Accessory Structure (Pergola) is proposed;
- c) Requesting a 23' 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 528 SF Concrete Patio encroaching 23' beyond the main dwelling into the Side Yard Setback;
- d) Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 27' Rear Yard Setback is proposed in order to install a 528 SF Concrete Patio; property located at 11507 Love Lane, PPN 392-01-073, zoned R1-100.

Mr. Houlé stated that the some of the variances requested could be altered to lessen the variance amount and questioned what hardship the property owner has. Mr. Evans agreed and stated that the unique shape of the lot could be why the owner needs a variance. Mr. Houlé stated that the Board doesn't have an approval from the property owner that may be the most affected by the pavilion. He stated that perhaps they will be attending the meeting. Mr. Evans stated that a pavilion of that size could affect a neighbor adversely when trying to sell their house. Mr. Baldin stated that the yard is fenced in and has concerns about the pavilion being so close to the property line when the yard is large. He stated that he doesn't see a hardship. Mr. Evans stated that he expected the pavilion would have a height larger than the allowed 12' but that the property owner has stated that the pavilion will have a height of 12'.

The Board reviewed the Findings of Facts and Conclusions of Law regarding the February 10, 2021 decision of Resurrection Presbyterian Church filed by Kevin McNulty and Pastor Piteo dated December 16, 2020 and January 8, 2021 and found one spelling error on page 2 to be corrected.

Mr. Evans explained that Mr. Baldin will be sworn in for his next term tonight.

Mr. Rusnov will be excused for the meeting tonight.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
February 24, 2021

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

Present: Mr. Evans
Mr. Houlé
Mr. Baldin
Mr. Hayden

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this February 24, 2021 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	PRESENT
	MR. HAYDEN	PRESENT
	MR. BALDIN	PRESENT
	MR. RUSNOV	ABSENT

Mr. Houlé – Mr. Chairman, I make a motion to excuse Mr. Rusnov for just cause.

Mr. Baldin – Second.

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

ROLL CALL: ALL AYES: MOTION GRANTED

Mr. Evans - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances of the City of Strongsville. Mr. Kolick will now swear in Mr. Baldin for his next term.

Mr. Kolick stated the oath to Mr. Baldin.

Mr. Evans – Congratulations, Mr. Baldin. We have before us this evening the Findings of Facts and Conclusions of Law regarding the February 10, 2021 decision of Resurrection Presbyterian

Church filed by Kevin McNulty and Pastor Piteo dated December 16, 2020 and January 8, 2021. We discussed those in caucus.

Mr. Houlé – Mr. Chairman, I would like to make a motion to approve the Findings of Fact and Conclusions of Law regarding the February 10, 2021 decision of Resurrection Presbyterian Church filed by Kevin McNulty and Pastor Jason Piteo from the orders of the Building Department dated December 16, 2020 and January 8, 2021.

Mr. Baldin – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans –If you are here this evening and wish to speak as a presenter or wish to comment during one of the Public Hearings, we now ask you to stand and the Assistant Law Director will swear you in as well as our representative from the Building Department and our Secretary.

Mr. Kolick stated the oath to those standing.

1) **MICHAEL AND SARAH TERRIGNO, OWNERS**

- a) Requesting a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where one (1) 120 SF Shed exists and one (1) 528 SF Pergola is proposed;
- b) Requesting a 336 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 528 SF Floor Area Accessory Structure (Pergola) is proposed;
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- d) Requesting a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 27' Rear Yard Setback is proposed in order to install a 528 SF Concrete Patio; property located at 11507 Love Lane, PPN 392-01-073, zoned R1-100.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Evans – All right. The one and only Public Hearing on our agenda is Michael and Sarah Terrigno, owners. If you would come forward to the podium and tell us your name and address for the record.

Mr. Terrigno – Mike Terrigno, 11507 Love Lane, Strongsville, Ohio 44149.

Mr. Evans – Thank you, Mr. Terrigno. We know that we have a homeowner's association approval from the APM Management Company. You heard us talking in caucus. We are looking at the four requests for variances. Each of us have been out to the property; you may or may not have been home; some of us visiting may have spoken with you. Take us through why it is that you need the size and why do you need the structure where you are proposing it. We know that you have a couple of neighbors who have stated their position and given their agreement to the pavilion.

