

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

**Meeting of
July 7, 2021**

Board of Appeals Members Present: Kenneth Evans, David Houlié, Richard Baldin, Dustin Hayden, John Rusnov

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) NICHOLAS AND SARAH MEYER, OWNERS

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to construct a 702 SF Patio and Fire Pit; property located at 17661 Lexington Lane, PPN 397-19-115, zoned R1-75.

Mr. Evans stated that he will abstain on this item. Mr. Baldin stated that this is a very unusual backyard. Mr. Houlié stated that there is not a lot of depth to the yard and the HOA has approved this.

2) ANDREW AND ELIZABETH PTASZEK-TEMPLETON, OWNERS

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where an 8' Side Yard Setback (East) is proposed in order to install a 24' diameter Above Ground Swimming Pool; property located at 14299 Oakland Park Drive, PPN 398-04-023, zoned R1-75.

Mr. Hayden stated that this is another topographical issue. Mr. Roenigk stated the side yard setback should be for the West and not the East.

3) CHRISTOPHER AND AMY TRAN, OWNERS

- a) Requesting a 3' variance from Zoning Code Section 1252.16 (e), which requires Pool Concrete Decking maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing Pool Concrete Decking encroaching 3' (West) beyond the main dwelling in the Side Yard Setback;
- b) Requesting a 6' variance from Zoning Code Section 1252.16 (e), which requires a Pool Concrete Decking maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing Pool Concrete Decking encroaching 6' (East) beyond the main dwelling in the Side Yard Setback; property located at 9536 North Bexley Drive, PPN 395-22-076, zoned R1-75.

Mr. Baldin stated that the applicant is asking for a bit too much to go outside the house line. This is a big corner lot and the applicant is going to fence it in. Mr. Roenigk stated that this does coincide with the in-ground pool that is going in. Mr. Baldin stated that the pool was not staked out. Mr. Roenigk stated that this is for the deck around the pool. Mr. Houlé stated that he would like additional clarity on the design. It appears that this is more for aesthetics than for any hardship or limitation of any kind. Mr. Rusnov questioned if the applicant could shrink the footprint to conform more to the Code. Mr. Houlé stated that the applicant may not need a variance then. Mr. Hayden stated that the HOA requires the black aluminum fences. Mr. Roenigk stated that the homeowner had a contractor that he fired and he just got a new contractor, so the yard was not staked out.

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (West) is proposed in order to install an Above Ground Swimming Pool;
- b) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (North) is proposed in order to install an Above Ground Swimming Pool; property located at 15960 Howe Road, PPN 397-08-020, zoned R1-75.

Mr. Evans stated that this one is also topographical. Mr. Houlé stated that there is nowhere else to put it with the tree and the patio and the power lines in the back. Mr. Baldin stated that the homeowner will be putting up a new fence in the back for more privacy.

Mr. Evans stated we have minutes from May 12, 2021. Mr. Houlé stated that three changes should be made on pages 10, 27 and 32, which changes he gave to the Secretary.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
July 7, 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
Mr. Rusnov

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 July 7, 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	PRESENT

Mr. Evans - I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us this evening minutes from the May 12, 2021 meeting. We discussed three items in caucus. If there is nothing else that anybody has to make mention of, we will approve those with the changes and send those on for the record. If you are here this evening and you intend on speaking, that would be if you are requesting a variance and you are an applicant or if you are here for a public hearing and wish to speak on one of the items on the agenda this evening, I would ask you to stand and be sworn in by our Assistant Law Director, as well as our Building Department representative and our Secretary. So if you plan on speaking tonight you would need to stand and be sworn in. Now would be a good time to do that. If you think you might want to speak on one of the items that are on the agenda, please go ahead and stand. We don't charge for being sworn in but you do need to be sworn in if you intend on speaking, particularly if you are a new applicant tonight, you do need to stand and be sworn in.

Mr. Kolick stated the oath to those standing.

Mr. Evans – On our agenda this evening we do not have the Hannoush and Alhanna item from Trillium Trail. That was a continuation from the last meeting. The applicants have withdrawn their request for a variance, so that item is not on the agenda tonight. I will let you know that all of the Board Members have visited the properties that are on the agenda tonight so we have seen the situations first hand. I'd like to thank those people who did mark the variance requests as was required by the Building Department. It makes it much easier for us when we come out and do the site visits. So those of you who did mark it, thank you.

