

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

**Meeting of  
August 23, 2017  
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, John Rusnov, David Houlé, Thomas Smeader  
Administration: Assistant Law Director Daniel J. Kolick  
Building Department Representative: Michael Miller  
Recording Secretary: Kathy Zamrzla

**1) TODD AND JENNIFER JAMES, OWNERS/Margus Company, Representative**

Requesting a variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 144 SF Deck 8' into the side yard; property located at 12248 Moss Point Road, PPN 396-09-050, zoned PDA -2.

**The Board discussed that this property is in need of the variance and, if approved, would definitely be an improvement.**

**2) JAMES AND CAROL JAGGERS, OWNERS**

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which requires an Accessory Structure maintain the same required side yard setback as the main dwelling and where the applicant has constructed a 21 SF Accessory Structure 1' 6" into the side yard;
- b) Requesting a 20' variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 0' Setback from the main dwelling exists in order to approve an existing 21 SF Accessory Structure; property located at 10791 Gate Post Road, PPN 391-05-054, zoned R1-75.

**The Board stated that this request is related to item number 7 on the agenda and that item number seven would be tabled to the next meeting. The Board also stated that this accessory structure is very small.**

## **PUBLIC HEARINGS**

### **3) CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative**

- a) Requesting a 9.4' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Side Yard Building Setback and where a 40.6' Side Yard Building Setback is proposed;
- b) Requesting a 36.2' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Rear Yard Building Setback and where a 13.8' Rear Yard Building Setback is proposed;
- c) 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 is proposed;
- d) Requesting a 10' Rear Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Parking Setback and where a 0' Rear Yard Parking Setback is proposed;
- e) Requesting a 11,478.5 SF Building Ground Coverage variance from Zoning Code Section 1258.09, permits a 30,412.5 SF Building Ground Coverage and where a 41,891 SF Building Ground Coverage is proposed;
- f) Requesting a 32.2 Acre Lot Area variance from Zoning Code Section 1258.08, which requires a 35 Acre Minimum Lot Area and where a 2.8 Acre Lot Area is proposed;
- g) Requesting a variance to permit off-site parking where onsite parking is required in order to permit a Lot Split and Consolidation, PPN 396-24-011 and 396-24-013, zoned Shopping Center (SC) and General Business (GB).

**The Board stated that approving this request has no bearing on the visual appearance of the Cleveland Clinic property. Legal documents would be required to be submitted to the Law Department and no signage or curb cut would be allowed on Howe Road.**

**4) MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (South) and where a second wall sign (South) is proposed; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant-Recreational Services (R-RS).

**The Board stated that the applicant reduced the size of the sign as requested and submitted revised plans.**

**5) SOLAR SUPPLY CENTER/Mark Uffman, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (West) and where a second wall sign of 40 SF (North) is proposed; property located at 8367 Pearl Road, PPN 395-08-017 zoned General Business (GB).

**The Board stated that the applicant submitted a revised plan, received at caucus, but again questioned the appropriateness for a sign on the north side of the building.**

**6) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative**

- a) Requesting a 25' Parking Setback variance from Zoning Code Section 1262.07, which requires a 25' Parking Setback from the front lot line and where a 0' Parking Setback is proposed;
- b) Requesting a variance from Zoning Code Section 1270.07, which requires off premises parking to be located on a parcel under the same ownership as the use to which they are accessory and the applicant is proposing 14 additional parking spaces in the City's public right-of-way; property located at 8000 Pearl Road, PPN 395-05-016, zoned Commercial Service (CS).

**The Board stated that this request would satisfy the needs of the applicant and that they would place conditions on the approval, if granted.**

**(H) Any other business to come before the Board**

**7) RICHARD MOODT, OBJECTING PARTY**

Hearing of the objection by Richard Moodt of 10784 Pebble Brook Lane pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for

an Accessory Structure located at 10791 Gate Post, PPN 391-05-054, owned by Jim and Carol Jagers.

**The Board stated that this objection would be tabled to the next meeting.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**August 23, 2017**

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

Present: Mr. Baldin  
Mr. Rusnov  
Mr. Smeader  
Mr. Houlé

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

Mr. Houle opened the meeting and called for a Roll Call.

ROLL CALL: MR. BALDIN - PRESENT  
MR. RUSNOV - PRESENT  
MR. SMEADER - PRESENT  
MR. HOULÉ – PRESENT  
MR. EVANS – ABSENT

The Board voted to excuse Mr. Evans for just cause.

Mr. Houle' certified that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville.

Mr. Kolick then stated the oath to those standing.

**NEW APPLICATIONS**

- 1) **TODD AND JENNIFER JAMES, OWNERS/Margus Company, Representative**

Requesting a variance from Zoning Code Section 1252.16 (e), which requires a Deck maintain the same required side yard setback as the main dwelling and where the applicant is proposing a 144 SF Deck 8' into the side yard; property located at 12248 Moss Point Road, PPN 396-09-050, zoned PDA -2.

**Ms. James stated talked about the problems with the wood timbers rotting and the topography problems at the site. The variance was necessary to shore up**

1) **TODD AND JENNIFER JAMES, OWNERS/Margus Company, Representative, Cont'd**

**the damages to the property. Some of the Board members who visited the site could see the problem and agreed with the property owner.**

2) **JAMES AND CAROL JAGGERS, OWNERS**

- a) Requesting a variance from Zoning Code Section 1252.15 (a), which requires an Accessory Structure maintain the same required side yard setback as the main dwelling and where the applicant has constructed a 21 SF Accessory Structure 1' 6" into the side yard;
- b) Requesting a 20' variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the main dwelling and where a 0' Setback from the main dwelling exists in order to approve an existing 21 SF Accessory Structure; property located at 10791 Gate Post Road, PPN 391-05-054, zoned R1-75.

