

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

**Meeting of  
March 8, 2017  
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, Richard Baldin, John Rusnov, David Houlié, Tom Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Anthony Biondillo

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

**NEW APPLICATIONS**

**1) SHEIBAN PROPERTIES, INC., OWNER**

- a) Requesting a 41.04' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 158.96' Lot Width is proposed in order to split Parcel A;
- b) Requesting a 5' Side Driveway Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Driveway Setback and where a 0' Side Driveway Setback (South) is proposed in order to split Parcel A;
- c) Requesting a 40.19' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 159.81' Lot Width is proposed in order to split Parcel B;
- d) Requesting a 5' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Parking Setback and where a 0' Side Parking Setback (North) is proposed in order to split Parcel B; property located at 16974 Pearl Road and 17024 Pearl Road, PPN 393-34-004, zoned General Business (GB).

The Board stated that since this property is being split down the middle it makes a code compliant single property into two properties that are now both noncompliant. They mentioned having questions about ingress and egress, size and number of parking lot spaces, and how many spaces go with each property.

**PUBLIC HEARINGS**

**2) GERALD AND MARGARET KENNEY, OWNERS**

Requesting a 6' Side Yard Setback variance from Zoning Code Section 1252.29, which requires a 15' Side Yard Setback and where a 9' Side Yard Setback is proposed in order to install a 21' diameter Above Ground Swimming Pool; property located at 14022 Basswood Circle, PPN 398-10-141, zoned R1-75.

**The Board indicated no difficulties with this variance request. They noted that the topography makes it a necessity with this project.**

3) **ANTHONY AND KATHERINE MCGOWAN, OWNERS**

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

**The Board indicated no difficulties with this variance request, and noted that the applicant has made many changes to conform as closely as possible. They also mentioned that it's a much concealed project with surrounding fencing and trees. They also stated that they have had no complaints from neighbors.**

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS**  
**MINUTES OF MEETING**  
**March 8, 2017**

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

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

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

Mr. Evans – Good evening ladies and gentlemen. I would like to call this March 8<sup>th</sup>, 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

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. I have minutes from our February 22<sup>nd</sup> meeting. If there are no changes I will submit them as presented. We ask that each of the individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance. Anyone in our audience this evening that wishes to speak, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

## NEW APPLICATIONS

### 1) SHEIBAN PROPERTIES, INC., OWNER

- a) Requesting a 41.04' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 158.96' Lot Width is proposed in order to split Parcel A;
- b) Requesting a 5' Side Driveway Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Driveway Setback and where a 0' Side Driveway Setback (South) is proposed in order to split Parcel A;
- c) Requesting a 40.19' Lot Width variance from Zoning Code Section 1258.08, which requires a 200' Lot Width and where a 159.81' Lot Width is proposed in order to split Parcel B;
- d) Requesting a 5' Side Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 5' Side Parking Setback and where a 0' Side Parking Setback (North) is proposed in order to split Parcel B; property located at 16974 Pearl Road and 17024 Pearl Road, PPN 393-34-004, zoned General Business (GB).

Mr. Evans – Our meetings are divided into two portions. The first half is new applications. Number one on our agenda is Sheiban Properties. Please come up to the microphone and give us your name and address for the record.

Mr. Hoffman – George Hoffman, 24 Beach Street, Berea, Ohio.

Mr. Evans – Thank you. You are here this evening presenting for Sheiban Properties. Tell us what the request is about and let us know about the project. You heard our questions in caucus so jump right in and answer those questions for us.

Mr. Hoffman – As you all know, Mr. Sheiban, or Sheiban Properties owns the parcel with a couple buildings on it. There's different tenants in the two different buildings. He's getting to the point in his life where he's looking at his future. So he's doing some planning here. He'd like to divide the property basically in half. So we represented that on the drawing here of the lot split showing where the split line would be. His attorney prepared some easement language and submitted it to Mr. Kolick to work out the kinks on that. We updated some of the parking. I believe there's a 134 spaces total. When I first drew this up and went out to field check it I found that the parking in front of Shinto's had been extended for more spaces than what they had originally planned for. So there are a few additional parking spaces that may help the numbers. From what Mr. Sheiban has told me, the plan is to keep all of the property in the family. His two sons have gotten their degrees in the jewelry business.

Mr. Evans – Gemologist.

1) **SHEIBAN PROPERTIES, INC., OWNER, cont'd**

Mr. Hoffman – Yes, so he wants to make sure that the jewelry store and that property stays with the two boys, but the whole family itself will own all of the properties for the foreseeable future.

Mr. Evans – OK. Questions from Board members?

Mr. Rusnov – Yes. If the relatives are going to keep the jewelry store and the family is retaining the other building, why not just put together a really good Will without going through all these hoops and variances? I'm not the brightest bulb in the chandelier, but it seems to me that it would be easier to make an iron-clad Will titling the property in the name of the family members or a Trust.