1) **NICHOLAS AND SARAH MEYER, OWNERS**

Requesting a 17' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to construct a 702 SF Patio and Fire Pit; property located at 17661 Lexington Lane, PPN 397-19-115, zoned R1-75.

Mr. Evans – The first item on our agenda this evening is Meyer on Lexington Lane. You have a representative; if you'll come forward please and we will need your name and address for the record.

Mr. Meyer – Hi, Nicholas Meyer, 17661 Lexington Lane, Strongsville, Ohio, 44136.

Mr. Evans – Thank you Mr. Meyer. Why don't you give us a quick description of what it is you're planning on doing and why the variance is necessary.

Mr. Meyer – So we are replacing both of the patios that were in my backyard. The upper patio off the slider door was heaved up to the middle and the lower patio we're also replacing that. It's going to be nicer. You said that you all have been back there, its slopes down to that lower patio and there was a drain which we also found out was not up to Code and it shouldn't have been there in the first place. If it rains the dirt and stuff would come down into that drain and you would have to take that drain out and clean that drain out and let the water go out. So replacing it is important so that we can slope it away from the house and back towards the creek. The reason that we're getting the variance is because the rectangular part of the lower patio is what we're replacing but we'd like to add the circle part of that patio with the fire pit in the middle just for our enjoyment. This will also include some knee walls right on the side of the patio to help keep the water and the mush and gunk from washing down into the patio. That's what we're going to do.

Mr. Evans – We do have a letter from the HOA.

Mr. Rusnov – Within our purview is if there's a topographical issue that would affect you and you do conform to that topographical issue because of the lay of the land and this is about the only place these places can go. Is that correct?

Mr. Meyer – Yes.

1) NICHOLAS AND SARAH MEYER, OWNERS, Cont'd

Mr. Rusnov – That's all I wanted to know.

Mr. Meyer – Yes, it slopes down into the basement, very much so and I'm assuming when the house was built they didn't do anything with the slope. It just goes right down there and they thought the drain was sufficient and we have found out that it is not. When it does rain, that part where the circle is going to be, that's where water collects, so this will also help us slope it all the way back towards the creek to make sure that water doesn't just stand there.

Mr. Rusnov – It eliminates the problem.

Mr. Meyer – Yes exactly.

Mr. Rusnov – Thank you.

Mr. Baldin – Yes it was quite a mess back there when you walk back there. I can understand your situation, but you're not the only one faced with something like that in the neighborhood I noticed.

Mr. Meyer – Probably not.

Mr. Baldin – It think it would be a great improvement. Thank you.

Mr. Meyer – Thank you.

Mr. Evans – This is a public hearing. I'll ask is there anybody in the audience who wishes to speak for the granting of the variance. Is there anybody who wishes to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. Just for the record, I will be abstaining since I am a trustee in the High Point Homeowner's Association, so I will not be voting on the item. I will entertain a motion.

Mr. Rusnov – Mr. Chairman, I would like to make a motion to approve a 17' Rear Yard Setback variance from Zoning Code Section 1252.16(e), which requires a 36' Rear Yard Setback and where a 19' Rear Yard Setback is proposed in order to construct a 702 SF Patio and Fire Pit; property located at 17661 Lexington Lane, PPN 397-19-115, zoned R1-75.

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:

MR. RUSNOV
MR. HOULÉ

AYE
AYE

1) **NICHOLAS AND SARAH MEYER, OWNERS, Cont'd**

MR. EVANS	ABSTAIN
MR. HAYDEN	AYE
MR. BALDIN	AYE

MOTION GRANTED

Mr. Evans – The variance has been granted. There is a twenty-day waiting period during which time City Council has the opportunity to review our decision since we report to them. If at the end of the twenty days they have chosen not to review it, you'll be notified by the Building Department and then can move forward with your plans. It's not very likely that they would review something like this, so you can sort of anticipate that the Building Department will let you know at the end of the twenty days and then you can move forward with the project. You are done for tonight and you're welcome to stay for the rest of the meeting, or you may leave if you wish.

Mr. Meyer – Thank you.

2) **ANDREW AND ELIZABETH PTASZEK-TEMPLETON, OWNERS**

Requesting a 7' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where an 8' Side Yard Setback (West) is proposed in order to install a 24' diameter Above Ground Swimming Pool; property located at 14299 Oakland Park Drive, PPN 398-04-023, zoned R1-75.