Mr. Terrigno – Sure. So, if you came out, I apologize about the snow. I didn't bring it. The reason that I'm putting it to the right side of the yard is eventually when we save up some more money we will be installing a swimming pool and the way the pool is going to go is off the pavilion and on the right hand side if the pavilions on the right side and if the pavilion was to be on the left side it would be in the middle of the yard and the configuration that I have for the future plans doesn't really fit.

Mr. Evans – Okay, so I know from the Board's standpoint our job is to gauge using the four criteria that we have that were part of your package that you received when you applied for the variance. Topographical is typically a reason that we do that. The question would be can you mitigate the variance that is now 23' going towards the side away from the house, can we bring it somewhat back in so that it's not completely in the view? I don't know how big your pool intent is. Everybody is always wanting to maximize the use of the yard but is there any adjustment to make that would mitigate that? I know that that is what you would like.

Mr. Terrigno – It's my understanding that the pool has to be at the corner of the property, correct, of the building, the house?

Mr. Evans – You mean it can't go beyond that?

Mr. Terrigno – Correct.

Mr. Evans – Correct.

Mr. Terrigno – We took that into consideration. The pool is going to be 18' by 40' and that puts us almost right at the corner.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Evans – All right, so that answers the question. Again, that is a reasonable request. Our job is to try and understand the big picture of things. Certainly, having a pool that is 18' by 40' is big. You'll be saving for a while for that.

Mr. Houlé – There's no way the pool could be moved further to the left?

Mr. Terrigno – No, where we want to have the pool it's going to be right at the corner of the end of the house if you're looking at the house.

Mr. Houlé – So, either way there would be a variance required if you went to the left more.

Mr. Terrigno – If I was going beyond the corner?

Mr. Houlé – Yes.

Mr. Terrigno – Yes.

Mr. Baldin – You do have a large enough yard that you could request a variance for that. The other thing I noticed coming out of your home, the steps go down to the patio and your pavilion is going to be over there. Are you going to put a deck from there to the pool?

Mr. Terrigno – No. All that is going to be cement where the pavilion is and where the current patio is, all that is going to stay that way.

Mr. Baldin – So, that is your reasoning for wanting to put it there and the size of it?

Mr. Terrigno – Yes, and in caucus I heard you guys saying that the height was not on the drawing but it is on the drawing.

Mr. Evans – I didn't see it.

Mr. Terrigno – If you look under the front elevation in the middle it says 24' and 12'. The 12' is the height.

Mr. Baldin – I see a 12' setback but I don't see anything about height.

Mr. Terrigno - To my understanding, from the architect, that 12' is referring to the 12' height of the pavilion.

Mr. Baldin – And you know you can't go over that?

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Terrigno – Right, there's no need to go over that.

Mr. Baldin – Is this your contractor?

Mr. Terrigno – Yes, it's the contractor and my father.

Mr. Evans – Brian, the 12' includes the peak of the roof and the chimney, correct?

Mr. Roenigk – Not the chimney. We don't have zoning for the chimney. It's 12' from grade to the peak.

Mr. Terrigno – I believe the chimney is going to be 3' over.

Mr. Evans – Okay.

Mr. Roenigk – Can I interject here?

Mr. Evans – Oh, sure.

Mr. Roenigk – I heard something that may not be correct. Mr. Terrigno, what was your interpretation of the Code for the pool and your house?

Mr. Terrigno – My interpretation was that the pool cannot go past the corners of the house.

Mr. Roenigk – No, there is no Zoning Code restriction for a pool going past the house. The only Zoning Code restriction for a pool is 15' from a property line. It may go past the side of the house. Patios and decks cannot go past the side of the house. However, an above ground pool and in ground pool may go past the side of the house.

Mr. Evans – In this case the pavilion....

Mr. Roenigk – A pavilion is different. A pool can go past the side of a house. It just cannot be within 15' of any property line.

Mr. Evans – All right, then the other question is the shed that is currently there, is that going to be repurposed as a pool shed or are you going to add a pool house?

