

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

**Meeting of  
September 23, 2020  
7:30 p.m.**

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

Administration: Assistant Law Director Daniel J. Kolick

Assistant Building Commissioner: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

1) **SCOTT POWERS, OWNER/Steve Bella with Bella Cement, Representative**

Requesting a 13' 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 where the applicant is proposing a 353 SF Concrete Patio encroaching 13' beyond the main dwelling into the Side Yard Setback; property located at 16070 Cypress Avenue, PPN 397-15-039, zoned R1-75.

**The Board agreed that this is a replacement of a patio and the owner has had flooding issues in the past.**

2) **MATTHEW AND JULIE ZUBEK, OWNERS**

**Extension of the determination of August 14, 2019 of the Board of Zoning and Building Code Appeals:**

Requesting an 841 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,841 SF Floor Area is proposed in order to construct an Attached Garage; property located at 20050 Albion Road, PPN 391-27-005, zoned R1-75.

**The Board stated that this applicant may be suffering from building material shortages due to COVID19. Mr. Kolick stated that, if approved, the same conditions that were applied to the original approval need to be reapplied for this approval and that there were some possible drainage issues.**

3) **CHAD AND TANJA BARCO, OWNERS**

- a) Requesting a 240 SF Floor Area variance from Zoning Code Section 1252.16 (e), which permits a 192 SF Floor Area and where a 432 SF Floor Area is proposed in order to construct an Accessory Structure Pavilion;

- b) Requesting a 1' Height variance from Zoning Code Section 1252.16 (e), which permits a 12' Height and where a 13' Height is proposed in order to construct a 432 SF Accessory Structure Pavilion; property located at 22101 Beech Creek Trail, PPN 391-04-138, zoned R1-75.

**The Board stated that this applicant is applying for a pavilion height variance, which will be out of sight from the street. Mr. Kolick stated that the Board received a letter from the Meadowood HOA. Mr. Kolick asked Mr. Evans to ask the applicant during the meeting about a comment regarding a cold storage building that was mentioned in the HOA letter.**

**4) ELMAR KRAMER, OWNER**

- a) Requesting a 25' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a 500 SF Kitchen Addition;
- b) Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a 55 SF Concrete Patio; property located at 19595 Cross Trail North, PPN 399-27-097, zoned R1-75.

**Mr. Roenigk suggested that the applicant is may ask to remove item (b). Mr. Baldin stated that it would be a nice addition. Mr. Evans stated that there's a HOA letter from The Trails and communication letters from neighbors in favor of the addition.**

**5) SOUTHPARK CENTER LLC/Steven J. Metcalf, P.S. with Neff & Associates, Representative**

- a) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback (West) is proposed in order to approve a Lot Consolidation and Partition;
- b) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback (East) is proposed in order to approve a Lot Consolidation and Partition; property located at 16761 SouthPark Center, PPN 396-24-015 and 396-24-016, zoned Shopping Center (SC).

**The Kolick stated that the owner of the mall wants to start breaking up the parcels and attach some parcels to the Cleveland Clinic parcel. He also stated that the change would not be noticeable. Mr. Kolick stated that conditions regarding additional curb cuts and additional signage would need to be added to any approval, as well as easement requirements**

**approved by the Law and Engineering Departments. Mr. Evans asked Mr. Kolick if the change would affect tax dollars to the school system and Mr. Kolick stated that the last variance granted has affected the taxes but this one will not have a major effect. Mr. Kolick explained the boundaries of the plat that would be affected.**

**6) BOROWSKE BUILDERS, OWNER**

Requesting a 9.58' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 40.42' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75.

**Mr. Evans explained that the Public Hearing started at the last meeting but the applicant had not attended the meeting so the vote was tabled two weeks to the following meeting. Mr. Evans stated that, if approved, the applicant would be building the house with a similar front setback as the other homes nearby and that the lot is conforming.**

**The Board had no problems with the minutes of the August 12, 2020 and August 26, 2020 meetings presented by the recording secretary.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**September 23, 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, Assistant Building Commissioner  
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this September 23, 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 August 12, 2020 and August 26, 2020. We discussed those in caucus. Unless there are other comments we will submit those to the City as they were given to us for review with thanks to our recording secretary. We will submit those to the City as approved. 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 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. We have seen them all and someone may or may not have been home.

1) **SCOTT POWERS, OWNER/Steve Bella with Bella Cement, Representative**

Requesting a 13' 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 where the applicant is proposing a 353 SF Concrete Patio encroaching 13' beyond the main

1) **SCOTT POWERS, OWNER/Steve Bella with Bella Cement, Representative, Cont'd**

dwelling into the Side Yard Setback; property located at 16070 Cypress Avenue, PPN 397-15-039, zoned R1-75.