Mr. Evans – Item number two on our agenda is Ptaszek-Templeton on Oakland Park Drive. Do we have someone here from there? If you would come forward and give us your name and address for the record.

Mr. Ptaszek-Templeton – Yes. I'm Andrew Ptaszek-Templeton, 14299 Oakland Park Drive, Strongsville, Ohio, 44136.

Mr. Evans – Thank you. In the same way if you would give us a quick description of the project and what it is you'll be doing and why the variance is the best solution in your opinion.

Mr. Ptaszek-Templeton – So we're newly moved to Strongsville and we wanted to put in a 24 foot pool, above-ground pool. It is part of the reason we moved to Strongsville to have a bigger yard. There's quite a bit of drainage. There's a sewer that runs east to west. There's a swale to the rear of the property and there's a shed in the Southwest corner of the property. So the levellest area is to the West of the fence line and you can kind of see in the yard how the water should run. It seems like that would be the best place to put it. The concrete patio, if it was 15 feet over, it would be like right on top of the concrete patio. We wouldn't put it in the middle because of the drain, obviously. It seems like that would be a good spot to put it.

2) **ANDREW AND ELIZABETH PTASZEK-TEMPLETON, OWNERS, Cont'd**

Mr. Evans – Questions, comments?

Mr. Rusnov – The reason you're putting this where it is, is because of topographical issues?

Mr. Ptaszek-Templeton – Yes.

Mr. Rusnov – That's all I have to know.

Mr. Evans – Anything else gentlemen?

Mr. Baldin – I think it's about the only spot you could. Maybe you might be able to move it over another half a foot or so but I don't think it's going to make a lot of difference. Good luck with it.

Mr. Ptaszek-Templeton – There's a large, 6 foot board-on-board fence all around it too. It will be pretty transparent to most of the neighborhood too.

Mr. Hayden – The gates close automatically?

Mr. Ptaszek-Templeton – Yes.

Mr. Evans – Nothing else? This is a public hearing. I will ask if there is anybody in the audience who wishes to speak for the granting of the variance. Is there anybody 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. Hayden – Mr. Chairman, I would like to make a motion to approve a 7' Side Yard Setback variance from Zoning Code Section 1252.29(b)(1), which requires a 15' Side Yard Setback and where an 8' Side Yard Setback (West) is proposed in order to install a 24' diameter Above Ground Swimming Pool; property located at 14299 Oakland Park Drive, PPN 398-04-023, zoned R1-75.

Mr. Rusnov – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – So the variance has been approved tonight and that same twenty day waiting period that I talked about applies to yours as well. So City Council has the opportunity to review that. If they choose not to review that, then you'll be notified by the Building Department at the conclusion

2) **ANDREW AND ELIZABETH PTASZEK-TEMPLETON, OWNERS, Cont'd**

Mr. Evans continues - of the twenty days and then you can move forward with the project. Hopefully it will be in time for warm weather. You're all set for tonight as well.

Mr. Ptaszek-Templeton – Thank you.

3) **CHRISTOPHER AND AMY TRAN, OWNERS**

- a) Requesting a 3' variance from Zoning Code Section 1252.16 (e), which requires Pool Concrete Decking maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing Pool Concrete Decking encroaching 3' (West) beyond the main dwelling in the Side Yard Setback;
- b) Requesting a 6' variance from Zoning Code Section 1252.16 (e), which requires a Pool Concrete Decking maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing Pool Concrete Decking encroaching 6' (East) beyond the main dwelling in the Side Yard Setback; property located at 9536 North Bexley Drive, PPN 395-22-076, zoned R1-75.

Mr. Evans – Item number three on the agenda is Tran on North Bexley Drive. If you would come forward please and we will need your name and address for the record.

Mr. Tran – Christopher Tran, 9536 North Bexley Drive, Strongsville, Ohio, 44136.

Mr. Evans – Thank you. Why don't you take us on a quick run through as to the project. Again, we've all been out to see it, but tell us why you feel you need the variance.

Mr. Tran – Sure. Apologies for not marking it. I was unaware I was supposed to do that. We are residents here in Strongsville for nine years. My daughter is going into high school next year. My son into middle school, 6th grade. So we'll be here another nine at least. Looking to put in an in-ground swimming pool. We've obtained the HOA approval and all the permitting required related to most of the project. For the in-ground pool we're looking to do here as part of improving my property with a fence and additional landscaping, significant landscaping as I'm on a corner lot. Putting it in just to create value within my home. We like Strongsville and want to be here a long time.