Mr. Hoffman – I had those thoughts myself, but this is what Mr. Sheiban's wishes are for me to present.

Mr. Rusnov – That was just my thought, thank you.

Mr. Evans – Mr. Hoffman you know our reluctance is of course that when we create these situations we have to live with them, and this is a conforming piece of property and we are taking it to two non-conforming pieces of property doing these variances. We just don't like to go backwards. That of course is the mantra of the Board. Are there any other questions? Mr. Kolick?

Mr. Kolick – For Mr. Hoffman, if Mr. Sheiban wants to go forward with this there are a couple of things that you need to do. One is to get with our City Planner on what number of spaces will be required on each parcel separately because the document that I have from your attorney only shows four parking spaces on each property that are encumbered by the mutual easements. So I don't think four is going to do it. I think one of those parcels is going to need much more than four. So let's get the right number, and then talk with your attorney about putting the right number in the agreement. I've been working with him and he's been cooperative and made most of the changes, but these are two that still need to be made. The second change is that he has only a 6' ingress and egress on the two parcels. There are three lanes going out there. There's one going in and two going out. I know that they're bigger than 6'. I don't know what they are, but they're much bigger than 6'. You need to talk with him about lengthening out the width of those two driveways so we're sure that if I'm coming out I don't have to go on someone else's parcel that I don't have an easement over, OK?

Mr. Hoffman – I gave him a little sketch with numbers and arrowheads. I don't know where he thought the property line was to tell you the truth, but the ingress at the road at the right of way is 37' wide.

Mr. Kolick – I figured it was a little bigger than 6' on each side.

1) **SHEIBAN PROPERTIES, INC., OWNER, cont'd**

Mr. Hoffman – 9.5' on Parcel B and 27.4 on Parcel A.

Mr. Kolick – Just have them get those final documents to me before the next meeting.

Mr. Hoffman – He has all that information now on an updated plan.

Mr. Evans – The other thing we'll have to do is go back and double-check whether there was a variance granted for those properties. A couple of us seem to remember that we did that. I know that some of the parking spaces that were there originally went away when they brought the tent-area out front. So there were adjustments made. There were parking spaces added. There was parking taken away. I'm pretty sure that we did a variance on the outset of that. We'll need to go back and double-check that. That would have to be part of what we do again as well. Is there nothing else? OK. So get together with the City Planner. March 22<sup>nd</sup> is the public hearing for it. We'll invite you back at that time. You're all set.

Mr. Hoffman – Thank you very much.

**PUBLIC HEARINGS**

2) **GERALD AND MARGARET KENNEY, OWNERS**

Requesting a 6' Side Yard Setback variance from Zoning Code Section 1252.29, which requires a 15' Side Yard Setback and where a 9' Side Yard Setback is proposed in order to install a 21' diameter Above Ground Swimming Pool; property located at 14022 Basswood Circle, PPN 398-10-141, zoned R1-75.

Mr. Evans – Our second portion is then public hearings. First on the agenda, item number two is Gerald and Margaret Kenney. Please come up to the microphone and give us your name and address for the record.

Mr. Kenney – Gerald Kenney, 14022 Basswood Circle.

Mr. Evans – Thank you. All of us have been out and looked at the property. Are there any questions or observations that anyone has had?

Mr. Baldin – I don't have any questions, but personally I think it's not a problem.

Mr. Houlé – I think after looking at the property with the topography there really isn't much of an issue there to keep it more on the one corner so that the drainage wouldn't become a problem. I think that was a good observation.

Mr. Evans – Thank you, anything else?

2) **GERALD AND MARGARET KENNEY, OWNERS, cont'd**

Mr. Rusnov – No questions.

Mr. Smeader – No questions.

Mr. Evans – 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.

Mr. Rusnov – I make a motion to approve a request for a 6' Side Yard Setback variance from Zoning Code Section 1252.29, which requires a 15' Side Yard Setback and where a 9' Side Yard Setback is proposed in order to install a 21' diameter Above Ground Swimming Pool; property located at 14022 Basswood Circle, PPN 398-10-141, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – Thank you Mr. Rusnov and Mr. Smeader, may we have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans - 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. The only requirement is that when you have your opening pool party that we all get invited. Otherwise you're all set.

Mr. Kenney – Alright thank you.

3) **ANTHONY AND KATHERINE MCGOWAN, OWNERS**

Requesting a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

Mr. Evans – Alright, last on our agenda is Anthony and Katherine McGowan. Please come up to the microphone and give us your name and address for the record.

Ms. McGowan – Katherine McGowan.

Mr. McGowan – Anthony McGowan, 20460 Albion Road.