Mr. Evans – Our first applicant is Scott Powers. Do we have a representative? If you will come forward and give us your name and address for the record please?

Mr. Powers – Scott Powers, 16070 Cypress Avenue.

Mr. Evans – All right, Mr. Powers, you are asking for a variance to replace an existing patio. At this point can you give us a description please? As I said, we've all been out to look at it.

Mr. Powers – The concrete is tilting and the concrete has fallen because it's an older house. I just want to replace it. Not making any changes or doing anything different.

Mr. Evans – Very good, thank you. The Ordinance requires that everything be in the footprint pattern, side yard of the house and this was extended before so it's replacing it as it is. Board members, questions or comments?

Mr. Baldin – No, I agree with what he said.

Mr. Rusnov – No.

Mr. Hayden – No.

Mr. Houlé – No.

Mr. Evans – It will be a good addition. So, 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 entertain a motion.

Mr. Houlé – Mr. Chairman, I make a motion for a request for a 13' 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 where the applicant is proposing a 353 SF Concrete Patio encroaching 13' beyond the main dwelling into the Side Yard Setback; property located at 16070 Cypress Avenue, PPN 397-15-039, 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?

1) **SCOTT POWERS, OWNER/Steve Bella with Bella Cement, Representative, Cont'd**

ROLL CALL: ALL AYES: MOTION GRANTED  
Mr. Evans – We have granted the variance. 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 are done for the evening but you are welcome to stay if you wish. We wish you well on the project.

Mr. Powers – Thank you.

2) **MATTHEW AND JULIE ZUBEK, OWNERS**

**Extension of the determination of August 14, 2019 of the Board of Zoning and Building Code Appeals:**

Requesting an 841 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,841 SF Floor Area is proposed in order to construct an Attached Garage; property located at 20050 Albion Road, PPN 391-27-005, zoned R1-75.

Mr. Evans – Item number (2), Matthew and Julie Zubek on Albion Road, if you will come forward and we will need your name and address for the record please.

Mr. Zubek – My name is Matthew Zubek, and I live at 20050 Albion Road. I'm looking for an extension and I was granted a variance in late last year. I started hard at it this spring. In my situation with the Engineering Department they didn't like the slope of the land.

Mr. Evans – You are asking for an extension for a variance.

Mr. Zubek - After talking to my architect we decided that we would make the foundation lower and slope the whole area. Instead of having a retaining wall and a cliff we would rather just have it grass growing in that area. So, with that requirement that he was asking for, he required me to get a structural engineer and a soil sampling done, which I paid for and now I know more about the soil on my land than I need to know. They built up the foundation over the course of all this and then Covid19 happened and to get all these different parties to design this structure and the soil sample and all this stuff we ran out of time. It came down to like two months ago and I turned in whatever paperwork that I had to the Building Department and Brian said we're about three weeks out. Remarkably he emailed me a day later asking for the topo and I had to call another person to get that and it's just been taking longer for someone to show up to do the work that I can't control. So, I would have ordered all the material which we've already heard is a delay but I don't want to own a bunch of material and not be using it. I haven't heard back from the Building Department because they are waiting for this day. Also, why go forward at this point. That is where

2) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

**Mr. Zubek continues** - I'm at. If I'm granted an extension, as soon as I get through the Engineering and Building Departments, I'm ready to start. Everyone else is out of the loop.

Mr. Evans – Excellent. We do understand that Covid19 has affected you and everybody else. That is why we are wearing these masks. We understand that. Gentlemen, questions or anything?

Mr. Baldin – No, good explanation.

Mr. Evans – We did approve it last time subject to the Engineering Department reviewing everything, which they have been in the process of. That would still be a stipulation. All right. So, this is a Public Hearing. Is there anyone in the audience who wishes to speak for the granting of the variance extension? If you will come forward please? We will need your name and address for the record please.

Mr. Boyce – My name is Richard Boyce. I live at 10952 Blodgett Creek Trail, which empties on that street, which is close to where this is going to be built. Our objection is that this garage is going to be bigger than the forty houses on the street. This is within less than 100' from where our street empties onto Albion. Albion is 25 mile an hour there and it's a narrow two lane road and a lot of hills and valley's with restricted sight vision.

Mr. Evans – Mr. Boyce, I'm going to stop you real quick. Are you sure that you are asking about the same thing?

