

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**June 10, 2020**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this June 10, 2020 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL FIVE MEMBERS 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 minutes from April 22, 2020 and May 13, 2020. I don't believe that there are any corrections so we will approve those and send them forward as submitted. Mr. Houlé asked a question about the May meeting that we had the letter and we didn't announce the name and address of the person who submitted the letter. We do have that as part of the record so it doesn't need to be in the minutes. If there are no other comments about the minutes we will move those forward with our approval. If you are here this evening and wish to speak, 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 JENNIFER NORRIS, OWNER**

Requesting a 15' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 35' Front Yard Setback is proposed in order to construct a 264 SF Garage Addition; property located at 9946 Plum Brook Lane, PPN 391-06-106, zoned R1-75.

Mr. Evans – We have a Public Hearing tonight and if there is a representative for the Norris variance please come forward to the microphone and state your name address. You can both come up, that is fine.

Mr. Norris – Michael Norris, 10800 Creek Moss Lane and 9946 Plum Brook Lane, Strongsville.

Mrs. Norris – My name is Jennifer Norris and I live at the same addresses.

**1) MICHAEL AND JENNIFER NORRIS, OWNER, Cont'd**

Mr. Evans – All right. Mr. Norris, you are looking for a variance for a front yard setback. Tell us about your plan. We have all been out to look at it. We've all seen the plans but if you could give us a brief description and why you picked this location.

Mr. Norris – Yes, sir we are looking to add one garage bay to give us an additional storage space.

Mr. Evans – Questions from Board members? Mr. Rusnov?

Mr. Rusnov – The shape of the lot pretty much dictates that a variance would be needed because they are on a curve and the topographic issue is that it's an irregular shaped lot. I'm very familiar with the subdivision. There are a number of properties with three car garages but they're on properties with straight frontage, no curved.

Mr. Baldin – Mr. Norris, you aren't running a business out of there when it's added are you?

Mr. Norris – No.

Mr. Baldin – It's strictly for storage or another car?

Mr. Norris – Yes, I'm an insurance agent.

Mr. Baldin - You're also putting an addition on the back right?

Mrs. Norris – We currently live in Meadowood and love it there on Creek Moss but I was diagnosed with MS one and one half years or two years ago and I just can't manage my thirty four-ish hundred square foot home so we wanted to down size but can't downsize so much that my daughter's car and our cars won't fit or block driveways and sidewalks. We need the storage and don't want to block the sidewalks or park in the street.

Mr. Baldin – Thank you.

Mr. Houlé – It sounds like the garage is going to be twelve feet out. Do we need to be concerned with the side yard variance? I don't know how far out the lot goes.

Mr. Rusnov – It looks like they have plenty of room on the side yard. It's the front...the garage is flush or like a foot.

Mr. Norris – That is why we are asking for a variance for the front. I didn't know that we had to worry about the side.

Mr. Rusnov – The City would have picked that up.

**1) MICHAEL AND JENNIFER NORRIS, OWNER, Cont'd**

Mr. Norris – I believe that you guys are the experts. The side we're proposing that it's on by the shape of the neighbor's house it's an L shape that is set very far out and my understanding is that the requirement is 5' to the edge of the property and 15' between houses. I think that we're going to be 25' ish feet between houses and more than 5' back.

Mr. Houlé – We can see where the side yard was and I wasn't sure how far out the garage was going to come so I now know that. That was the only thing that I was concerned about. While we're here you might as well get both of them if you needed it.

Mr. Rusnov – I eyeballed where I thought the stakes were and he is correct.

Mr. Houlé – I didn't see any stakes.

Mr. Rusnov – I didn't see any stakes either.

Mrs. Norris – Our neighbor to the left were looking to do a mirror image frontage as to what they have. Our neighbor to the left if you're standing at the front of the house has the same kind of frontage.

Mr. Evans – Brian, did you guys check that?

Mr. Roenigk – They are 15' from the closest point of the garage to the property line.

Mr. Houlé – How much distance do they need?

Mr. Roenigk – Five feet to the property line and 15' between dwellings.

Mr. Baldin – Each house has 15' on each side, correct?

Mr. Roenigk – Fifteen feet total, five and ten. There is plenty of space between these houses.

Mr. Norris – I understand and it should exceed all of that.

Mr. Roenigk – Yes.

Mr. Baldin – It didn't look that way to me but I'll measure it. I was curious once the garage goes up if they still have that much space to the property line.

**1) MICHAEL AND JENNIFER NORRIS, OWNER, Cont'd**

Mr. Evans – Okay, anything else from Board members? This is a Public Hearing. I will ask is there 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 entertain a motion.

