

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

**Meeting of
October 21, 2020
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, David Houlé, 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) MATTHEW STOLARSKI, OWNER

- a) 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 an In-Ground Swimming Pool;
- b) 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 an In-Ground Swimming Pool; property located at 14685 Stillbrooke Drive, PPN 396-20-006, zoned R1-75.

The Board discussed that it is a topographical issue on the lot and said they would ask the applicant if they could go with a little smaller design. Mr. Houle stated that two sides abut common ground.

2) BRUCE MCDIARMID, OWNER

Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 120 SF Accessory Structure Storage Shed exists and a second 121 SF Accessory Structure Pergola is proposed; property located at 15827 Bittersweet Court, PPN 395-14-014, zoned R1-75.

The Board stated that the pergola is going on the deck and there is nowhere else to put it. The yard is fenced in and the deck is large.

3) MICHAEL REGAN, OWNER

- a) Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 144 SF Accessory Structure Pergola exists and a second 336 SF Accessory Structure Shed is proposed;
- b) Requesting a 13 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 336 SF Floor Area

is proposed; property located at 15605 Howe Road, PPN 399-10-014, zoned R1-75.

The Board stated that one shed will be demolished and a pergola already exists and another shed will be built. The Board stated that there are other large sheds nearby this location. Mr. Baldin asked if a variance or a permit was issued for the pergola but the answer was not available.

4) JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative

Requesting a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback from the centerline of Morris Drive and where a 60' Front Yard Setback from the centerline of Morris Drive is proposed; property located at 21149 Morris Drive, PPN 393-06-021, zoned R1-75.

Mr. Roenigk stated that an additional variance from Ordinance Section 1252.05 is needed along the West property line because it does not meet the 10' Setback. In addition, Mr. Roenigk stated that a variance was granted for another home on Morris several years ago and he distributed a satellite shot of Morris Drive showing other homes on the street and their setbacks from the centerline.

There were no changes to the minutes presented to the Board.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
October 21, 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

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 October 21, 2020 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. BALDIN	PRESENT
	MR. HOULÉ	PRESENT
	MR. RUSNOV	PRESENT
	MR. HAYDEN	ABSENT

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

Mr. Rusnov – Second.

Mr. Evans – Thank you. May we have a roll call?

ROLL CALL:	ALL AYES:	MOTION GRANTED
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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 minutes from the September 9, 2020 meeting. We discussed those in caucus. If no one has any additional comments we will thank our secretary for providing the minutes and presenting them in their usual thorough manner and we submit those to the permanent record. 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.

Mr. Evans – All right. Our Public Hearings are listed on the agenda. I should let you know up front that all of the Board members have been out to visit each of the properties that are on the agenda this evening. The Board members are familiar with the properties and your request.

1) MATTHEW STOLARSKI, OWNER

- a) 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 an In-Ground Swimming Pool;
- b) 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 an In-Ground Swimming Pool; property located at 14685 Stillbrooke Drive, PPN 396-20-006, zoned R1-75.

Mr. Evans – Item number (1) on our agenda is Stolarski on Stillbrooke Drive. If the representative will come forward please to the podium and we will ask you to give us your name and address for the record please.

Mr. Stolarski – My name is Matt Stolarski and the address is 14685 Stillbrooke Drive. With me are my wife, Brenda, my son, Cayden, and my pool representative, Jim Kennedy.

Mr. Evans – All right. Thank you. Mr. Stolarski, will you tell us about your request? We know that you're asking for a side yard setback on both sides. In caucus you may have heard us allude to the fact that there are some topographical issues in the yard. It's big pool. Tell us why you need that and how you came to figure out that that is the size that you need.

Mr. Stolarski – When we originally started to look at the project we were trying to get something that is useable space as well as taking into account safety features. We purchased a power cover with the pool and we took into account fencing. When we talked to the surveyor, he mentioned the irregular topography so we drew up eight different combinations of where to place the pool in the yard and the moral of the story is we pulled it as close to the house as we possibly could to apply for the least amount of variances humanly possible.

Mr. Evans – Thank you. Gentlemen, questions or observations?