Mr. Boyce – Yes, this was before the Zoning Board last year and I believe that at that time it was 2,000 square foot, which was double the current 1,000 square feet attached garage for city limits. This belongs in a commercial area or in the country where zoning issues aren't a problem. It's an 84 percent increase over, which is not a small variance to what the current lot allows. Those are the issues that we're concerned about.

Mr. Evans – Okay, Mr. Boyce, I did ask if there were people in favor so just to be sure you are against the variance extension being granted.

Mr. Boyce – Yes.

Mr. Evans – All right, thank you. Any questions for Mr. Boyce?

Mr. Rusnov – No.

Mr. Evans - Is there anyone else 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?  
Mr. Boyce, you can go ahead have a seat then.

2) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

Mr. Boyce – I believe that 1,000 square feet is big enough for a garage. This is way above that.

Mr. Evans- We understand your objections. Thank you.

Mr. Zubek – I have two letters from my neighbors. One person is from Blodgett Creek that came to my driveway today and another is from across the street. If you would like to read those.

Mr. Evans – You can give those to us and we will add them to the record. Hearing none and seeing no one else who wishes to speak, I will entertain a motion.

Mr. Baldin – Are these letters in favor?

Mr. Zubek – Yes.

Mr. Baldin – How big is the lot there?

Mr. Zubek – My lot is 2½ acres. The frontage is 399' of which you could probably put 16 of the Blodgett Creek houses on my property.

Mr. Baldin – I was surprised that nothing had been done yet but I understand why now.

Mr. Evans – If you bring the letters up we will give them to Kathy. Questions or comments? Again, we did look at this last year. We understand that it's a big building. Mr. Zubek, I believe that when we did this the last time we asked if you were intending to run a commercial business out of this.

Mr. Zubek – I do not.

Mr. Evans – And what is the reason that you need this space.

Mr. Zubek – Multiple cars and my own lawn equipment. I'm not a landscaper.

Mr. Evans – Okay. I don't have the plans here in front of us but this was clearly a residential garage added to the property. Anything else, gentlemen? If not, I will declare the Public Hearing closed and entertain a motion.

Mr. Houlé – Mr. Chairman, in the matter of the extension of the determination of the August 14, 2019 of the Board of Zoning and Building Code Appeals, I make a motion for a request for a 841 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,841 SF Floor Area is proposed in order to construct an Attached Garage; property located at 20050 Albion Road, PPN 391-27-005, zoned R1-75 and this variance is subject to an approval from the Engineering Department.



2) **MATTHEW AND JULIE ZUBEK, OWNERS, Cont'd**

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 – Mr. Zubek, we have granted the extension of the variance. 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. Please continue working with the Engineering Department. You're all set for tonight.

Mr. Zubek – Thank you.

3) **CHAD AND TANJA BARCO, OWNERS**

- a) Requesting a 240 SF Floor Area variance from Zoning Code Section 1252.16 (e), which permits a 192 SF Floor Area and where a 432 SF Floor Area is proposed in order to construct an Accessory Structure Pavilion;
- b) Requesting a 1' Height variance from Zoning Code Section 1252.16 (e), which permits a 12' Height and where a 13' Height is proposed in order to construct a 432 SF Accessory Structure Pavilion; property located at 22101 Beech Creek Trail, PPN 391-04-138, zoned R1-75.

Mr. Evans – Item number (3) is Chad and Tanja Barco. If someone from that party would come forward to the microphone. We need your name and address for the record please.

Mr. Barco – My name is Chad Barco. 22101 Beech Creek Trail.

Mr. Evans – Thank you. You are asking for two variances, one for the height and one for the square footage floor area in order to put a pavilion in the confines of your current home. We have all been out to look at it. We do have a homeowner's association letter but we do have a question because in the letter the association mentioned a cold storage area attached to the house.

Mr. Barco – In the beginning that was my original intent. Working with the Building Department we narrowed it down to one assessor structure. The plans changed with a budget cut. We're doing a fenced in area only. Open roof structure, not attached to the house or anything.

Mr. Evans – With a fire pit?

**3) CHAD AND TANJA BARCO, OWNERS, Cont'd**

Mr. Barco – Yes, there is a fireplace in the pavilion that I am proposing but that's it and then off to the side on the back side of the house there is an area that the patio extends to with a fenced in area.

Mr. Evans – And the reason that you need the structure to be so large?

Mr. Barco – Just to fill the space and make it usable and, basically, be able to put more than a kitchen table out there, chairs and a table. It almost completely fits in the natural courtyard of the space already so it just seems fitting to match the architecture of the home and go with it from that point.

