

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

**Meeting of
June 28, 2017
7:30 p.m.**

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

The Board members discussed the following:

NEW APPLICATIONS

1) MARK W. STOYANOFF, TRUSTEE/Dan Masuga with Chasemoor Construction, Representative

Requesting a 140 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,140 SF Floor Area is proposed in order to construct an Attached Garage; property located at 22122 Royalton Road, PPN 392-08-001, zoned Estate Residential (ER).

The Board noted that this is set far back on a large property so it will not be visible from the street. They found no issue with this variance request.

2) ROBERT AND TRACY MANTZ, OWNER

Requesting a 35' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Front Yard Setback and where a 65' Front Yard Setback is proposed in order to construct a Single Family Dwelling; property located on Morris Drive, PPN 393-06-032 zoned R1-75.

The Board noted that they are missing an address for this applicant. They noted that this will allow them to build a new home in an older development where all the houses are set back the same distance from the road so they are conforming to their neighbors' setbacks.

PUBLIC HEARINGS

3) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where a second wall sign (South) is proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where two Drive-Thru Menu Board Ground Signs are proposed;

- c) Requesting two .6 SF Sign Face Area variances from Zoning Code Section 1272.12 (g), which permits a 3 SF Sign Face Area and where a 3.6 SF Sign Face Area is proposed in order to permit two Drive-Thru Menu Board Ground Signs; property located at 9200 Pearl Road, PPN 395-03-006, zoned Commercial Service (CS).

The Board noted that the variance request for the east and south side signage has been reduced so that they now are less than the total square footage that they are allowed for one sign as the Board had suggested at the last meeting. The Board debated the visibility of the smaller signs. The Board noted that the Metroparks sent an email with concern over the setback variance from their property, but they are no longer objecting as long as it remains at the location that is shown on the revised site plan.

OTHER BUSINESS

4) ROBERT KEIRN, OWNER

Requesting a 601 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 924 SF Floor Area is proposed in order to construct an Accessory Structure; 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

The Board noted that the applicant has come back to offer a third option where he has dropped the request about 30% from his original request. They now found no issue with this request.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 28, 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. Houlé – Good evening ladies and gentlemen. I would like to call this June 28th, 2017 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you would call the roll please?

ROLL CALL: ALL PRESENT EXCEPT FOR MR. EVANS

Mr. Baldin – I'd like to make a motion to excuse Mr. Evans for just cause.

Mr. Smeader – Second.

Mr. Houlé— I have a motion and a second. May I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Houlé – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. I have minutes from our June 14th meeting, if there are no changes I will submit them as they have been presented. Our meetings are divided into two portions. First we'll do the new applications, and then we will do our public hearings. Anyone in our audience this evening that wishes to speak before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

NEW APPLICATIONS

1) **MARK W. STOYANOFF, TRUSTEE/Dan Masuga with Chasemoor Construction, Representative**

Requesting a 140 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,140 SF Floor Area is proposed in order to construct an Attached Garage; property located at 22122 Royalton Road, PPN 392-08-001, zoned Estate Residential (ER).

Mr. Houlé – First on our agenda tonight is Mark Stoyanoff with Dan Masuga from Chasemoor Construction representing. Please come up to the microphone and give us your name and address for the record.

Mr. Masuga – It's Dan Masuga, 10235 Versailles Drive, Strongsville, Ohio.

Mr. Houlé – Thanks. Can you walk us through your request please? Most of us have already been out to the property for a variance we did a few years ago for a shared driveway.

Mr. Masuga – We'll be starting a second home on that property. The home will be located on 8 acres from what was divided from the original 22 acres. As part of that, we're requesting 140 SF variance to the maximum size of the garage that is currently allowed by the Code to accommodate some extra equipment and what not that will be needed for maintaining that size of a property.

Mr. Rusnov – Plus you cannot see that house from the road.

Mr. Masuga – The one that is going up you cannot, no. The other one is going to sit back down that will be back there at least 400' off the road also.

Mr. Rusnov – OK. Thanks.

Mr. Houlé – No other questions? Thanks Dan. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on July 12th. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Masuga – Alright, thank you.

2) **ROBERT AND TRACY MANTZ, OWNER**

Requesting a 35' Front Yard Setback variance from Zoning Code Section 1252.04 (d), which requires a 100' Front Yard Setback and where a 65' Front Yard Setback is proposed in order to construct a Single Family Dwelling; property located on Morris Drive, PPN 393-06-032 zoned R1-75.

Mr. Houlé – Our second new application is for Robert and Tracy Mantz. Please come up to the microphone and give us your name and address for the record.