Mr. Rusnov – Mainly it's a topographical issue and the shape of the lot. It's the only place that you could put that thing.

Mr. Stolarski – It's a diamond shaped yard.

1) MATTHEW STOLARSKI, OWNER, Cont'd

Mr. Rusnov – No further questions.

Mr. Baldin – Did you have a deck that extended into the yard at one time?

Mr. Stolarski – No, the deck has always been built into the house.

Mr. Baldin – Are you planning on extending the deck to the pool?

Mr. Stolarski – No, the stairs will go down to the pool concrete.

Mr. Baldin – You already have a pretty good sized fence all the way around?

Mr. Stolarski – We will be replacing the wooden fence with a vinyl noise barrier fence. It is \$13,000 and it's designed to keep the noise in.

Mr. Baldin – How long have you been there? How old is the house?

Mr. Stolarski – The house was built in 1990 and we've been there for 19 years. We will celebrate 20 years next May.

Mr. Baldin – The fence looks like it's been up there for a while.

Mr. Stolarski – The fence will be coming down and the replacement will be world class with great landscaping.

Mr. Baldin – Which will give you good safety back there. No more questions.

Mr. Evans – Anything else?

Mr. Houlé – We also have a homeowner's letter of approval.

Mr. Evans – Yes, we do. Anything else gentlemen? Mr. Stolarski, if you would have a seat for a moment. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? You may come forward to the microphone then and we'll be happy to entertain your question. I will need your name and address.

Mr. Swan – Tom Swan, 19512 Bowman Drive. I thought that this was right next to my property.

Mr. Evans – This is on Stillbrooke Drive.

1) MATTHEW STOLARSKI, OWNER, Cont'd

Mr. Swan – I'm in Stillbrooke subdivision but I'm on Settler's Run. I'm nowhere near you. I was going to ask you if you're going to put up a white panel fence. I'm good then.

Mr. Evans – Okay. Is there anybody else 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. Houlé – Mr. Chairman, I would like to make a motion to request 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 an In-Ground Swimming Pool and (b) 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 an In-Ground Swimming Pool; property located at 14685 Stillbrooke Drive, PPN 396-20-006, zoned R1-75.

Mr. Rusnov - Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – The variance has been approved by this Board. There is 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. We wish you good luck on your project. You are welcome to stay for the rest of the meeting or you can disappear and we won't hold that against you.

Mr. Stolarski – Thank you.

2) BRUCE MCDIARMID, OWNER

Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 120 SF Accessory Structure Storage Shed exists and a second 121 SF Accessory Structure Pergola is proposed; property located at 15827 Bittersweet Court, PPN 395-14-014, zoned R1-75.

Mr. Evans – Item number (2) on our agenda is McDiarmid on Bittersweet Court. If we have a representative, if you will come forward please and tell us about your project and we'll need your name and address for the record please.

Mr. McDiarmid – Good evening, my name is Bruce McDiarmid, 15827 Bittersweet Court.

2) **BRUCE MCDIARMID, OWNER, Cont'd**

Mr. Evans – Thank you. You are asking for a variance for a second building because you want a pergola to be built on the existing deck that you have.

Mr. McDiarmid – The existing deck is being demolished, a new deck will be constructed the same footprint as the existing and the pergola will go on top of that.

Mr. Evans – Okay. I see that. All right, questions from Board members? This is because the city says that a pergola is an accessory structure and you can only have one. We're assuming that it's so you can use the deck more because the sun would beat down on the deck and this will disrupt the sun a little bit.

Mr. McDiarmid – I would agree with that since my 100 year old Cottonwood tree was struck by lightning a few years ago and I have no shade other than a locust tree that is next to the deck but I don't get that shade until late evening.

Mr. Evans – Questions from Board members?

Mr. Rusnov – To clarify, this pergola is going on top of the new deck, which is in the footprint of the old deck. I have nothing further.

Mr. Baldin – I agree. I'm looking at your print here and if it's going to look anything like these pictures I'm going to come out to see it when it's finished.

Mr. McDiarmid – Well, you're not the one holding it up. We can't get materials.