Mr. Evans – Questions or comments from Board members?

Mr. Baldin – Mr. Chairman, looking at the property and the way his home was built there and the courtyard I would think it would be appropriate. It will fit in there nicely and would be good usage.

Mr. Evans – It just happens that our Code doesn't permit it so that is the reason that we are entertaining it. Anything else?

Mr. Rusnov – No.

Mr. Evans - So, 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 240 SF Floor Area variance from Zoning Code Section 1252.16 (e), which permits a 192 SF Floor Area and where a 432 SF Floor Area is proposed in order to construct an Accessory Structure Pavilion and (b) requesting a 1' Height variance from Zoning Code Section 1252.16 (e), which permits a 12' Height and where a 13' Height is proposed in order to construct a 432 SF Accessory Structure Pavilion; property located at 22101 Beech Creek Trail, PPN 391-04-138, 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:

ALL AYES:

MOTION GRANTED

**3) CHAD AND TANJA BARCO, OWNERS, Cont'd**

Mr. Evans – We have granted the variance. 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 move forward with the project then.

**4) ELMAR KRAMER, OWNER**

- a) Requesting a 25' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 25' Rear Yard Setback is proposed in order to construct a 500 SF Kitchen Addition;
- b) Requesting a 16' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 36' Rear Yard Setback and where a 20' Rear Yard Setback is proposed in order to install a 55 SF Concrete Patio; property located at 19595 Cross Trail North, PPN 399-27-097, zoned R1-75.

Mr. Evans – Item number (4) on the agenda is Elmar Kramer on North Cross Trail. If you will come forward to the microphone please, we will need your name and address for the record.

Mr. Kramer – Elmar Kramer, 19595 Cross Trail North.

Mr. Evans – Thank you. I do want to make note of the fact that we received four communications from David and Annette Potter, from Adele Fernandez, Ken Bargfield and from Gary and Kevin Gromiak, all in favor of granting this variance.

Mr. Kramer – I have seven or eight more from the neighbors.

Mr. Evans – You can give those to Kathy when we're done with this proceeding and we'll make it part of the record as well. Basically, you're looking at a patio and kitchen addition.

Mr. Kramer – The patio has been stricken from the project. It's going to be a walkout. It's going to be a walk down pad.

Mr. Evans – All right. So, that takes care of that.

Mr. Rusnov – A three by five step.

Mr. Evans – So, (b) would go away.

Mr. Roenigk – (b) is eliminated. It's going to be a required pad that is outside the doors.

4) **ELMAR KRAMER, OWNER, Cont'd**

Mr. Evans – Okay, then. We've all been there. The reason for adding on to the kitchen is to increase the size of the house.

Mr. Kramer – My fiancé and I were supposed to get married this year but with Covi19 we had put it off twice. She moved in with me and it's a size constraint thing. She likes to cook. She always wanted a dream kitchen so it came down to being a matter of to move or to expand and stay. I've been in the area for almost 25 years between Chandler Commons and The Trails and I really want to stay there. I like my neighbors. I grew up in Strongsville. I have always wanted to stay right there. I don't want to move anymore. Bottom line, we talked about our options and we casually looked at houses and we decided to stay and work on the dream kitchen. That is what it comes down to being, and I like to beautify my home and keep things nice.

Mr. Evans – Okay. Questions, observations, comments from Board members?

Mr. Houlé – It will be a great addition to his house.

Mr. Baldin – I think it would be nice. You are enjoying your yard right now. You have a nice back yard already. I think you have been enjoying it already. With the kitchen you will probably have a lot of neighbors over.

Mr. Kramer – That's the other thing too. She has her parents and I have my mom. They are getting up there in age. That's another part of the fact that in the future they are going to need help, have to move in. It's to make things easier on everyone.

All right. So, 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 but you were not sworn in so you may come forward but we will need to swear you in.

Ms. Zamrzla – She is sworn in.

Mr. Evans – Oh, okay. We will need your name and address for the record please.

Ms. Sajner – I'm Sandra Sajner, 14763 Trenton Avenue in Strongsville.

Mr. Evans – Okay. Tell us about your concerns.