Mr. Terrigno – No, that will stay as a shed.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Houlé – If the pool could go beyond the side of the house to the left side there, in theory you could then move your pergola or pavilion in toward the house and eliminate some of the 23' that is needed on the variance as it stands now. Is that a possibility?

Mr. Terrigno – That is a possibility but I wouldn't want to do that too far because with it being right in the middle of the house it wouldn't look right.

Mr. Evans – I think what we would look at is the combination of the pool and the pavilion would be together and what Mr. Houlé is suggesting is that maybe if we came in 10' from the 23' so it would be a 13' variance rather than 23' it brings it off the property line. Part of our concern is that we have to live with whatever we have approved and when people see things like big garages, pavilions they want one too and the closer that is to the property line, the closer that everyone else will want to be. While your neighbors may have said that it's okay, I'm not sure about which one is on the right as you're facing the house because Mr. Houlé did a little bit more work than I did on looking at the addresses but our goal would be to try and not have such an extensive variance. City Council has oversight over us and when they look at these and see a 23' variance, they very well may say that's too big a variance and it's not within your purview to have approved an extensive variance like that. When we have topographical issues, we can defend it that way a little bit but oftentimes we try to mitigate somewhere in between rather than being right up on the property line where you're only a couple of feet away. That will at least take it a couple of feet more.

Mr. Terrigno – I believe with the 23' variance we are quite a bit away from the neighbor's property line. With all due respect, if the neighbor had an issue he'd be here and he's not.

Mr. Evans – I understand that. The drawing that I'm looking at appears to show 5' from the back of the fireplace to the property line. That's on the site plan that I'm looking at. It shows it 8' away from the house and 5' from the property line.

Mr. Terrigno – So, where are you proposing I move it to?

Mr. Evans – In other words, from the Board of Zoning standpoint, again, our job is to try and do away with variances but we understand that there are reasons to grant them. My goal is maybe to have a variance of 13' which would put you 15' off the property line instead of 5'. Your neighbor may right now say okay but if they're go to sell their house in five years and they get someone who is really hot and they love the house but then they look out the back and say, yes but that pavilion is so big and so close and your neighbor regrets that they allowed you to build it right there and messed up the sale of the house. Those are things that we hear after the fact. They may not like the smoke coming in the yard and the wind is always blowing out of the west into the neighbor's yard. Those are the kinds of complaints that we get when we approve an extensive variance and we would consider 23' to be an extensive one. Even if the neighbors all the time

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Evans continues - agree to it, our job is to take a look at it and try to apply what we have learned as a Board and stubbed our toes or gotten a pat on the back saying what were you guys thinking when you did this? Those are the kinds of things that we look at. Gentlemen, I think that's our approach.

Mr. Houlé – When I look at this schematic of your house in relationship to your lot and it's a pie shape, it looks like the house is centered in the lot but when I look at everything you're planning it's really quite heavily leaning towards the west and I think if you could just move it over some and move the pool over some it will be more proportional and less obtrusive to people driving down the street. It won't be seen as much. It'll be hidden by the house. The angle is going to come out like your pie shape does too and it will be more aesthetic to the property and the neighborhood. I like your point too that you're going to be using the pavilion and if you do have fires going it's going to give you 15' off the line instead of only 5' to their yard. To me that is the way you have to go.

Mr. Evans – We will entertain your request whatever it is but we're trying to say that we would be more likely to approve it with a lesser variance. I'm not as worried about the back, the 9' to the back there sitting on the swale. There's some room there.

Mr. Terrigno – Would you consider if we split it and went 5' additional instead of the whole 10'?

Mr. Evans – You're still looking at almost 20'. It would be an 18' variance as opposed to the 23' that you're asking for. We'll entertain your request either way. That's your right to ask for the full 23' but I can't speak for the other members. They may want to say whether the other 5' reduction from the 23' is enough. I would tend to say that we are more than giving you half of it if we go 13' but again that is only my take on it.

Mr. Baldin – What can you live with? You have a big yard there. We've been in that neighborhood before and we don't want to be setting precedents. There will be more new homes going up. There's still a couple of lots open there.