Mr. Evans – We've heard that a number of times before. Anything else? This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Rusnov - Mr. Chairman, requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 120 SF Accessory Structure Storage Shed exists and a second 121 SF Accessory Structure Pergola is proposed; property located at 15827 Bittersweet Court, PPN 395-14-014, zoned R1-75.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

2) **BRUCE MCDIARMID, OWNER, Cont'd**

Mr. Evans – The variance has been approved by this Board. There is 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. You will be able to move forward with the project at that time, Lord willing and supplies being available. You are welcome to stay for the rest of the evening or you may leave and we won't hold it against you.

3) **MICHAEL REGAN, OWNER**

- a) Requesting a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 144 SF Accessory Structure Pergola exists and a second 336 SF Accessory Structure Shed is proposed;
- b) Requesting a 13 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 336 SF Floor Area is proposed; property located at 15605 Howe Road, PPN 399-10-014, zoned R1-75.

Mr. Evans – Item number (3) on our agenda is Regan on Howe Road and we will need your name and address for the record.

Mr. Regan – My name is Michael Regan 15605 Howe Road.

Mr. Evans – Thank you, Mr. Regan. Why don't you tell us about your project to take out an existing shed and put in a new shed? Why do you need to do that and what are you hoping to accomplish.

Mr. Regan – The existing shed is 12' x 12' and it's over twenty five years old. We inherited it with the house and we're outgrowing it. We wanted to maximize our storage space with a new shed and push it into the back where there's more open yard space.

Mr. Evans – It's a very deep lot that backs up to I71. You're not going to store cars in there?

Mr. Regan – No. I understand a concrete drive would have to go to it.

Mr. Evans – There's a lot of things that would have to happen.

Mr. Regan – That's not going to happen.

Mr. Rusnov – It's only going to be visible from I71 if you're really looking for it and the depth of the lot shields everything.

3) MICHAEL REGAN, OWNER, Cont'd

Mr. Regan – There's plenty of trees too.

Mr. Evans – And you're switching out one for another one. That's an improvement for the city.

Mr. Baldin – I think it's going to look nice there and fit in with the property.

Mr. Houlé – There are quite a few other sheds in the neighboring yards.

Mr. Regan – That are still going to make mine look small.

Mr. Baldin – That's true.

Mr. Rusnov – This street covers the gambit of the Zoning Code for the last 35 or 40 years. There have been tremendous changes in the Zoning Code since a lot of these homes were built. I'll be quiet now.

Mr. Evans – You're not going to run a business from the shed, correct?

Mr. Regan – No, sir.

Mr. Evans – All right, if you would have a seat nearby there. This is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? Hearing none and seeing none I will declare the Public Hearing closed and entertain a motion.

Mr. Baldin - Mr. Chairman, I make a request for a variance from Zoning Code Section 1252.18 to permit a second Accessory Structure where a 144 SF Accessory Structure Pergola exists and a second 336 SF Accessory Structure Shed is proposed and (b) requesting a 13 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 336 SF Floor Area is proposed; property located at 15605 Howe Road, PPN 399-10-014, zoned R1-75.

Mr. Rusnov – Second.

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

3) MICHAEL REGAN, OWNER, Cont'd

Mr. Evans – The variance has been approved by this Board. There is 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. You can then move forward and we wish you luck with your project. You, as well, may leave or you may stay if you choose. You are all set.

Mr. Regan – Thank you.

4) JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative

- a) Requesting a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback from the centerline of Morris Drive and where a 60' Front Yard Setback from the centerline of Morris Drive is proposed;
- b) Requesting a 1' 8" Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where an 8' 4" Side Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 21149 Morris Drive, PPN 393-06-021, zoned R1-75.

Mr. Evans – Item number (4) on our agenda is JD Morris 6021 LLC. If the representative would come forward please and we will need your name and address for the record.

Mr. Stracensky – My name is John Stracensky and I live at 40969 Sleepy Hollow Road in Medina, Ohio.

Mr. Evans – All right. Why don't you give us a run down on the property? I'm going to ask that when you're doing that is that one of the things that we mentioned in caucus is that we know that there were originally three lots that you consolidated into two. We're guessing that, based on the plat that you submitted, you own both lots. What has that process been and what do you anticipate doing?