Ms. Sajner – We are back yard neighbors with the Kramer's and over the course of thirty some years that we have been back yard neighbors we have had a drainage problem in the area where both back yards have flooded and there's a drain in that yard, there's a drain in the next door neighbor's yard that has a fence around it and with this addition it's going to take away all the rest of the backyard space that has grass on it. In him making his back yard pretty, he has added a lot

4) **ELMAR KRAMER, OWNER, Cont'd**

**Ms. Sajner continues** - of stone and a fountain and he also has a shed. He already has a patio that is a covered unit with a screened in porch in it and he has added chairs and all, in a pea gravel area that encompasses his entire back yard. That whole area has no grass except for where he wants to put the kitchen. I understand because their house is tiny. It's like 1,600 square feet. Last year he put an addition on it that I believe came out towards the front and the side, and this year now he's wanting to add another addition. Our concern is with the drainage in the area.

Mr. Evans – It's not specifically to the addition, it's to the impact that it's going to have on the drainage.

Ms. Sajner – There will be no more grass on the back part of the property so only on the front and it's quite a pie shaped lot and that whole area is now covered in pea gravel or structures already. So, that is really our concern, the drainage of the area.

Mr. Baldin – Mr. Chairman, Brian, do you know of any water problem or flooding in that area?

Mr. Roenigk - No, sir, I'm not aware of any flooding in that area.

Mr. Kolick – Mr. Chairman, for the Building Department, have you checked with the Engineering Department on this? I'm aware that perhaps you haven't been alerted on this.

Mr. Roenigk – No, we don't discuss this with the Engineering Department until after this approval process.

Mr. Kolick – For the speaker, the water problem that you have, whose yard has the flooding?

Ms. Sajner – We have had a very dry period this summer but in times where we've had a lot of rain we have our backyards abut each other and the whole back yard area floods. We have a landscape island back there that is completely engulfed in water. His yard has been engulfed in water. The neighbor next door to him on North Cross who has the fence has had water problems and we have discussed it with them to see what we could do about it. So, that really is our concern. I want a nice kitchen too but it's going to take away any grass area on the whole back of the house. Right now it's all pea gravel.

Mr. Kolick – For the speaker, have you raised this issue in the past with the Engineering Department at City Hall?

Ms. Sajner – No.

Mr. Kolick – Do you know if your neighbors have?

Ms. Sajner – No, I don't.

4) **ELMAR KRAMER, OWNER, Cont'd**

Mr. Evans – I guess the question is that you say there are water problems, is this something that lasts for a day, or a week or longer? When you look at the storm that we had on Labor Day, that was inches that fell.

Mr. Rusnov – Five.

Mr. Evans – Right, did that water go away in a day or a week later?

Ms. Sajner – Unfortunately, I was not around Labor Day weekend so I can't speak to that but I can tell you that in the past we have had sitting water up to five days.

Mr. Baldin – Do you have water getting into your home? Do you have a basement?

Ms. Sajner – No. Yes, I have a basement. So does Mr. Kramer.

Mr. Baldin – Do you have any flooding in the basement or seepage?

Ms. Sajner – No.

Mr. Baldin – Mr. Kramer, do you have any flooding?

Mr. Kramer – No.

Mr. Baldin – Thank you.

Mr. Kolick – Mr. Chairman, we have had some complaints lately with storm water, not necessarily in this area but with storm water. This is their first hearing. My suggestion is that we refer this to the Engineering Department to look at it because if this was a foot or a couple of feet I wouldn't be as concerned, but he's talking about half, taking up half of the rear yard setback that he is permitted to do. I would think that it would be best to refer it to the Engineering Department. The Building Department can talk to them and the Engineering Department can take a look. If this is not going to exacerbate the problem that is one thing but if it's going to create more problems that is something that we should take into account before we take any action.

Mr. Evans – To rephrase that so that it helps you understand, if the water that is standing in the yard goes away in a couple of days and adding this addition is not going to contribute more water to that, at that point that would be something that we would have to look at in terms of making the determination. If the water were flooding your back yard and getting into your house that would be a concern. The reason that we're going to ask the Engineering Department is to see if that water pattern is reasonable or whether there needs to be some adjustment made to it. My guess is that adding the addition doesn't necessarily contribute more runoff or anything else. The fact that there is pea gravel in the back yard may or may not help or deter water from being absorbed into the ground. Pea gravel is usually what the sewer district says is a great solution over grass because it

4) **ELMAR KRAMER, OWNER, Cont'd**

**Mr. Evans continues** - absorbs water and lets it through so we'll ask the Engineering Department to look at it and give us their best indication about whether or not that would be a contributing factor.

Mr. Sajner – Thank you.