Mr. Rusnov – Mr. Chairman, requesting a 15' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 35' Front Yard Setback is proposed in order to construct a 264 SF Garage Addition; property located at 9946 Plum Brook Lane, PPN 391-06-106, zoned R1-75 be approved.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – So, the variance has been approved by the Board. There is a twenty day waiting period during which City Council has the opportunity to review our decision. They will no doubt take note of the fact that we talked about the topographical situation as a reason that we considered granting the variance. At the end of the twenty days if they have not taken action you will be notified by the Building Department and could move forward with the project. You are done for tonight and we wish you well on the project.

Mr. Norris – Thank you, ladies and gentlemen.

Mrs. Norris – Thank you.

Mr. Evans – Thank you.

Mr. Baldin – Be careful out there, I saw a couple of branches down out there.

**2) GARY AND KAREN GROMIAK, OWNERS**

Requesting a 12' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and a where the applicant is proposing a 460 SF Paver Patio encroaching 12' beyond the main dwelling into the Side Yard Setback; property located at 14572 Hartford Trail, PPN 399-27-102, zoned R1-75.

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

Mr. Evans – All right, item number (2) is Gary and Karen Gromiak. Mr. and Mrs. Gromiak, if you would come forward to the microphone. Please state your name and address. Mr. and Mrs. Norris, you are permitted to leave if you wish to. We don't charge you if you want to stay. It sounds like the storm has relented a little bit. Now might be a good time to make haste. Mr. and Mrs. Gromiak, you are back here because you had some considerations to figure out about the homeowner's association and what happened and what didn't happen. So, I think probably the appropriate thing to do is to ask you where you think we are at. The homeowner's association has said there are concerns that they have due to the construction of the patio. So, where is it that you think you're at?

Mr. Gromiak – We provided the engineering report regarding the water concerns. We brought that up at the last meeting that we had the survey done by an engineer. At the time I thought that was the big concern. Otherwise we have had a stone patio for I don't know for how many years. We thought it better to put the patio in so as far as that goes I don't know of anything that has changed.

Mr. Kolick – Mr. Chairman, for Mr. Gromiak, two concerns that we have had as a City is that 1) you went forward initially without a permit. Is that correct?

Mr. Gromiak – Yes, and I stated before that I didn't know we needed one.

Mr. Kolick – Just understand that for the homeowner's association because that's an issue they raised. So they understand too we have a penalty when you go forward without a permit so just making you aware of it. The homeowner's association is aware of it because we don't try to operate that way. The second question that I have, you said that your contractor was putting this in. Is that Sherman and Sons?

Mr. Gromiak – Yes.

Mr. Kolick – Okay, but I noticed the permit was taken out in your name, not the contractor's name. The contractor is required to pull the permit if they're doing the work.

Mr. Gromiak – The day that I was made aware was the day the work started and I went down to the City and that's when they said I had to apply for the variance which is what I did.

Mr. Kolick – Okay, just keep in mind that if you have work done again if the contractor is going to do the work they are required to take out the permit. The reason why we do that is because they carry a license and if they don't do it correctly we may have to act on the license. It's not a big deal now but I'm making you aware of it for the future.

Mr. Baldin – Are they licensed and bonded now?

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

Mr. Kolick – Yes, we did check and they are licensed in the City. That was an issue that we looked into.

Mr. Gromiak – The permit doesn't have really anything to do with how they access our yard, does it? The permit is to do a certain job, and that's it, correct?

Mr. Evans – Yes, and that leads to my question. The homeowner's association has indicated that there was no permission given for the contractor to go across the common property to do the project. So, do you know, did Sherman or did you ever ask permission to access the common property?

Mr. Gromiak – No.

Mr. Evans – Any time when you're going onto someone else's property whether it a homeowner association or a neighbor normally you would obtain permission before going onto the property with equipment.

Mrs. Gromiak – We assumed that since it's a green area next to our home that it's property that the homeowner's can use. We walk on the trail, we walk on the grass, we walk down to the lake. We were unaware that we cannot walk across that or no one else can walk across it.

Mr. Evans – It's not a question about walking across it when you are bringing equipment and materials in. Here again, having read the email exchange I'm sure the walkway is not one that is brand new. Having looked at it I would say it's been around for a while. I also know that we have many, many homeowner's associations in our community, and the funds available for keeping up and maintaining areas like that are very taxed. It's not something that homeowner's associations look to redo walkways. It's not like the Cleveland Metroparks.