Mr. Stracensky – We are in the business of building houses. We found these three lots with one dilapidated condemned house with a garage. We were able to purchase it and in speaking with Mike Miller, the Building Commissioner, he said we needed to split and consolidate the lots, which we did. So, after that was all done he told us that we need 100 feet from the centerline so we would need a variance. We submitted the plans and he said we needed to come here. That being said, I apologize for the other side yard setback mishap. The way it was explained to me was I believe we had 5' minimums and then 15' between the homes. That somewhere got lost in the translation but again we are trying to build two homes on two lots to beautify the City and increase the tax base.

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Evans – Because you own both lots you understand that there needs to be 15’ between the homes. If we grant a variance for the side yard on one that is going to mean that you have to add it to what is needed on the other lot.

Mr. Stracensky – Just so we’re clear, the 8.3’ on this side, how much does it need for the next house?

Mr. Rusnov – Fifteen but Mr. Miller or Brian can help you with that.

Mr. Evans – Fifteen between houses. That’s not an Ordinance which a variance is likely to be granted. If you came to us and said the next home being built needs a variance you have to have 15’ between the homes because that’s a Fire Code situation.

Mr. Stracensky – Again, I apologize for however that got mixed up or not right. We are trying to make this as easy as possible to everyone and not have many variances.

Mr. Evans – The other question is how long have you owned the two or three lots?

Mr. Stracensky – I believe that we closed in June of this year. Not very long.

Mr. Rusnov – In that short time you got the existing dilapidated house demolished, the lot is vacant.

Mr. Stracensky – The lot is cleared.

Mr. Rusnov – You’re going to be building two new homes that are going to conform to the Code?

Mr. Stracensky – Yes.

Mr. Evans – Except for the front yard setbacks.

Mr. Rusnov – You’re trying to conform to the look of the street. There’s no conformity with the street whatsoever because this property falls into an area where there were multiple Zoning Codes over fifty or sixty years.

Mr. Stracensky – We are trying to line up the homes so it fits in so it’s not behind other houses so they’re looking out their back windows to our home.

Mr. Rusnov – It’s a dead end street with limited traffic.

Mr. Stracensky – Yes, very limited.

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Rusnov – I don't have any further questions.

Mr. Evans – Mr. Baldin or Mr. Houlé?

Mr. Baldin – They cleaned up a lot that was an eyesore for a long time. As Mr. Rusnov said there have been a lot of variances going on there and no real continuity and hasn't for years. We've had to give other variances on that street more than once. I don't really have a problem with this.

Mr. Rusnov – I don't have any further questions.

Mr. Evans – Again, Mr. Baldin and Mr. Houlé alluded to as the Zoning Codes have changed the City has continued developing. Our job as a Board is to take a look at situations and determine whether or not exceptions should be made and our job is to look at that. All right, again, if you want to have a seat, if there are no other questions, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance? Is there anyone in the audience who wishes to speak against the granting of the variance? If you will come forward please and we will need your name and address for the record.

Ms. Conway – Good evening. My name is Celine Conway. I reside at 21073 Morris Drive. As a lifetime resident of Morris Drive we realized there has been plenty of zoning variances made. Since I've been there I think there's been six new houses built in the last forty years. My first question is exactly why it needs to have a variance on this. Is it to line up for the rest of the houses on the street?

Mr. Rusnov – Are you talking about the front yard setback?

Ms. Conway – Correct.

Mr. Rusnov – That is measured from the centerline of the street. Some of the newer subdivisions measure from the curb and that starts the utility easements. Things there have been rather fluid and your setback is from the center of the street. If you move it back he would stick out like a sore thumb.

Ms. Conway – There was a building there previously that was removed and it was a garage and it was more than 100 feet back and it did not stick out. We do appreciate that the house was razed.

Mr. Rusnov – It was condemned.

Ms. Conway – It's been condemned twice since I've been there. We greatly appreciated that it is gone; however, it's not beautified. There is still trash. There is still stuff that needs to be removed

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Ms. Conway continues - from the demolition and I have at least called three different times to get the grass cut in the last few months.