Mr. Evans - Mr. Kramer, if you could come back up. Is there anyone else who wishes to speak against the granting of the variance? I'm going to declare the Public Hearing closed then. Mr. Kramer, you heard what Ms. Sajner said. Our inclination is always to err on the side of caution. We would like our Engineering Department to look at it and tell us whether or not your addition would contribute or any way change the situation from what it is and address it with Ms. Sajner.

Mr. Kramer – That's fine. I guess I would like to add that she is my only neighbor that has had that problem. She has a bickering problem with me that is ongoing.

Mr. Evans – Water is a problem as Mr. Kolick alluded to. We are very sensitive to water problems.

Mr. Kramer – I understand that. There is no water issue at all.

Mr. Evans – What I would like to do is have you request to table it so that we can have the Engineering Department look at it. Hopefully the Engineering Department can get to it and give us a point of resolution and we could finish the discussions at the next meeting.

Mr. Kramer – The neighbors that she said she spoke with about flooding issues or water problems I have letter's from them. They are fine with it and have no problem with it. There have been no issues at all.

Mr. Evans – Okay, and as I indicated you can give those to our secretary and we'll add them to the record. I'm guessing that your fiancé wants to speak.

Ms. Koharik – I'm Nicole Koharik and my address is 19595 Cross Trail North, proud Strongsville resident for the last fifteen months. I was just curious about this. I understand the need for caution and I would like to understand the timeline implications. We did have a vision of baking cookies together for Christmas and welcoming my large family and I think this might really change my plan.

Mr. Evans – We would defer to the Engineering Department. We would ask them to look at the situation to determine whether or not the addition would be contributory to adding more water into the situation or whether there is a serious problem with water in that area. If the water dissipates after a day, or two or three, at that point that would not be something that we would consider as being something that would prohibit a variance from being granted. The Engineering Department can make that determination of whether granting the variance would make an impact. That would

4) **ELMAR KRAMER, OWNER, Cont'd**

**Mr. Evans continues** - be a two week delay or thereabouts because you would then be pushed to our next meeting for a decision, which is October 7, 2020. At that point, we would be making a decision. That would then be followed by a twenty day waiting period because there is always a twenty day waiting period during which City Council has the opportunity to review the decisions that this Board makes. The twenty days is going to happen no matter what even if we were going to approve it tonight. The delay would be from now to October 7.

Ms. Koharik - That definitely puts us behind. I don't know if this could work. This might mean moving it to next year. We will do what we have to do. I just wanted to understand that. We've been planning this for a while.

Mr. Kolick – For the applicant, keep in contact with the Building Department because the Engineering Department may need some additional information from you, for instance, I don't know if this is going into your storm sewer drains, which are draining in a different direction, in which case it wouldn't increase any drainage here or whether you're sheet flowing it off or whatever you're doing. Keep in touch with the Building Department and they can talk to the Engineering Department as well. Okay?

Ms. Koharik – Okay. Thank you for that timeline.

Mr. Kolick – We will table you until the next meeting.

Mr. Baldin – Mr. Kramer, you have to request for it to be tabled.

Mr. Evans – It has to be your request to table it.

Mr. Kramer – I have to ask for it?

Mr. Evans – Yes.

Mr. Kramer – Okay, I request to table it to October 7.

Mr. Baldin – Basically this will put you back two weeks. Your contractor is here hearing all this. I guess he doesn't think it's going to be a problem. He doesn't seem to be concerned. Two more weeks before you get a decision.

Mr. Evans – This will answer the questions so that it's taken care of. Okay?

Mr. Kramer – Thank you.

Mr. Kolick – Mr. Chairman, for the witnesses that were here, feel free to go talk to our Engineering Department as well and tell them about any problems that you have now back there. That is why I asked you before if you complained to the Engineering Department. If we don't know about it, we



4) **ELMAR KRAMER, OWNER, Cont'd**

**Mr. Kolick continues** - can't remedy any problem for you. If you have a problem, feel free to talk to the Engineering Department. There may be a simple fix to the problem that they could come up with and it may be totally unrelated to this property.

Mr. Roenigk – Mr. Kolick, could I ask you a question please from the Building Department? Are we not able to vote on it pending the Engineering Department's finding?

Mr. Kolick – I would not recommend that for a twenty five foot variance. If this was a couple of feet, it would be a minor matter.

Mr. Roenigk – But we can't vote on it?

Mr. Kolick – Not under these circumstances, no.

Mr. Roenigk – Okay.

Mr. Evans – Our normal course would be that this could be a determining factor for the variance and so we would not want to grant it subject to something that we have no control over. By putting Engineering in the mix that will resolve the issue satisfactorily.