Mrs. Gromiak – I understand that. I've put mulch in the green area around the trees behind our home and I've pulled weeds and I've done many things to help out. The entrance to that trail is unsightly and it's next to our home and we have never complained about it. We have done what we could. I've raked it, I've cleaned it up and I've pulled weeds and we have done whatever we could and never complained or asked for anything.

Mr. Evans – Understood. Mr. Kolick, given that the homeowner's association has submitted the documentation is it appropriate that we allow them to present?

Mr. Kolick – It's within your discretion because we did have the Public Hearing at the last meeting but you do have the discretion to ask them to address the Board if you so desire.

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

Mr. Evans – Let me allow you to have a seat. Do we have a representative from The Trials here? Is there a spokesperson? If you'll come forward to the microphone please. In fairness, we did a Public Hearing at the last meeting. We had no one that was here to speak in favor of or against and at this point we did not have a letter from the homeowner's association giving us any guidance on their agreement or disagreement with the variance. So the Public Hearing was held and closed and we are going outside of our normal bounds to extend to you the opportunity because in our belief we would like to try and get this thing cleared up and put to bed. I'll need to start with your name and address, please.

Mr. Murmann – Thank you Mr. Chairman. My name is Bill Murmann. I'm president of The Trail Association in Strongsville and our association is, as I mentioned in the letter to the Building Department, we are withholding endorsement of the permit. The Gromiak's and their contractor trespassed on our property and went right past a no trespassing sign with their heavy equipment and we have an estimate of at least \$6,000.00 of damage done to the common property. The asphalt walking trail and 94 feet of it was damaged. Landscaped area with grass was damaged and the sidewalk in front out by the street was cracked. So we got an estimate for the repairs and it has come to \$6,000.00. Our attorney is engaged in action about this to seek damages on our behalf. So, again, we withhold approval or endorsement of the permit and note that the work was done without a permit and I found out about it with a phone call and somebody saying what's going on down there and came down to find a skid steer on the property and a huge mound of dirt, the lawn torn up and the sidewalk cracked and the asphalt walking trail torn up. So, we have to repair this and our attorney is seeking damages from the Gromiak's.

Mr. Kolick – Mr. Chairman, Mr. Gromiak, we certainly don't condone going forward without a permit and I raised that before, but we have a penalty provision in our code. Mr. Gromiak will be paying three times the normal amount by going forward without a permit. So, that issue we have put to rest with the provisions that we have in our Code. The second issue is we certainly don't condone anyone going on anyone else's property or damaging it but that is not an issue that we as a Board can get involved with. That is an issue between yourself and the homeowner. It looks like you have already initiated that. Leaving those two issues aside, not to say that they are not to be considered, is there any other objection that the association has to the variances that they requested because we recognized this at the last meeting and it butts up to the common area of the homeowner's association.

Mr. Murmann – We aren't trying to block the variance. We withheld an endorsement to give the neighbors a chance to object. If a neighbor objects we would have to have a Board meeting and determine by vote of our trustees whether or not to approve the permit request. We haven't heard from any neighbors at this point but I would like to note that if the proper permit process had been taken then we could have avoided all of this damage. I've been a trustee for eighteen years and I've worked with contractors in the past. I have talked with them to make sure they don't damage the path. They put down plywood and we've had Tab Property Enhancement come in with heavy

2) **GARY AND KAREN GROMIAK, OWNERS, Cont'd**

**Mr. Murmann continues** - equipment with no damage to our path. They put down plywood. If I had known about Sherman and Sons plans I could have talked with them and asked them to put down the plywood to prevent the damage but I didn't know about it until I got a phone call. I called Sherman and Sons and asked them to stop working immediately. I said you don't have a permit and the person that I spoke with said they were told they didn't need a permit. I asked about trespassing on our property and they said they were told they had permission to go onto the property. They didn't. This is the problem that we're facing and again, like you said, it's in legal action with our attorney, Foth and Foth, and we'll go from there. We're having repairs made. We are fixing the sidewalk and the asphalt walking trail. We have a contractor who will repair the lawn. It's coming to a total of at least \$6,000.00 not including legal fees. So, it's not a happy situation for us that's taken a strong cut from our operating budget for this year.

Mr. Kolick – Did you say that as far as you know that none of the other neighbors had a problem with the variance? No one has spoken any objections to your Board?