Mr. Mantz – My name is Robert Mantz and this is my wife Tracy. We're applying for what amounts to a 52' variance on Morris Drive. Basically we just want to comply with the rest of the street. Looking at the rest of the street, I don't think there's a single house that has the required 100' setback from the center line. We just feel like to get the most use out of our property and to not create any undue hardships with the neighbors, as well as financial hardship of our own, that it would be in everyone's best interest. I spoke with a few of the neighbors today and last week, and they did agree with me. The two adjacent neighbors on the right side of me were in agreement. So that's where we're standing on that.

Mr. Houlé – Your request originally said that it was going to be a 35' variance. Have you changed it? You said 52' here.

Mr. Kolick – We're looking for that Mr. Mantz. How does the proposed front of your house line up with the houses on either side? Are they at the same setback or are you in front or behind them?

Mr. Mantz – The front of the garage I measured to be in line with the front of the houses adjacent to mine.

Mr. Kolick – So the front of the garage comes up further than the house?

Mr. Mantz – It does.

Mr. Smeader – The sketch that I have says there's 48' to the front of the garage, and then there's a 2' bump out?

Mr. Mantz – Correct.

Mr. Smeader – So it would be 46' from that point.

Mr. Miller – That would need to be amended. It's proposed to sit 76' back, so they would need a 24' variance. There's a 30' right of way on Morris. There's a 100' setback from the right of way, but there's 30' to the center of the street. So 30 plus the 46 is 76 back, so they need only 24'.

2) **ROBERT AND TRACY MANTZ, OWNER, Cont'd**

Mr. Houlé – That's even less.

Mr. Miller – Yes, it's less than this has listed in the agenda.

Mr. Mantz – OK.

Mr. Rusnov – Do you understand this? It's measured from center of the street. So in essence you're picking up extra feet. It's measured from that center point to the garage face.

Mr. Mantz – I measured 9' from the center line to the edge of the street. So I guess that's 9 plus the 46'.

Mr. Rusnov – That counts in what your setback is. It would be the 9 plus the distance. Mr. Miller is saying you need a 24' variance verses 35'. So you actually need less than you're requesting.

Mr. Mantz – OK.

Mr. Rusnov – Do you understand now?

Mr. Mantz – Yes, thank you.

Mr. Rusnov – OK.

Mr. Mantz – The other thing I was wondering is that the rear setback requirement is 50' so to even build the house at the required 100 SF makes it almost an unbuildable lot.

Mr. Houlé – Your lot size is 219'.

Mr. Mantz – It's a 171' lot.

Mr. Houlé – OK.

Mr. Baldin – I don't think that's an issue here. That's not a problem.

Mr. Houlé – You don't need a rear setback variance. If you could stake out the front of the house where it's proposed to go, we'll be able to see it when we visit the property. We just want to see that it's in line with the neighboring homes.

Mr. Mantz – OK. Sure.

2) ROBERT AND TRACY MANTZ, OWNER, Cont'd

Mr. Houlé – In terms of unbuildable, according to our current Zoning Ordinances, it would be very difficult to build a house there without a Zoning variance. Which is why you're in front of the Board now. The Ordinances have changed since these lots were plotted on this older street.

Mr. Mantz – OK. Is there anything else?

Mr. Houlé – Your public hearing will be July 12th, and as I already stated to the prior applicant you may want to speak with any more neighbors who may have concerns over this request. It will be sent out to everyone within 500' of your property. It may save some time and trouble to let them know what the notice is actually for since it's written so technically and therefore sometimes hard to understand. OK. You don't have to stay, and we'll see you again in 2 weeks.

Mr. Mantz – Thank you.

PUBLIC HEARINGS

3) BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative

- a) Requesting a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where a second wall sign (South) is proposed;
- b) Requesting a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where two Drive-Thru Menu Board Ground Signs are proposed;
- c) Requesting two .6 SF Sign Face Area variances from Zoning Code Section 1272.12 (g), which permits a 3 SF Sign Face Area and where a 3.6 SF Sign Face Area is proposed in order to permit two Drive-Thru Menu Board Ground Signs; property located at 9200 Pearl Road, PPN 395-03-006, zoned Commercial Service (CS).

Mr. Houlé – OK, we'll move onto our public hearings for the evening which is for Blue Falls Car Wash with Tom Pence from Archer Signs representing them. Please come up to the microphone and give us your name and address for the record.

Mr. Pence – Tim Pence from Archer Signs, 1917 Henry Ave, SW in Canton.

Mr. Kil – Wally Kil, 14577 Lorain Ave, Cleveland, Ohio.

3) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative,
Cont'd**

Mr. Houlé – Thank you. Could you please walk us through your requests? I know there have been some changes since we met two weeks ago, and we spoke a little about it in caucus. If you could just tell us about it here for our public hearing then we can discuss it, and ask any of our questions that we have for you.