Mr. Rusnov – Wouldn't that be a complaint lodged with the City not the Board of Appeals? It's not our purview to tell this gentleman to clean up the trash.

Mr. Conway – I was just saying that because he stated that he wanted to beautify the City.

Mr. Rusnov – There will be oversight from the Building and Engineering Departments when this house is built and they keep a pretty watchful eye on everything and they're not going to allow trash piled up in the front yard to gaze at for twenty-five years. That's not going to happen. That is what you have the City officials for. You have the Building Department, you have the Engineering Department and Mr. Kolick with the Law Department that could help with this, okay? But we have no authority to command anyone to do anything other than grant or deny a zoning variance. So, you might want to talk to Brian back there or maybe you two guys can come to an agreement to clean the place up. Keep everybody happy. I understand that there's been some new homes.

Ms. Conway - In the last four years there's only been one house built. In the last twenty years there have been six.

Mr. Rusnov – The residents have made great strides in maintaining that street, with the exception of this property that has been razed. If you would talk to him, you might be able to get him to clean the place up before the show starts.

Ms. Conway – That would be awesome. We haven't really seen much of them.

Mr. Rusnov – After the meeting why don't you two meet and come to some sort of agreement and why prolong this and start a war?

Ms. Conway – Excuse me, I'm not starting a war.

Mr. Rusnov – No, I don't mean you. My thoughts are come to some type of gentlemen's agreement and keep the City out of it. I'm sure you can accommodate her and the rest of the residents.

Ms. Conway – Our main concern is the water drainage. For every single new house that has been built, there has been severe water problems on the street afterwards.

Mr. Rusnov – Water as in flooding? Okay, again.....

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Ms. Conway – Street flooding and basement flooding and water coming up from the culverts that have been put on the street.

Mr. Rusnov – Mr. Kolick, you can jump in if I'm wrong but we wouldn't be able to handle any flooding problems. We could aim you in the right direction with the Engineering Department, who we have no control over and they don't answer to us, but if you ask they're very competent Engineers and they could probably come up with a solution.

Mr. Kolick – Mr. Chairman, I might be able to jump in in a couple of ways. We are aware of the grass problems. Our City crews have been out there to cut the grass and then we tax that to the duplicate. The owner will need to pay the invoice to reimburse the City for those amounts on the tax duplicate. If there is wood or rubber structures our Building Department can go out and look at that. The owner has to clean up that type of thing or they will be cited into Mayors Court for that and we try to avoid that where we can but if that's the only thing we can do then that is what we do. Hopefully, when they're building the new house that will get cleaned up. As far as any water problems on the street, they are going to be required to submit a topographic plan to the City along with the new construction of the home so our Engineering Department will look at that to control any water there. If there's currently a water problem you should raise it to the Engineering Department and Mr. Mikula, or his assistant Lori Daley, so they know so they can pay special attention to it when they're looking at the topography for this particular home and where they're draining the water to. One of the requirements in the Code is when they approve this the builder cannot put more water than currently from that parcel. So, understand that and they'll need to pay attention. Feel free to tell our Engineering Department and Brian can bring it to their attention because we certainly don't want to create any other water problems in the City. We have enough already.

Ms. Conway – Just to clarify so I understand this correctly, if they do build a second house on the adjacent parcel that they just bought, there will not be a variance for not the 100' setback but...

Mr. Rusnov – For the 15' between the houses and he makes up the difference of the variance that we gave him.

Ms. Conway – So, he would have to shrink the second house? Because I do own the adjacent land too.

Ms. Rusnov – That is one of the stipulations that we put in there.

Ms. Conway – I just wanted to be sure.

Mr. Rusnov – I don't blame you.

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Ms. Conway – Okay, thank you very much for your help.