Mr. Evans – During caucus one of things that we talked a little bit about is the fact that the deck is going to extend beyond the footprint of the house and that's the reason for the variance.

Mr. Tran – Yes, on the West side of the house, the three feet I have rocks, landscape bedding so I'd like to match that up with the landscape. Certainly it wouldn't be visible from the road

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Tran continues - especially after the landscaping is put in. And then on the East side, six feet, because I also have landscaping over there and that's where the air conditioning unit sits in order to have a walkway to formally go in and do the patio. So a little additional space there for enjoyment. Covid has taught us that a little extra room doesn't hurt so we can enjoy the outdoor space and socially distance if needed.

Mr. Evans –You did mention that Schneider Reserve offered a letter of support and we do have that as a part of the record. Anyone, thoughts or comments?

Mr. Baldin – I felt that you're going out a little bit too far. What's the real reason other than what you basically did say here and you told us the day I was there, well he wants enjoyment for the kids and everybody in the neighborhood. We don't want to set a precedent. If we let you, and you're on a corner lot, exceed it and we let you extend beyond, you know everybody starts looking at that and the next guy is going to come in and say well John did this over there.

Mr. Tran – Certainly I'm acting on good faith. I have the survey ordered to reflect that concrete which shows the regrade of the property that the City requires. I do have one neighbor on the opposite corner of my street who has obviously taken a significant variance for his pool which the HOA was fine with. I didn't think there would be any issue. Certainly nobody in the neighborhood has an issue. I actually have an individual here, a neighbor, whose came to voice his support as well.

Mr. Evans – What Mr. Baldin is basically saying is that what we wind up oftentimes is that someone requests a variance and as we look at that our job is to, as Mr. Rusnov suggested, there are four criteria that we have for granting variances. One is topographical, that's a very common one that we refer to oftentimes because of situations. In your case the land is pretty flat, there's not a topographical issue. What Mr. Baldin was suggesting is that when we allow you to go three feet then the next guy wants four and the next one wants five and then we have a foot race to see who can build the biggest deck, the biggest pergola, the biggest whatever, because that sort of tends to happen. So our job is to try and look at the criteria and say is this really necessary, is there a reason for it. Matching up with landscaping really isn't in the purview that we have of saying yes, this matches up. Part of it is, and honestly I don't remember the other one that you're referring to that may have been a neighbor that had variances or whatever. Everyone gets looked at separately and independently. Our job is to try and look at it and determine whether or not there's a reason that falls within our criteria and that typically topographical as you heard the first two this evening because of the way the land slopes off behind them. There's only certain things they can do or where the lot size is smaller. There are oftentimes things like that where the backyard is only 30 feet and the setbacks are impossible to work within. So we have to look at those types of things. In your situation it's a big yard. The pool itself is going to be where it's at. You've got the deck around it. Can the deck be narrower? That would alleviate the need for a variance. That's sort of what we have to ask you. Is that deck necessary for the size that you're proposing?

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Tran – Well I think, I am still fifteen feet at least off the adjacent property.

Mr. Evans – Correct.

Mr. Tran – From a pool decking side without a variance I would have six feet around the pool, which makes it tight if you wanted to put a chaise lounge or a table out there. Certainly don't want to create any safety issues for any of the neighborhood kids that come over because it will be a hangout for a lot of the kids because our subdivision does not have a pool. So from a safety perspective, that's one reason I would like it a little bigger. I don't think three feet to one side or six feet is egregious. I'm not asking to go all the way to the property. Just a little extra concrete to make the pool a little more enjoyable and certainly aesthetically in the layout it would be much more functional, practical, especially when it comes to reselling the house.

Mr. Rusnov – What he's asking you to do is to reconsider to see if you could get within Code, number one. Shrink this thing to a point or move this thing somehow that you do conform to the Code or diminish what you're asking for.

Mr. Evans – Mr. Tran I want to be clear. You may ask for whatever you wish and I understand that you want more than just six feet for deck area around the pool. There are many pools that are narrow around the deck and it makes it very difficult to move and there's a safety issue and everything else, so you're able to ask for what you want and I don't want to mislead you. Our job is to try to minimize it, but you're still able to ask for whatever you want. Regardless of where our opinions may be, you still are able to request what it is that you want. I just want to make sure you understand that.

Mr. Tran – I understand that.