Mr. Evans – Mr. Kolick, everybody within 500 feet was notified of that and had the opportunity to appear at the Public Hearing. That was the information that went out to everybody. We know that everybody was notified so while the homeowner's association may take the position that they are responsible to the homeowner's within the association, they have all been notified. That was due process and they had the opportunity. I'm less concerned about that because that process was already taken care of by this Board. At this junction, the legal action that you have taken, many of us that sit on this Board are also part of a homeowner's association. We understand the ups and downs, and ins and out of being on a Board and being responsible for the association. We don't necessarily react to a law suit or anything like that. That is an independent situation from this Board. What our charge is is to take a look at the situation to determine if whether or not within the Code there are reasons that we can provide for granting a variance and while we seek the approval of a homeowner's association were are not incumbent to necessarily to go with that. We make the decision based on what the criteria and representation we hear and call for. We know the applicant didn't secure the permit ahead of time. Mr. Kolick has said there's a penalty for that. We don't know what our determination will be but we understand The Trails as an association but again, because you already entered into the legal action, we are not a part of that nor would we be a part of that action. Ours is to simply take a look at the variance request and act on it based on that.

Mr. Murmann – Our association is prepared to let the Board make a decision on this. We will go with that and the rest will be up to our attorney.

Mr. Kolick – Mr. Murmann, to add onto what the Chairman said, whether this Board grants or doesn't grant the variance will have no bearing on your case one way or the other. It doesn't mean you can't proceed or anything else. If there is damage to your property and you can show it was



**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

**Mr. Kolick continues** - caused by them and you can show the dollar amount then whether this Board grants or doesn't grant the variance should have no bearing one way or another.

Mr. Evans – We did take into account the proximity of the common area and the other homes on the other side of the common area. The fact that there are fences all across that way, those are things that we talked about when we did our initial review of the area and are reasons for granting variances. We took all of that into consideration and you weren't here. Are there any questions?

Mr. Rusnov – I have one for Brian. The letter from the homeowner association states some facts and then there is also a letter from the property owner which rebuts the homeowner's association. Now, in your investigation of the property what are the facts? Was there no permit issued or applied for for the patio?

Mr. Roenigk – That is correct.

Mr. Rusnov – And it was brought about by what?

Mr. Roenigk – Complaint.

Mr. Rusnov – Are there any other facts that we should be aware of?

Mr. Roenigk – No, I had a conversation with the owner about being triple fee'd if the variance is approved. I was aware of the damage when the field inspector gave his report. Everything else is as written.

Mr. Rusnov – Thank you.

Mr. Baldin – Mr. Chairman, for the association representative, again we have heard everything that was said here and we're here for the variance. I looked at the property and I didn't think about The Trail or the path. I was there to look at the patio placement. I went back again after everything that has been going on and you say there is about 100' of damage to the trail. That's a lot of damage from the loader. That's wider than this building.

Mr. Murmann – It's the length.

Mr. Baldin – You said it's over 100'?

Mr. Murmann – I measured it with a measuring wheel. It was 94' from the curb to the end of the damaged area and the skid steer came up over the curb, cracked the sidewalk and then straddled the path. This is an asphalt walking path. It's similar to a golf course path. The ground was soft. Everything was cracked up and whenever the skid steer turned there was that motion that tore up

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

**Mr. Murmann continues** - sections of the path and pulled it apart. The contractor told us that we would have to have it dug out and new asphalt put down. It's Buckeye Paving. We have worked with them for many years. So, the path was scheduled for repairs perhaps in two years. We have a mile long walking trail that goes through the development. There are sections of it that needed to be repaired and we were planning this year with money in the operating budget to repair certain sections. Parts that needed it the most and now we have to use a large chunk of that money to repair a part of the path that we weren't planning on working on this year. But we have to fix it so that it's not a hazard to people and so that's going to take a chunk out of our operating budget and use money that would have been used in other parts of the path that were in poor condition. This has made a problem for us.

Mr. Baldin – Thank you. I appreciate your definition and again, we're not here for that.

Mr. Murmann – Anything else?

Mr. Kolick – Someone else may want to come up.

Mr. Evans – If you want to come up we are going to keep this brief. We'll need your name and address. Mr. Murmann, we can excuse you then if there is nothing else you need to provide.