Mr. Evans – Just so you understand, while this is a Board that does not necessarily have anything to do with water situations we will ask Brian to go back and communicate that to the Engineering Department. When someone takes over a lot and inherits a building that has been condemned a number of times, and has been a pain for the City, oftentimes it takes a lot to get the process going. But Mr. Stracensky who is here tonight is hearing that from you and he is going to hear from this Board as well that if his intention is to build another house on the adjacent lot that he needs to do the first one the right way because that sets a track record then. I'm presuming although I didn't ask the question whether JDS Morris has built a house before in the City. If they have then they have a track record. While we may not have direct purview over it we certainly have the ability to influence because we are granting a variance. We are doing something that is out of the ordinary and when someone does that it should not have a detrimental impact to the City or an adjoining property owner. We take that very seriously when we grant variances.

Ms. Conway – Is Dean Martin affiliated with the business?

Mr. Stracensky – He is one of the members of the LLC.

Ms. Conway - Dean Martin was advised prior to June regarding the setback code and the 5' and the 15' codes and I also advised him to go to the City Building and make sure because they will probably have him raze the home. So, I did advise someone. Thank you.

Mr. Evans – Thank you, Ms. Conway.

Mr. Baldin – Excuse me, ma'am. I have a question. You brought up a couple of different so-called problems maybe. What actually is your objection to this variance?

Ms. Conway – For the last twenty years that house was such an eyesore that we could not get it...

Ms. Baldin – That is not my question. What exactly is your objection to the variance?

Ms. Conway – Oh, to the variance? There was a previous building at 100' and there's plenty of room for a house to be built at 100' so there's room for a house to be built without having a variance.

Mr. Baldin – That is your objection?

Ms. Conway – Yes.

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Baldin – Thank you.

Mr. Kolick – Mr. Chairman, one of the things that we look at as a City is to try to keep those setbacks somewhat uniform because we don't want people set way back looking into the back of peoples back windows and we don't want people way up so that others are looking in their back windows. So even though the Code requires 100' for everybody there there is maybe one house back there that is currently set back 100'. Most of them as you know are set back 65' or 60'. We try to keep that for that reason because we don't want them to be looking into your back windows or vice versa so that's one of the things the Board takes into account when we look at setbacks.

Ms. Conway – And we do appreciate that but on Morris Drive that is why most of the residents have two or three lots or at least 100' across. We don't want buildings next to each other. We prefer a little space. That is why a lot of people move to Morris Drive as opposed to a development.

Mr. Kolick – One of the things that this Board can control is if they meet the lot width. The lot width is 75'. Before that they were only 50'. We can control that. That is why we made them consolidate those because they could have put three houses on there with three variances and we said you're not going to do that. So, we had them consolidate those lots and divide it into only two so they at least meet the minimum width requirement. I'm not talking about the setbacks. I'm talking about the lot width so now they meet the minimum lot width requirements.

Ms. Conway – Without a variance on the side?

Mr. Kolick – The setback variance isn't dealing with the width as much as the placement of the house on the lot. There are two different requirements here. One, the Code requires a total of 15' on the sides of the house so you can have 10' on the one side and 5' on the other but it requires that houses can't be within 15' of one another. That is for the Fire Code purposes because you don't want a fire jumping from one house to another. You won't even be able to see 15" to the setback line but that is why we are telling the applicant here tonight but we are concerned. We don't want them to come back to us for setback variances on the other lot and say they are only going to be 13' apart or whatever. So, they are put on notice tonight as to what they're expected to comply with in the future. They own the second lot.

Ms. Conway – Thank you very much.

Mr. Evans – Thank you, Ms. Conway. Is there anyone else who wishes to speak against the granting of the variance? All right. Mr. Stracensky, if you want to come back up to the podium.

Mr. Stracensky – I apologize. There might be....I'm not starting a war...there are a few items that when the house was demolished that a few metal items were left in a pile. We should have had

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Stracensky continues - them moved. As far as the grass, I think we have cut it once or twice. So, again, I apologize. We were anticipating digging and building the houses a lot sooner. It took a lot longer than we thought.

Mr. Kolick – And we want that done and if there is demolition debris there get that out as soon as possible. We don't want that sitting there over the winter. As far as cutting the grass you need to cut your own so we don't have to send our city crews out to do it.