Mr. Rusnov – Because if you reconsider you could go back to the drawing board and come back the next meeting with a new proposal or leave it alone. Whichever one you want, whatever way you wish to go. I had to ask the question though.

Mr. Tran – So are you asking me to. . .

Mr. Rusnov – There's also precedents that we don't want to set.

Mr. Tran – Understood.

Mr. Rusnov – Would you reconsider and maybe see what you could do? Table this thing until the next meeting? Or do you want us to proceed as is? That's entirely up to you.

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Tran – I don't know what I could do. I certainly could move the pool a little bit, but then it wouldn't be somewhere around the house. Really can't change the size of the pool.

Mr. Rusnov – We're not asking to change the size of the pool. But if you would be so kind as to reconsider that might go a long way. Diminish the size of the variances that you need and you may not need any.

Mr. Tran – Sure. I could certainly reconsider.

Mr. Rusnov – Whatever you want to do. It's up to you.

Mr. Tran – What would that process be from a timing perspective? Is that something I could get resolved tonight?

Mr. Evans – I'm guessing you want the pool in this year?

Mr. Tran – Yes.

Mr. Evans – So at this point the crux is that our next meeting doesn't happen for three weeks and so if we don't act on it tonight, then you're looking at three weeks plus the twenty days. You're now into the end of the summer or early fall and I don't think you necessarily wanted to do that.

Mr. Rusnov – Now if the pool company could put it in on a timeframe.

Mr. Tran – They are buried. They scheduled to start this month.

Mr. Rusnov – It might be a moot point. It's like asking for a generator now, you have a six month wait, if you're lucky.

Mr. Tran – The current schedule is this month. I'd like to have the six feet. Is one side of the house more of an issue than the other?

Mr. Houlé – I think you would certainly have room in the length of the pool to make the decking wider to kind of absorb the loss you're going to have on the east and the west side with the three feet and the six feet so that you could still accommodate your lawn chairs and tables and that sort of thing. On the narrow side which is where your variance is needed, the distance you're giving up there you could certainly make up for it on the length of the pool and make that decking wider at certain points.

Mr. Tran – I don't understand what you're saying.

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Evans – I think what he's saying is if you make the deck wider on the two long sides to put chaises on there and it's the two narrower ends that are the problem. If you don't have a variance tonight then you don't need to wait the twenty days and you can tell your pool company I'm ready to go tomorrow. So by narrowing that and not extending beyond the house, the variance goes away. If you make the concrete wider on the two long sides and put all the chaises along there, then you've got just narrower areas on the two ends, which would be one way of doing it, is what Mr. Houlé said.

Mr. Tran – No, I agree. I think that's one way of doing it. I'd be encroaching on the back neighbor.

Mr. Evans – I think at this point you have. . .

Mr. Baldin – You're going to be fencing the whole yard in anyway. Right?

Mr. Tran – Yes. There's going to be a fence, there's going to be an auto cover and then some significant landscaping. Lot of work.

Mr. Baldin – From the pool to your deck, what is the distance? Seven feet?

Mr. Tran – From the house?

Mr. Baldin – From where your deck is and juts out into the yard now to your pool? Seven feet, right?

Mr. Tran – That's right.

Mr. Baldin – From your property line? If I'm looking at this you're only going to be four feet. That can't be right.

Mr. Tran – No that's four feet of decking on that side. To walk around.

Mr. Baldin – So you've probably got about a good twenty feet on that side to the property line. Don't you?

Mr. Houlé – It looks like it's about thirteen feet on the deck property line.

Mr. Baldin – Thirteen feet. Almost fourteen.

Mr. Houlé – So I think what he's suggesting, Mr. Tran, is if instead of having four feet of concrete off the back end there, could you extend that to seven and take off your sides?

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Baldin – We're trying to help you maybe make a decision tonight. Before the summer is over. Three weeks and then another twenty days on top of that, so that's almost six weeks.

Mr. Tran – And I wouldn't need a variance to do that.

Mr. Baldin – Well you may not if you pull back.

Mr. Houlé – If you don't need a variance, you could start on it tomorrow.

Mr. Tran – Correct. To push the concrete back.

Mr. Houlé – As long as you don't encroach too far to the rear.

Mr. Tran – Then I'm not sure what the Code is on how many feet I've got to be off the back.

Mr. Roenigk – It is fifteen feet from any property line.

Mr. Tran – From the beginning of the pool? Not the pool deck?