Mr. Roenigk – I just didn't know if you can approve it pending Engineering Department looking at it and not hold up the project.

Mr. Baldin – That is what I thought too.

Mr. Evans – No, we should not.

Mr. Roenigk – I understand.

5) **SOUTHPARK CENTER LLC/Steven J. Metcalf, P.S. with Neff & Associates, Representative**

- a) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback (West) is proposed in order to approve a Lot Consolidation and Partition;
- b) Requesting a 10' Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Side Yard Parking Setback and where a 0' Side Yard Parking Setback (East) is proposed in order to approve

5) **SOUTHPARK CENTER LLC/Steven J. Metcalf, P.S. with Neff & Associates, Representative, Cont'd**

a Lot Consolidation and Partition; property located at 16761 SouthPark Center, PPN 396-24-015 and 396-24-016, zoned Shopping Center (SC).

Mr. Evans – Item number (5) on our agenda is SouthPark Center. If the representative would come forward please. We will need your name and address for the record.

Mr. Metcalf – Sure, my name is Steve Metcalf. I'm a licensed surveyor at Neff and Associates. My address is 6405 York Road, Parma Heights, Ohio 44130.

Mr. Evans – Thank you, Mr. Metcalf. You are here for two variances. These are side yard parking variances so we talked in caucus to Mr. Kolick and what we have been given to understand from the materials that you presented is that everything is going to remain the same as it is and this is a parcel split in order to accomplish some nefarious end for the owner of the mall and whatever that may be. It has no bearing on the parcels or anything else. If you want to make a quick presentation that would be great and you also heard in caucus that we are going to be conditioning it on subject to the Engineering and the Law Department signing off regarding the cross easements that will be necessary for parking and utilities and also on the plat restrictions for no additional curb cuts and no additional signage. Now you can go ahead and tell us about it.

Mr. Metcalf – Thank you everyone for having us here. I represent the surveying side. We've all seen the plat that you have. The intent is to create the two separate parcels between Cleveland Clinic, which you see has currently a leased parcel and then as mentioned the Macaroni Grill and the Office Max piece. The intent is to...these are the exact email questions to the people at Starwood who own the mall...the intent and the drive for this is to create a recordable and legal description for just this parcel. What can we do with this to be able to have some further functionality for them is to sell to an investor or to the occupants. They have a thirty plus year lease with Cleveland Clinic. They have a right of refusal on their second term, which wouldn't be until 2038. They wanted to make that known because the Cleveland Clinic is here, they're not going to leave. The tax question was brought up. So their intent is to...like you said malls aren't doing very well right now. It's a salable parcel to someone who is going to invest. They fully agree that there will be no additional signage. Nothing will change. The parking lot is going to stay the same, there are no planned revisions and no new signage on Route 82 or on Howe Road. It is going to remain in the same functionality as it has with all the utilities and sewers. Those are all covered in a mall agreement or an REA. As mentioned, it was brought up about REA revisions and some of the larger tenants. Again, that could take a long time right now. Plus, the cost for that just to get an agreement for the split is another issue that Starwood has. I know they were talking about doing other pieces and parts but this is their main focus right now for the Cleveland Clinic parcel. I do have Cuyahoga County approval from the tax department. It's approved for their requirements, both for closure and acceptance. I believe the Starwood people for the SouthPark Mall have produced their easement documents and everything is recorded, so future maintenance of the

5) **SOUTHPARK CENTER LLC/Steven J. Metcalf, P.S. with Neff & Associates, Representative, Cont'd**

**Mr. Metcalf continues** - pavements and sewer requirements, if something happens there, is a shared requirement in how all that gets addressed, which is important.

Mr. Evans – Critical. Mr. Kolick, anything else?

Mr. Kolick – Yes, Mr. Chairman. Steve, if you get with your people there, they have ten maybe REA agreements. I need you to get the one for this parcel and pull out the pages for me so I don't have to go through 1,000 pages to find where their ingress and egress are, the storm sewers and utilities easements, and get me those particular pages from the easement agreements assuming that this is granted tonight.

Mr. Metcalf – They sent over the Excel spreadsheet with it broken out in individual maps.

Mr. Kolick – I have not seen those. If you could forward them to my office, Steve.

Mr. Metcalf – Here is a paper copy too for you so you're aware of it.

Mr. Kolick – I would need that before Planning Commission approval.

Mr. Metcalf – I reminded them because everyone is working remotely and I think they sent it in at the last hour. It was emailed late.

Ms. Zamrzla – I think Carol Brill and Lori Daley have that email.