Mr. Evans – We've all been out to look at the property and take a look at what you're planning to do as improvements. Board members do you have any comments or questions?

3) **ANTHONY AND KATHERINE MCGOWAN, OWNERS, cont'd**

Mr. Rusnov – Basically you've cut the size down by well over 40%, and it looks like the only variance you're looking for is a 5' side yard variance.

Ms. McGowan – Yes.

Mr. Rusnov – OK. No I have no further questions, but thank you so much for your consideration.

Mr. Evans – We do appreciate that, yes. Are there other questions or comments?

Mr. Baldin – No other questions.

Mr. Rusnov – The garage is inside the fence. One of the gentlemen asked about the trees, and you'll probably take those down as needed if needed. Correct?

Mr. McGowan – Correct. I'm having the surveyor come out and mark the property out again on the street side so I'm exactly 20' inside.

Mr. Rusnov – Thank you so much.

Ms. McGowan – Thank you for your time.

Mr. Evans – 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. Please come up to the microphone and give us your name and address for the record.

Ms. Marxen – My name is Sara Marxen, I live at 20624 Albion Road, and I just have a couple of questions on the property. What is going to go into the 15' tall detached garage? There is already an attached garage on this property so is why what they're doing not considered an accessory structure? The notice of public hearing that I got in the mail said that there were two variance requests and I can appreciate that he's cutting it down 40%, but is that not happening or happening later? Is there already a variance for the fence on the corner lot?

Mr. Evans – Excellent questions. Number one is that they had originally proposed a larger building and the notice that went out included that proposal for the larger building. When he appeared before us two weeks ago we suggested that it be smaller. He took the suggestion to heart and reduced the size of it. He thereby eliminated the second variance. They are also taking the existing attached garage and converting it into living space. They are doing that under the Code of the City so that no longer becomes a separate structure. It's attached living space. On to the other two questions. I believe there is a variance for the fence.

Ms. McGowan – No. It's within the 16' setback.

3) **ANTHONY AND KATHERINE MCGOWAN, OWNERS, cont'd**

Mr. McGowan – It's within the right of way.

Mr. Evans – OK. So because of the way it sits it didn't require a variance. Then your last question is to what will be stored in there. I'll ask the McGowan's to come back up to answer that. Does that answer a couple of your questions?

Ms. Marxen – Yes it does.

Mr. McGowan – As far as this height. 15' is relatively the height of a regular home.

Mr. Baldin – For a garage, it's fine.

Mr. McGowan – It's going to have cars and our stuff. We don't have a basement and we don't have an attic.

Mr. Evans – Which is what you had explained to us at the last meeting.

Mr. McGowan – It's no bigger than houses that have large garages.

Mr. Baldin – It's also noted that you have a shed which you're allowed to have.

Mr. Rusnov – You're not going to be operating a business out of this?

Mr. McGowan – I wish I had a thriving business to do that.

Mr. Rusnov – Basically you're putting this new garage in conformance with the Code pretty much as a consideration to us and you're going to have a hard surface driveway and you've eliminated the current garage. Now you're only looking for a 5' side yard setback variance.

Mr. McGowan – Actually the reason I wanted to come back up here was to thank everyone on the council because I revisited it and talked to my wife and after looking at it we thought it was a bit excessive as well.

Mr. Evans – We saved you money.

Ms. McGowan – To give you some possible peace of mind. We did hire an architect and it's very aesthetically pleasing.

Ms. Marxen – It's going to match the house?

Ms. McGowan – Yes. Everything. We plan to stay in this house as long as possible so we had the architect specially planned for our garage.

3) **ANTHONY AND KATHERINE MCGOWAN, OWNERS, cont'd**

Mr. Rusnov – Well you forgot one thing. The height of the fence is a 6 footer, and you're covering almost half of it with it. So not that much is visible and everything else is to Code. The height of it and everything else is to size.

Mr. Evans – Have we answered all your questions?

Ms. Marxen – Yes.

Mr. Evans – OK. Thank you. I'll ask again 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.

Mr. Rusnov – I would like to make a motion to approve a request for a 5' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 20' Side Yard Setback is proposed in order to construct a 15' high, 1,000 SF Detached Garage; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – I have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans - 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. Then you can pull the permit and start your work. We think you've done a nice job with rebuilding that house, good luck with it, and we hope you stay in Strongsville a long time. You're all done.

Mr. & Ms. McGowan – Thank you again.

Mr. Rusnov – Thank you again, we truly appreciate it.

Mr. Evans – Yes, thank you. OK. Is there anything else? Then we are adjourned.

Signature on File

Mr. Evans, Chairman

Signature on File

Kathryn A. Zamrzla, Sec'y

March 22, 2017

Approval Date