Mr. Roenigk – The Building Commissioner has determined that it's from the edge of the pool. I believe at one time it was different, but now it's from the edge of the pool. So you'd be okay with concrete. You do have an easement back there that you cannot build on. Its ten feet from your property line, so the most you'd be able to go would be three more feet.

Mr. Baldin – That seems more logical to me. I don't have a pool, but I've sat around a lot of pools and I like to soak up some sunshine and you extend that back and put your chairs there. That sun comes in from the west and once it turns around, I think it would be more appropriate. But that's your decision. You also eluded to the fact that you were thinking of putting a walkway in.

Mr. Tran – Well I think that's kind of like phase two at some point. I'd like to potentially widen the driveway at some point. My daughter will be driving in two years and then I'd put a walkway towards the back. You know where the fence is going to be.

Mr. Baldin – On the east side?

Mr. Tran – That would be on the east side and that walkway would go straight into the patio versus into the backyard and then hang a left to connect it.

Mr. Roenigk – If you do go with concrete moving towards the rear property line Engineering would have to have your approved topo stamped and signed by a professional surveyor to show that extra concrete for your topos. Four copies would have to be done.

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Tran – Yes. I could get those reissued.

Mr. Roenigk – So we're all on the same page.

Mr. Baldin – If you want to take a few minutes to think about that, we could go onto the next one. It's up to you.

Mr. Tran – Okay. We'll do that.

Mr. Evans – So in order to fit things in here, though, let me take care of the public hearing part of it and then we can allow Mr. Tran a couple seconds to reflect on what we talked about. So this is a public hearing. Is there anybody who wishes to speak in favor of the granting of the variances? If you would come forward and we will need your name and address for the record.

Mr. Morris – Jason Morris, 9334 Ellis Way, Strongsville, Ohio, 44136. Just wanted to say that myself, knowing Chris for a few years, knowing how he treats his house and the neighborhood, beautiful inside and out. Takes great pride, great care. We are in full support. Both me and my wife are in full support of the pool. Variance or not. Whatever he decides tonight, it's going to look great. We feel like this is not going to do anything bad to the neighborhood. No ugliness or blight or anything like that. We feel like, knowing him and knowing the pride that he has in his property, we feel that it would be great. I know you did say about the next guy wanting it bigger and bigger, I think he would definitely be within actually shorter than what the neighbor down the street is and their pool. The whole thing kind of sticks out. But we're in full support so I just wanted to voice my opinion. That's all I really have to say.

Mr. Evans – Thank you Mr. Morris. I appreciate it. Mr. Tran, one other thing you might want to think about, and I don't know how the other Board members would react to it, but you're asking for a variance on both ends of the pool. One of the ends is the street side which the house is on a corner so it's well exposed. The other side is on the interior of the lot. It might be that reducing the request to one side versus the other might be a way of doing it. You talked about the service walk coming back and tying in eventually. I think that's a valid concern. Maybe what you do is eliminate the West and stay with just the East variance. That's another option for you to think about. Obviously part of our task is to try to reduce variances because the Code is there and we're supposed to follow the Code but there's reasons that we talked about that we can't. That might be one way of doing it. If you could live with one side being open or extended for the deck being bigger maybe not both sides. That might be another way of getting it accomplished. Just want you to understand that's another option that you might want to think about.

Mr. Tran – Okay. Thank you for that.

3) CHRISTOPHER AND AMY TRAN, OWNERS, Cont'd

Mr. Evans – Is there anybody else wishing to speak for the variance? Is there anybody who wishes to speak against the granting of the variance? Hearing none and seeing none, I will conclude the public hearing and we'll give you a couple of minutes to think about it. Then we'll bring you back up after the next item. If that's alright.

Mr. Tran – That will work.

Mr. Evans – So you can think about it and we'll move onto item four and come back. Stay tuned and don't go away.

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS

- a) Requesting a 5' Rear Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (West) is proposed in order to install an Above Ground Swimming Pool;
- b) Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29 (b) (1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (North) is proposed in order to install an Above Ground Swimming Pool; property located at 15960 Howe Road, PPN 397-08-020, zoned R1-75.

Mr. Evans - Item number four on our agenda is Rybarczyk and Nehrenz on Howe Road. If you'll come forward please to the mic. We will need your name and address for the record.

Mr. Rybarczyk - My name is Eric Rybarczyk, 15960 Howe Road, Strongsville, Ohio, 44136.