Mr. Chapman - My name is Louis Chapman. I live at 14634 Boston Road. I've been living there forty years. I'm the Vice President of the homeowner's association and I'm also the guy who figures out what needs to be fixed and prioritize them. Two problems cropped up here. I understand about a construction project and having equipment on that old path and it took a heavy beating for it. The issue right now is the Gromiak's property is at least two foot above the trail so this additional concrete pad is going to bring water back into that area regardless what we do with the paving issue. The area is heavily treed and very soggy most of the time. That is why the trail was in such bad condition. The addition of the pad, and I don't have the measurements, it can't be too bad, but we're going to have a haunting issue of water run off because this pad tips away from the house into the common area. The Gromiak's are two feet higher and that water will haunt us during the winter, spring and heavy rainfalls like today. We didn't have an advance notice. I don't know what we would have done but that's a situation that is going to haunt us after this case has been to the Commission. The second thing was it was done at a terrible time when this pandemic was right at the peak and we had trouble communicating with each other at the same time. So, we had a communication problem during that time. Who would come to these hearings, I don't know. That was also haunting us and other Board meeting problems. The other thing is our homeowner's association is under a mandate by the State of Ohio to generate a reserve fund. We have nothing in our reserve fund. We are going to have to approach our owner's with a substantial dues increase and we don't know who is working or not or has been impacted by layoffs. We have our hands full. It would have been very helpful to have notice if this construction project was going to take place. It would have saved us time and money. Also, Mr. Gromiak is a plumber. Plumbers know

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

**Mr. Chapman continues** - more about permits more than any other skilled tradesman and I'm a tradesman. Excuse me. There's no job done in Strongsville without a permit and any skilled tradesman that claims he was naive to that is missing the boat so I don't buy that. We need to move on to other bigger things. Thank you for your time.

Mr. Evans – Mr. Chapman, are you aware of the Engineering report?

Mr. Chapman – I saw it briefly and that it says there's a low impact.

Mr. Evans – We looked at it and so did the Building Department. It said the patio isn't big enough to have an impact so let me discount the first one. The second one, in terms of communication, the notice that went out went to all the residents in that vicinity of 500' from the applicant. The association also received a notice about the hearing. I understand the pandemic has created a lot of things. This particular Board has continued to meet although we have done things a little different to keep things moving to make sure that we're taking care of business. There are challenges. I agree but unfortunately things still have to move forward. If there are challenges, we understand that. In terms of building reserve funds many of us are in associations and may sit on Boards for our associations and understand reserve funds and priorities of spending. It is unfortunate but that's the reason that you are pursuing the case to go after the claim and again, our Board doesn't have anything to do with that. The situation that we look at has criteria for granting variances. Those are very specific in terms of the ability that we have and the judgements that we make. So, we understand all the points that you've made. They are duly considered but may not have any impact on what the final decision is because they may not be appropriate to the decision that this Board is able to make.

Mr. Chapman – Can you help me understand what would impact your decision?

Mr. Evans – The reason that this Board was created is we have four criteria for granting variances. One is topographic, one is not having an impact on the City. Mr. Kolick, what are the others?

Mr. Kolick – I has to be in compliance with the comprehensive plan and it has to be an undue hardship on the applicant.

Mr. Evans – So, in the case of us coming out and visiting the property, the reason that we've all done that is to see the impact on the area and to see whether or not it's a justifiable request for a variance and again, none of those criteria that you mentioned are those that we deal with. Those are specific that you may have in your legal recourse but they aren't something that we based reasons for granting variances on.

Mr. Chapman – Thank you for your time.

**2) GARY AND KAREN GROMIAK, OWNERS, Cont'd**

Mr. Evans – Anything else from the Board members?

Mr. Murmann – Thank you Mr. Chairman.

Mr. Evans – Thank you. So, at this point I would then entertain a motion.

Mr. Rusnov - Requesting a 12' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a Patio maintain the same Side Yard Setback as the main dwelling and a where the applicant is proposing a 460 SF Paver Patio encroaching 12' beyond the main dwelling into the Side Yard Setback; property located at 14572 Hartford Trail, PPN 399-27-102, zoned R1-75 be approved.

Mr. Houlé – Second.

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

Mr. Baldin – Even though I do not condone the fact that the applicant is a contractor and should have known better when it comes to permits and the extenuating circumstances that are going on here, but that's not why I'm here, but I am going to vote yes for the variance.

ROLL CALL:	MR. HOULÉ	AYE
	MR. EVANS	AYE
	MR. HAYDEN	AYE
	MR. BALDIN	AYE
	MR. RUSNOV	NAY

Mr. Evans - Your variance has been granted. There is a twenty day waiting period during which time City Council has the opportunity to review our granting of the variance. Our decision is based on the criteria that we have for granting a variance not on the legal action that the association has. My suggestion is that both parties try to work that out. It's a whole lot cheaper to work things out than it is to litigate. That's my experience as a homeowner's association trustee and at this point the variance is subject to review by City Council. You will be notified by the Building Department at the conclusion of the twenty days and if City Council decides to review our decision. So, you are all set.

Mrs. Gromiak – Thank you very much for your time.

Mr. Evans – Thank you. Is there any other business to come before the Board? If not, we are adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Sec'y

July 8, 2020  
Approval date