Mr. Stracensky – Yes, I apologize. I wouldn't call it demolition debris as much as I'd call it a couple of items that we couldn't take to the landfill.

Mr. Kolick – Whatever it is, it needs to go.

Mr. Stracensky – That will happen in the next day or so. That being said as soon as the twenty day clearance we are planning on digging the hole.

Mr. Evans – There was also mention of drainage too so the Engineering Department is going to take a look at that and with any new construction part of our objection is to not create a problem with the neighbors or the new homeowner. So the Engineering Department is going to look long and hard at that so you can expect that.

Mr. Stracensky – That is expected with any construction and Strongsville has always been concerned about grades. To answer your question I have not built a house in Strongsville. I have been a remodeler and licensed in Strongsville for twenty plus years. I apologize again for not giving you a great impression. Our goal is to beautify the street and make everyone happy, not mad. So, that being said I don't know if you have the plot plan in front of you but you can see there's an outline of the old structures. So, the garage might have been back a lot further but the house was actually in front of where we're proposing the new house. It's not actually going to be back where the garage was. It's in between the two.

Mr. Rusnov – It was an older home that was much closer to the street. It was probably one of the originals. I can't remember the age of the house.

Mr. Stracensky – We couldn't find it either.

Mr. Rusnov – I think it was around 1940. It's a moot point now.

Mr. Stracensky – We're just trying to line up all the houses. If you tell us where to put it, we're going to put it there. We're pliable to that.

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Evans – Ms. Conway, you're asking to come back up?

Ms. Conway – It was Mr. Hirt's house. I'm sure a lot of you remember the Hirt's flowers. It was the older gentleman's house. It was 1902 and our house next to it was an old hunting lot. Ours was from 1920.

Mr. Rusnov – The scary part is I appraised that and Hirt's Greenhouse and I can remember. I'm trying to make the point that the Zoning Codes have changed so much since 1902, I don't think they had it then, he was one of the original settler's here. The builder is trying to make everything uniform changing three lots into two and, you guys have come to an agreement about the debris and the Engineering Department will look at this as a matter of course.

Mr. Evans – Ms. Conway, since you're up front you can have these documents that we used to deliberate. It is public record and you could have obtained this from the Building Department.

Ms. Conway – I don't know if we can do this but other Morris Drive residents would have liked to attend this meeting but if the meetings could be on the internet, that would be awesome so they could face to face on the computer. Something to think about.

Mr. Evans – All right. Mr. Stracensky, if you would come back up we're ready to move forward here. I think you've answered all the questions, we appreciate that, and you've heard the concerns. Is there anyone else 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. Houlé – Mr. Chairman, I make a motion to request a 40' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2), which requires a 100' Front Yard Setback from the centerline of Morris Drive and where a 60' Front Yard Setback from the centerline of Morris Drive is proposed in order to construct a Single Family Dwelling and (b) a 1' 8" Side Yard Setback variance from Zoning Code Section 1252.05, which requires a 10' Side Yard Setback and where an 8' 4" Side Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 21149 Morris Drive, PPN 393-06-021, zoned R1-75.

Mr. Baldin – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

4) **JDS MORRIS 6021, LLC, OWNER/John Stracensky with Key Improvement, Representative, Cont'd**

Mr. Evans – The variance has been approved by this Board. There is 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. With all those admonitions that we have given you tonight, we welcome you to the City. We hope that you guys do a good job building it so that all those people on Morris Drive are all thrilled to death and when you build the second house they will be thrilled and everyone will go home happy because that's what we're here for.

Mr. Stracensky – I appreciate it and for history sake, Scott and I are both thirty year residents of Strongsville. We just happened to move a little further south when families encouraged it. We were born and raised here.

Mr. Evans – We wish you well on the project and hope you work with the neighbors and we appreciate your cooperation.

Mr. Stracensky – Thank you.

Mr. Evans – Okay, is there anything else to come before the Board tonight? Mr. Demio, it was nice to see you. Thank you for attending. Then we will stand adjourned.

Signature on File
Mr. Evans, Chairman

Signature on File
Kathy Zamrzla, Sec'y

November 18, 2020
Approval date