Mr. Evans – Mr. Rybarczyk, we talked in caucus about the situation a little bit. Why don't you give us a little bit of a description as to why the variance is needed in your opinion back there on Howe, and how the lot and everything configures with the pool that you're proposing.

Mr. Rybarczyk - So I purchased the pool last year as a wedding gift for my wife. Once I showed her what I got, we were going over the hypothetical where this could go. We have a rather large tree. You've been to my house and have seen that. I have a patio as well. Initially we thought we could put it in a few different places. Then I discovered more about the Zoning and the different locations of where it could go. I had some stakes which, I think when Dave came out, I was just in the process of getting ready to start putting up, so if they weren't there when you were there, I apologize. Throughout the past spring, several months, my wife and I have moved these stakes around and done hypotheticals for days. We go upstairs, we look down, we look out in the backyard, we go walking around to see what's available. What makes sense to us was put it back where I'm proposing because of the most sunlight and it's out away from where a tree is as well as close to the patio there's an overhead power line that goes close to the house. Now when we

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS, Cont'd

Mr. Rybarczyk continues - first moved into the house, we've had drainage issues in the backyard. I've called out contractors and they referred me to bigger contractors and said we gotta see what we can do here, but there's a low spot in your backyard where it looks like it may have been a pool, not saying it was but they're saying it's consistent with what that is. I said well what's my solution here? Do I fix my backyard or do I put my pool in? And the contractor said I want you to put the pool in over here since it makes the most sense and then we will grade once you put your pool in and that should solve any drainage issues that you have.

Mr. Rusnov – So it's a topographical issue?

Mr. Rybarczyk – It will resolve one, yes. So right now in the months of April through May it's difficult to even cut my grass.

Mr. Rusnov – That's one of our issues that we can rule on, topographical issues.

Mr. Evans –That and the electrical lines.

Mr. Rybarczyk – So the pool company said they're concerned with being close to them because if you have a pool cleaner they don't want you to touch it. So again, with the tree being there and also we don't want to walk out of our house and be shimmying around a pool. We would like it to be further in the sunlight. Everything just made sense.

Mr. Rusnov – Okay. Thank you.

Mr. Houlé – The hardship is definitely peculiar to his property with the power lines and the tree.

Mr. Rusnov – The electromagnetic field is also an issue. Yeah, hold up a light bulb and you'll light up with the bulb.

Mr. Rybarczyk – Like I said, a lot of thought has gone into it. I bought it back in September, put up different scenarios, and this is what makes sense for us.

Mr. Rusnov – Beats the wedding gift I got.

Mr. Baldin – Sixty years ago is a long time John.

Mr. Evans – We have a public hearing so is there anybody in the audience who wishes to speak for the granting of the variances? Yes? Will you come forward and we'll need your name and address for the record.

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS, Cont'd

Ms. Rybarczyk – My name is Amber Rybarczyk now. It's changed from the papers. 15960 Howe Road, Strongsville, Ohio, 44136. I agree with everything he said.

Mr. Houlé – Amber, was that your wedding present?

Ms. Rybarczyk – It was. I'm still waiting on it.

Mr. Rusnov – We have to honor that.

Mr. Evans – Is there anybody else in the audience who wishes to speak for the granting of the variances? Is there anybody 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. Houlé – Mr. Chairman, I would like to make a motion to approve a request for a 5' Rear Yard Setback variance from Zoning Code Section 1252.29(b)(1), which requires a 15' Rear Yard Setback and where a 10' Rear Yard Setback (West) is proposed in order to install an Above Ground Swimming Pool; and (b) requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.29(b)(1), which requires a 15' Side Yard Setback and where a 10' Side Yard Setback (North) is proposed in order to install an Above Ground Swimming Pool; property located at 15960 Howe Road, PPN 397-08-020, zoned R1-75.

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 – The variances have been granted. That same twenty day waiting period does apply and now with the fulfillment of your wedding gift you are all set. Once the City Council decides not to do anything, the Building Department will notify you and then you can move forward with the installation of the pool.

Mr. Rybarczyk – Thank you.

Ms. Zamrzla – Mr. Chairman? For the bride, have you thought about changing your name with the county auditor's website because that's where we get all of our information to mail everything?

Ms. Rybarczyk – That's on my list.

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS, Cont'd

Mr. Evans – It's a long list I'm sure. It's amazing how many things you have to change.

Ms. Rybarczyk – Yes, I have two licenses I have to change with nursing and everything and that took forever with Covid.

Mr. Evans – So you're all set for tonight.