Mr. Houlé – You have a 200' wide lot and you're planning to get it within 5' of the border and I think that's extravagant. I don't see the hardship in having it be that close to the property line when you have 200' of yard to work with.

Mr. Terrigno – I agree with that. I was trying to save as much yard as possible. I do have two young kids who like to run around and I feel that moving it ten more feet the pool is going to go ten more feet.

Mr. Evans – It takes away from the yard. We understand that and people who live on corners have the same problem who want the fence all the way to the sidewalk.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Terrigno – My thought is that if you guys aren't going to approve the 23' I understand and I would settle for what you approve. I just don't want to move it to the left side. If I did that it's in the middle of the yard and it's pretty much taking up the whole yard then and my yard is shot.

Mr. Baldin – We don't want you to move the whole thing to the left. We just want you to move it in some.

Mr. Evans – If he moves the pavilion over 10' then the pool goes over 10'. We get that.

Mr. Baldin – Outside of the patio, the steps are coming down and it's still a long distance away from that from what I saw without having a tape measure.

Mr. Terrigno – I don't know the measurements off the top of my head but what if I put it right at the corner of the house? I don't know if my drawings show how far that is or not.

Mr. Evans – I observed it when daylight was fleeting so I can't say that I had a good look but I would say that if you come in 15' off you're still going to be maybe 8' beyond the house. That is my guess just from having looked at it.

Mr. Baldin – What do you think Brian?

Mr. Houlé – It looks like the house is 40' wide on the one measurement and you said the pool is going to be 40' long so if you went 10' it's only going to extend past your house 2'. That's not very much.

Mr. Baldin – A couple of feet behind the house past the house is not a problem.

Mr. Evans – What I'm looking at is the site plan but if you look at the topo that you provided from the corner of the house over to the lot line is 23' so if you come in 15' that is still 8' there but the pavilion is behind that so it's going to be more than 8' beyond where the house is there. So, that is why I'm saying that coming in 15', I don't think that it's going to be as much as an issue. The pool is going to come over 10' more. That's 10' more than where the footprint of the house is. The driveway is still there but it brings it in at least 15' off the lot line.

Mr. Terrigno – Okay.

Mr. Evans – Gentlemen, do you think that 10' off the lot line is acceptable?

Mr. Houlé – I would go for the 15'.

Mr. Evans – That is still a 13' variance. That is substantial.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Baldin – If he went at least 10' of maybe a couple more feet, 15' is ideal. I could live with 12' or 13' but whatever. We wouldn't want to come in and see you put this up and come back and tell you to tear it down. We've done that in the past, unfortunately.

Mr. Terrigno – Sure. If you tell me 10' or 12' or 15' that is going to be where it's going to be. I'm not here to take a pavilion down after I put it up.

Mr. Evans – We understand that. It's your yard. We try and live with what we do because we know that other people on the street and in the City are going to be asking for the same kinds of things and every time that we go 13' some will want 15' and if we give you 15', they want 17'. That's why we're trying to bring it down from the 23'.

Mr. Terrigno – Sure.

Mr. Evans – Mr. Baldin is willing to go with 13' or whatever instead of 15' and that reduces it to a 15' variance but I think it's safe to say that you're willing to go 15' off and that will get the other side of the room here and at that point the variance would be 13' instead of 23'.

Mr. Baldin – And that still gives him some past the house, there's no doubt about it. You have a large lot and eventually when you decide to put the pool in you'll find out it's going to work.

Mr. Terrigno – Okay.

Mr. Evans – All right. That doesn't affect any other variance listed. I think the square footage and the rear yard and the second accessory variances, everybody is okay with those.

Mr. Houlé – The rear yard is fine because that's all common ground back there. I don't have a problem with that.

Mr. Evans – Anything else that we should be aware of Brian?

Mr. Roenigk – Could I have the measurement off the property line again?

Mr. Evans – It would be 15'. The variance would go down from the 23' to 13'.

Mr. Roenigk – For the record, the homeowner should know that we will ask that it be strung out so that we can verify the property pins before any concrete is poured, the 15'.

Mr. Kolick – When we talk about 13' beyond the house that is what item (g) is talking about.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Roenigk - Yes, but I'll be taking my measurement from the property line so that's why I wanted to confirm 15' from the property. We won't be able to measure it from the house.