Mr. Pence – At the previous meeting it was suggested that we take our total allowed square footage which in this case was 67', and that if we consider splitting that into two for the second sign that we're requesting, you'd consider it for us. Last week we submitted what shows exactly that. The front sign was reduced to 44.7 SF and the second sign was reduced to 22 SF. We've also changed the design to make it legible.

Mr. Houlé – Right, we received that, and we thank you very much for taking our comments into consideration. Are there any questions from the Board?

Mr. Rusnov – The only question is that you're in compliance with what the deed restrictions that the Metroparks gave you, correct?

Mr. Pence – From the caucus, yes I guess we are. I wasn't aware of that previous to that.

Mr. Rusnov – You moved the one sign from the west side of the driveway to the east side to get within the restriction?

Mr. Pence – Right.

Mr. Rusnov – You're in compliance with the deed restrictions from the Metroparks, and Mr. Isaac said so in his last email. So I just want to clarify that.

Mr. Pence – OK.

Mr. Houlé – Just for the record, we had a June 27th letter to Ken Evans regarding the 300' setback from the Cleveland Metroparks. Attached to that we added a June 28th email then from the Metropark's Isaac Smith said that with the change you are now in compliance and they have no issues or objections anymore. Looks like you're doing well there. OK. Are there no other comments from the Board?

Mr. Rusnov – No.

Mr. Houlé - This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

3) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative,
Cont'd**

Mr. Smeader - I make a motion to approve a request for a variance from Zoning Code Section 1272.12 (c), which permits one wall sign (East) and where a second wall sign (South) is proposed; also to approve a request for a sign variance from Zoning Code Section 1272.12, which does not permit a Menu Board and where two Drive-Thru Menu Board Ground Signs are proposed; also to approve a request for two .6 SF Sign Face Area variances from Zoning Code Section 1272.12 (g), which permits a 3 SF Sign Face Area and where a 3.6 SF Sign Face Area is proposed in order to permit two Drive-Thru Menu Board Ground Signs; property located at 9200 Pearl Road, PPN 395-03-006, zoned Commercial Service (CS).

Mr. Rusnov – Second. Just for clarification, the menu boards are on the entry way to the car wash for directional and informational purposes. They are not visible from the street.

Mr. Baldin – I'd like to ask our legal counsel something. Can we not do some of these variances separately? Can we maybe put (b) and (c) together and vote on (a) separately?

Mr. Kolick – You can do that. You can request to do that.

Mr. Rusnov – Why?

Mr. Baldin – I have a problem with the (a) request. I don't have a problem with the other two personally. I hate to say NO because then that turns down everything.

Mr. Rusnov – Now (a) is the sign on the south side of the property and the east side of the property. What they've done is cut the size of the sign to conform to the Zoning Code's size requirement. This is only a variance to allow a second sign.

Mr. Baldin – On the south side.

Mr. Rusnov – On the south side which is practically not even visible from the street either. You've got 40-50' tall trees that go from the backline almost to the curb. So heading north you'd be hard pressed to see that sign.

Mr. Baldin – I'd have to agree with you there, and that's what I'm saying. If we turn this down then it turns down all the requests.

Mr. Rusnov – Yes. So what you're looking for is a removal of the south sign.

Mr. Houlé – No he just wants to vote on them separately.

3) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative,
Cont'd**

Mr. Kolick – Why don't we reconsider our previous motion? So you need a motion to reconsider the previous motion that is on the floor. We can reconsider it and then break these out into separate ones or even just two. If someone wants to vote differently on one item than the others that's not an improper request.

Mr. Smeader – I make a motion to reconsider the current motion on the floor and to address each of these separately.

Mr. Baldin – Second.

Mr. Houlé – Can we get a roll call for that Kathy?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Kolick – So you should make a motion to consider Item (a). You've already read it so that's all you need to there. You need a motion and a second to consider (a) first.

Mr. Smeader – I make a motion to consider item (a) at this time.

Mr. Baldin – Second.

Mr. Kolick – Now you need a roll call.

ROLL CALL: SMEADER – NO
BALDIN – NO
RUSNOV – YES
HOULÉ – YES MOTION DENIED

Mr. Kolick – OK. That motion has been denied. Now you can take (b) and (c) together from what I understand. You need a motion to approve (b) and (c).

Mr. Smeader – I make a motion to consider item (b) and (c) together.

Mr. Baldin – Second.

Mr. Kolick – Now you can do a roll call.

ROLL CALL: ALL AYES MOTION PASSED

Mr. Kolick – OK. So Item (a) is denied and (b) and (c) have been approved.

3) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative,**
Cont'd

Mr. Houlé – There is a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed.

Mr. Pence – One more point on item (a). We've been talking with Jennifer Milbrandt, and she was considering letting us cut down the trees on the Turnpike site. That's on the south side. That's another reason why we wanted that sign there because at that point it would be visible from the Turnpike.

Mr. Rusnov – Who's Jennifer?