Mr. Metcalf – They broke it down to each piece. I'll forward that to you.

Mr. Kolick – I think what you have here will be sufficient as long as I find everything on here that I need.

Mr. Evans – Any questions from Board members?

Mr. Rusnov – No.

Mr. Baldin – No.

Mr. Evans – All right. So, 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.

5) **SOUTHPARK CENTER LLC/Steven J. Metcalf, P.S. with Neff & Associates, Representative, Cont'd**

Mr. Hayden – Mr. Chairman, requesting a 10’ Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10’ Side Yard Parking Setback and where a 0’ Side Yard Parking Setback (West) is proposed in order to approve a Lot Consolidation and Partition and (b) requesting a 10’ Side Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10’ Side Yard Parking Setback and where a 0’ Side Yard Parking Setback (East) is proposed in order to approve a Lot Consolidation and Partition; property located at 16761 SouthPark Center, PPN 396-24-015 and 396-24-016, zoned Shopping Center (SC) subject to the plat restrictions with no additional curb cuts and no additional monument type signage on Howe Road and Royalton Road and (2) that easement agreements are in place and approved by the Engineering and Law Departments.

Mr. Rusnov – Second.

Mr. Evans – Thank you, Mr. Hayden, for the motion and Mr. Rusnov for the second.

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – We have granted the variance. There is a twenty day waiting period during which time City Council has the opportunity to review our decision. You can continue working with the Building, Engineering and Law Departments and you’re all set for tonight.

Mr. Kolick – Steve, you need to get back on Planning Commission agenda but you’ll need to wait to go after the twenty day waiting period.

Mr. Metcalf – Do I need to submit another application?

Mr. Kolick – No, your application is already in.

Mr. Metcalf – That would be the October meeting? Thank you very much.

Mr. Evans – Thank you.

6) **BOROWSKE BUILDERS, OWNER**

Requesting a 9.58’ Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50’ Rear Yard Setback and where a 40.42’ Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75.

Mr. Evans – Item number (6) is Borowske Builders for Whitney Road. We will need your name and address for the record.

**6) BOROWSKE BUILDERS, OWNER, Cont'd**

Mr. Borowski – Good evening, David Borowski. 12283 Abbey Road, North Royalton.

Mr. Evans – Thank you. You are asking for a rear yard setback variance on an existing lot to construct a new dwelling. Tell us about the project in thirty seconds or less.

Mr. Borowski – I'll try to keep it short for you, Ken. I purchased two parcels at the corner of Whitney Road and West 130. The one to the east of this is a little less than an acre. This one is your standard 170' depth. We're looking to build a small house here around 1,800 square feet. I guess when I initially got the plans from the architect I didn't realize that 59' deep would not fit here. So, that is where we're at right now. I'm not trying to make things difficult but before I revise the architectural plan, let's come here and discuss it and see if we have an option.

Mr. Evans – We have all looked at the property and some of us remember it better than others when we went out and looked at where this is. What backs up to this?

Mr. Borowski – The lot from West 130, which is the person that I purchased the property from so they are aware that we're going to be building there.

Mr. Evans – And you do not have a buyer yet or is this a spec?

Mr. Borowski – Correct, I do have a potential client but nothing that I would confirm with you right now.

Mr. Evans – It's not out of line with what the rest of the houses are in the area but because of the nature of the size and the layout of the lot, it is necessary for you to get the square footage to either come up forward, which would compromise the front, or move towards the back.

Mr. Borowski – We are certainly agreeable to move it forward or get the variance for the back, whatever would work for you guys. We are willing to make that compromise.

Mr. Evans – Any questions or comments from the Board?

Mr. Baldin – Not really.

Mr. Evans – It's a buildable lot so I think it will work. If there are no other questions, this is a continuation of the 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.

**6) BOROWSKE BUILDERS, OWNER, Cont'd**

Mr. Hayden – Mr. Chairman, requesting a 9.58’ Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50’ Rear Yard Setback and where a 40.42’ Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at PPN 398-06-027, Whitney Road, zoned R1-75 be approved.

Mr. Houlé – Second.

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

ROLL CALL:

ALL AYES:

MOTION GRANTED

Mr. Evans – We have granted the variance. 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 well with the project.

Mr. Borowski – Thank you, good night.

Mr. Evans – Okay, is there anything else to come before the Board tonight? If nothing, then we will stand adjourned.

Signature on File  
Mr. Evans, Chairman

Signature on File  
Kathy Zamrzla, Sec’y

November 18, 2020  
Approval date