Mr. Kolick – But the lot is going on an angle. Are you talking about 15' from the back corner or 15' from the front corner? I just want to be clear as to what we're talking about.

Mr. Roenigk – Yes, but the patio is not going on an angle. The patio is going straight up and down. 15' from the back of the patio or 15' from the front of the patio? What are we talking about?

Mr. Evans – The pavilion is in line with the property line.

Mr. Baldin – I don't think it makes a difference, Dan.

Mr. Roenigk – Any part of the patio has to be 15'.

Mr. Evans – We'll need your name and address.

Mr. Terrigno – My name is Tony Terrigno, 7617 Lexington Green, Middleburg Heights, Ohio.

Mr. Evans – Thank you.

Mr. Terrigno – So, for my understanding from the back of the pavilion to the property line is going to be 15', correct?

Mr. Roenigk – The closest point of the patio.

Mr. Evans – However the patio is positioned, the closest point to the property line will need to be 15' minimum.

Mr. Roenigk – What about the fireplace? That does bump out. Are we concerned about that?

Mr. Evans -The measurement would be from the fireplace edge. I'm guessing that the fireplace is at the center.

Mr. Terrigno – So, the fireplace cannot stick out past the 15'. It would have to be even with the building, correct?

Mr. Evans – Yes.

Mr. Kolick – The fireplace has to be 15' off the property line.

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Terrigno – The back of the fireplace has to be 15' off the property line? The fireplace cannot stick out?

Mr. Evans – If the fireplace sticks out, it has to be 15' from the property line.

Mr. Terrigno – Okay. All right. As far as the pitch, it is 12' from the bottom of the concrete to the peak.

Mr. Evans – That's fine.

Mr. Kolick – That's what we're concerned about.

Mr. Baldin – 22' x 24' is a good-sized pavilion. I'm sure that you'll have a lot of good Italian dinners out there.

Mr. Evans – The idea is whatever position it is, nothing is going to be closer than 15' to the property line. That's why Brian is saying that we'll need to see the pins so that we can measure from that line and there the touch points are.

Mr. Terrigno – The pins in the corner?

Mr. Kolick – The side property line.

Mr. Evans – Does that all make sense? Mr. Terrigno is that acceptable?

Mr. Terrigno – Yes.

Mr. Kolick – I would add to item (c) that such that the fireplace is 15' from the property line at the closest point so that they know what we're talking about.

Mr. Baldin – Excuse me. You'll have to be very thankful for this. It's supposed to be 20' from the house.

Mr. Evans – If it was a structure but not a pavilion. So, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variances? Is there anyone in the audience who wishes to speak against the granting of the variances? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Hayden – Mr. Chairman, I make a motion to approve a variance from Zoning Code Section 1252.15, which permits one (1) Accessory Structure and where one (1) 120 SF Shed exists and one (1) 528 SF Pergola is proposed; and (b) a 336 SF Floor Area variance from Zoning Code

1) MICHAEL AND SARAH TERRIGNO, OWNERS, Cont'd

Mr. Hayden continues - Section 1252.15, which permits a 192 SF Floor Area Accessory Structure and where a 528 SF Floor Area Accessory Structure (Pergola) is proposed; and (c) a 13' 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 528 SF Concrete Patio encroaching 13' beyond the main dwelling into the Side Yard Setback such that the closest point is 15' off the property line; and (d) a 9' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 27' Rear Yard Setback is proposed in order to install a 528 SF Concrete Patio; property located at 11507 Love Lane, PPN 392-01-073, zoned R1-100

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – All right, the variances have been granted with that stipulation and subject to a twenty-day waiting period during which time City Council has the opportunity to review our decision. You'll be notified by the Building Department at the conclusion of the twenty days if City Council does not object then you can move forward with the project. For now, you're all set. We hope that you're going to enjoy the patio, pavilion and eventually the pool. We appreciate you working with us.

Mr. Terrigno – Thank you, everybody.

Mr. Evans – Thank you. Anything else to come before the Board this evening? If not, we will stand adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

March 10, 2021
Approval date