Mr. Rybarczyk – Thank you.

Mr. Evans – And that will lead us back to Mr. Tran.

Mr. Tran – Jim Kaminski came out to my house today. He lives in our same subdivision. He was fully supportive. I'd love to have the six feet from the east. I could probably live without the three feet on the west side which is the street side. With respect to my neighbor, ideally I don't want to go back closer to his property. I want to leave room back there in order to landscape appropriately as well, whether it's with evergreens or something. I think I will need that space in order to do that so it looks good. So that's kind of where I'm shaking out if you're supportive of that. I certainly understand and respect what you're doing with the Code and that's why I'm here tonight trying to do the right thing and do things appropriately in the right order.

Mr. Evans – We appreciate that. So then what I'm hearing is that you might be willing to relinquish on (a) which is the three feet to the East and stay with the six foot to the West, which is on the interior of the property and you will be hooking up with the walkway later on and whatever else.

Mr. Tran – Yes sir.

Mr. Evans – Gentlemen you may want to reflect on that.

Mr. Houlé – I'd still like to see the. . . If you're going to keep with the East side, I'd like to see that reduced a little bit instead of the six feet. Still there's no real hardship other than your need to have it for the aesthetics and that's what I have to live with.

Mr. Tran – Understood. Six feet gets me out past. . . I can show you a picture. My air conditioner is on that side.

Mr. Houlé – I know. I was out there. I know exactly what you're talking about, but that doesn't stop you from making a left turn to cut into your pool decking and that. That's not a hardship to me.

Mr. Tran – Understood.

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS, Cont'd

Mr. Evans – I guess I sort of look at it. . . We did the driveway, the driveway at the last meeting where we extended that beyond the footprint of the house and the patio on the other one and I sort of look at this from the same point.

Mr. Houlé – Are you referring to the one where the driveway went out past the. . .

Mr. Evans – Yes. Past the patio back there.

Mr. Baldin – You're not interested in pushing your deck a little bit further back the other way? I think that would be ideal.

Mr. Tran – I just think that's too close to the back neighbor and with the swale there and the sewer easement. I need to be careful about pushing my landscaping too close to that to prevent any future issues that may come up. The trees grow up and get big. There is a ten foot, actually twenty feet wide, ten feet on each side of the property sewer easement.

Mr. Evans – So should we stay with the six feet? Do you want to come down to five or four on the interior side, the east side?

Mr. Baldin – You're going to give up the west side and you want to stay at the six on the east.

Mr. Tran – Ideally, but if you not supportive of the six even after striking (a), I guess I could come off a foot or so.

Mr. Baldin – Give up (a) and request a five foot on (b). That's a compromise that will work.

Mr. Evans – I understand it's not what you want.

Mr. Rusnov – You're giving up (a) and it's going to be a five foot variance instead of a six.

Mr. Tran – Correct.

Mr. Rusnov – That works.

Mr. Evans – So we've already had the public hearing. We got all that done. With that being said I would then entertain a motion.

Mr. Baldin – Mr. Chairman, I would like to make a motion to approve a 5' variance from Zoning Code Section 1252.16(e), which requires a Pool Concrete Decking maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing Pool Concrete Decking encroaching 5' (East) beyond the main dwelling in the Side Yard Setback; property located at 9536

4) ERIC RYBARCZYK AND AMBER NEHRENZ, OWNERS, Cont'd

North Bexley Drive, PPN 395-22-076, zoned R1-75. Also the applicant has requested to take away (a) the 3' variance.

Mr. Rusnov – Second.

Mr. Kolick – Mr. Chairman, show that (b) is on the east side.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – So the variance has been granted by this Board. There is that twenty day waiting period during which time City Council has the opportunity to review but you can work with the Building Department on making sure your contractor has the spot reserved for you and then you are all set for tonight. We appreciate you working with us.

Mr. Tran – Let's say I manage business development for Bank of America Business Capital for the State of Ohio, you guys are pretty tough negotiators. I thought my multi-million dollar deals were tough. We're hiring, I may give you a call.

Mr. Evans – It's a good thing we didn't know you were with BofA to begin with because that probably would have trashed the whole thing. Thank you Mr. Tran.

Mr. Tran – They did put up two new locations here.

Mr. Evans – I understand that and it took forever to get it open which is the same kind of negotiation. Alright, is there anything else to come before the Board this evening? If there is not, then we will stand adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

August 11, 2021
Approval date