Mr. Houlé – She's the City Arborist.

Mr. Rusnov – OK. Isn't that on the right of way for the State of Ohio?

Mr. Kolick – I don't know. If it's on the State of Ohio land, then they can't cut them down without approval from them.

Mr. Rusnov – Right, but the City Arborist would have no authority to cut down anything on State of Ohio property. That's just like on Albion and Pearl Roads. The State of Ohio owns the frontage on that property for sale by Russell Realty. There's no street access there.

Mr. Kolick – The City Arborist can't give permission for someone to cut down any trees. They can cut them down on their own property if it's their own property. They cannot cut them down on the State property without their permission.

Mr. Rusnov – The way I saw the stakes and the orange fencing up, which I assume is the lot line, the trees fall south which would be the State of Ohio's property. There's a considerable bit of right of way that they own that is not just the road.

Mr. Kolick – Well that motion has been denied, so my advice at this point is that if you guys go back and you find that it's on your property and you have the ability to cut them down, if you think that would change the vote of the Board you could always ask at the next meeting for them to reconsider Item (a). If it's going to make a difference then you can ask to do that. First of all you need to determine whose property those trees are on, or even if they are on the State's property, if they will give you permission to cut them down.

Mr. Pence – We know they are not on ours, but we're looking for permission to cut them down.

Mr. Kolick – OK.

Mr. Rusnov – It's doubtful that the State of Ohio is going to give you permission to cut down a buffer from the highway.

3) **BLUE FALLS CAR WASH/ Tim Pence with Archer Signs, Representative,
Cont'd**

Mr. Kolick – At this point gentlemen, you can make a determination whether you want signage on the south or east side. You can only have one sign. You can make that signage comply with the SF of the Code. You can then go to the Building Department and tell them what you'd like to do then. I'm not sure if you need to get before the ARB, but you can definitely take it up with the Building Department and they'll address it with you.

Mr. Pence – Tony has already approved the 67' on the front.

Mr. Kolick – Right, but what I'm saying is that if you want to leave it on the front and leave it at 67 or you can put it on the south side because you get to elect where to put it. You just get only one sign. That's all I'm telling you. If you want to make it the maximum 67 from the Code, then that's fine. You just need to tell the Building Department what exactly you're going to do. OK?

Mr. Pence – OK. Thank you.

Mr. Houlé – Thank you.

OTHER BUSINESS

4) **ROBERT KEIRN, OWNER**

Requesting a 601 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 924 SF Floor Area is proposed in order to construct an Accessory Structure; 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

Mr. Houlé – The next item on the agenda is Robert Keirn. Please come up to the microphone and give us your name and address for the record.

Mr. Keirn – Robert Keirn, 11518 Prospect Road in Strongsville, Ohio.

Mr. Houlé – Thank you. I know this is your third time before the Board, and we appreciate your willingness to work with us. You've reduced the size of the structure from almost 1300 SF to 924 SF. That's about a 30% reduction. How did you arrive at this new measurement?

Mr. Keirn – Just from doing research online and looking at some layouts. That's what I decided that's what I could live with and give this another shot.

4) ROBERT KEIRN, OWNER

Mr. Baldin – Thank you, Mr. Keirn. You made a wise decision. You’ve looked at it closely to make sure you can live with that, and we appreciate you listening to us.

Mr. Keirn – You’re welcome.

Mr. Smeader – Just a reminder that you’ll need a hard surface driveway leading to this garage.

Mr. Keirn – Correct.

Mr. Smeader – OK.

Mr. Houlé – Well, we only need a motion then since we’ve already done the public hearing at the last meeting.

Mr. Smeader - I make a motion to approve a request for a 601 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 323 SF Floor Area and where a 924 SF Floor Area is proposed in order to construct an Accessory Structure; 11518 Prospect Road, PPN 392-10-011, zoned R1-75.

Mr. Baldin – Second.

Mr. Houlé – Thank you Mr. Baldin. Can we have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED.

Mr. Houlé – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. Again we really appreciate you being willing to work with us.

Mr. Keirn – Thank you. From here I’ll get drawings made up and then submit those?

Mr. Kolick – Just contact the Building Department they’ll guide you through the process.

Mr. Keirn – Sounds good. Thank you very much.

Mr. Baldin – Take care.

Mr. Houlé – Thank you.

4) **ROBERT KEIRN, OWNER**

Mr. Kolick – Mr. Chairman, I assume you would like Findings of Fact and Conclusions of Law on the item turned down on for Blue Falls?

Mr. Houlé – Yes, thank you.

Mr. Kolick – OK. I will draft them for you.

Mr. Houlé - Is there anything else to come before the Board? OK. Then we will stand adjourned.

Signature on File

Mr. Houlé, Chairman

Signature on File

Kathryn A. Zamrzla, Sec'y

July 12, 2017

Approval Date