**Mr. Jaggars stated that he stopped building the accessory structure to wait to see if his variance would be approved and apologized for starting without a permit. He stated this structure is very small and only to store patio furniture. He stated that the structure would blend in well with the dwelling. Mr. Houle stated that the installation of a fire wall would be required if approved.**

**Mr. Jaggars said that the covenants and deed restrictions of the association forbade a separate accessory building.**

**PUBLIC HEARINGS**

3) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative**

- a) Requesting a 9.4' Side Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Side Yard Building Setback and where a 40.6' Side Yard Building Setback is proposed;
- b) Requesting a 36.2' Rear Yard Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 50' Rear Yard Building Setback and where a 13.8' Rear Yard Building Setback is proposed;
- c) 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 is proposed;

3) **CLEVELAND CLINIC/SOUTHPARK MALL, LLC/Kenneth J. Fisher, Esq., Representative, Cont'd**

- d) Requesting a 10' Rear Yard Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 10' Rear Yard Parking Setback and where a 0' Rear Yard Parking Setback is proposed;
- e) Requesting a 11,478.5 SF Building Ground Coverage variance from Zoning Code Section 1258.09, permits a 30,412.5 SF Building Ground Coverage and where a 41,891 SF Building Ground Coverage is proposed;
- f) Requesting a 32.2 Acre Lot Area variance from Zoning Code Section 1258.08, which requires a 35 Acre Minimum Lot Area and where a 2.8 Acre Lot Area is proposed;
- g) Requesting a variance to permit off-site parking where onsite parking is required in order to permit a Lot Split and Consolidation, PPN 396-24-011 and 396-24-013, zoned Shopping Center (SC) and General Business (GB).

**Mr. Fisher stated that the approval of this variance would allow for the offset of parking, combine parcels to make one 2.79 acre parcel (396-24-013), that the easement agreement was sent to the Law Department, no curb cuts to Howe Road would be requested and no additional signage would be requested. There were no comments from the audience, for or against. The Board voted unanimously in favor of the applicants request for the variances subject to covenants and deeds to be approved by the Law Department in relation to cross easements for parking, utilities, and ingress and egress, and prohibiting any signage or additional curb cuts onto Howe Road. The applicant was advised to return to Planning Commission for its action.**

4) **MITCHELL'S ICE CREAM/ James Vacey of Signature Sign, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (South) and where a second wall sign (South) is proposed; property located at 18832 Westwood Drive, PPN 396-10-016, zoned Restaurant-Recreational Services (R-RS).

**Mr. Vacey stated that he submitted a revised plan decreasing the size of the letters of the ICE CREAM sign. He also stated that the overall signage is now under the permitted square footage. There were no comments from the audience, for or against. The Board voted unanimously in favor of the applicant's request. The applicant was advised to return to Planning Commission and Architectural Review Board.**

**5) SOLAR SUPPLY CENTER/Mark Uffman, Representative**

Requesting a Wall Sign variance from Zoning Code Section 1272.12 (c), which permits one wall sign (West) and where a second wall sign of 40 SF (North) is proposed; property located at 8367 Pearl Road, PPN 395-08-017 zoned General Business (GB).

**Although told about the meeting, the applicant was not in attendance. Mr. Houlé asked if anyone in the audience would like to speak for or against the variance. No one responded. The Board voted unanimously against the applicant's request. Mr. Kolick was asked by the board to draft Findings of Fact and Conclusions of Law regarding the denial of this request.**

**6) CENTERLINE CARSTAR COLLISION/Paul Struhar, Representative**

- a) Requesting a 25' Parking Setback variance from Zoning Code Section 1262.07, which requires a 25' Parking Setback from the front lot line and where a 0' Parking Setback is proposed;
- b) Requesting a variance from Zoning Code Section 1270.07, which requires off premises parking to be located on a parcel under the same ownership as the use to which they are accessory and the applicant is proposing 14 additional parking spaces in the City's public right-of-way; property located at 8000 Pearl Road, PPN 395-05-016, zoned Commercial Service (CS).

**Mr. Struhar stated the additional parking is needed to park vehicles that are waiting to be picked up after service in the shop. He also stated that no vehicles waiting to be serviced would be parked in the new spots if the variance were approved by the Board. Only customer's vehicles which were completed would be parked in this area. The Board voted unanimously in favor of the applicant's request and stated that the variances were subject to no vehicles waiting to be repaired be parked in the approved spots and subject to the City approving a License Agreement for use of city owned land. Mr. Struhar was advised to return to Planning Commission and Architectural Review Board.**

**(H) Any other business to come before the Board**

**7) RICHARD MOODT, OBJECTING PARTY**

Hearing of the objection by Richard Moodt of 10784 Pebble Brook Lane pursuant to Codified Ordinance Section 1418.03 to the application for a building permit for an Accessory Structure located at 10791 Gate Post, PPN 391-05-054, owned by Jim and Carol Jagers.



7) **RICHARD MOODT, OBJECTING PARTY, Cont'd**

**This hearing was moved to the September 13, 2017 meeting.**

**(There was no taping of this meeting since the equipment malfunctioned)**

|                          |                           |                       |
|--------------------------|---------------------------|-----------------------|
| <u>Signature on File</u> | <u>Signature on File</u>  | <u>Sept. 13, 2017</u> |
| Mr. Houlé, Vice Chairman | Kathryn A. Zamrzla, Sec'y | Approval Date         |