

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

**Meeting of
February 22, 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) 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 noted that they have a good sized yard that's fenced in. They noted that the shed is probably too close to the property line as it sits currently. The Board saw no issues with this variance request, and will see if anyone objects to it. They also mentioned that they have not yet received a letter from the Homeowners Association.

2) ANTHONY AND KATHERINE MCGOWAN, OWNERS

- a) Requesting a 440 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,440 SF Floor Area is proposed in order to construct a Detached Garage;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 10' Side Yard Setback is proposed; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

The Board noted that this applicant is currently applying for three permits with the Building Department. The first is for a new garage, the second is to turn the existing garage into a living space, and the third permit is to extend the driveway out to the street. This variance request only applies to the new garage. It was also noted that some of the measurements were taken incorrectly because they had been taken from the curb instead of the right of way. It was also noted that they have a 12' overhang on the garage. They added that they already have a concrete drive that is going back to the garage but may need to extend it.

PUBLIC HEARINGS

3) **FRANK CELEBREEZE, OWNER/Diane Bija with New Creation Builders,
Representative**

Requesting a 3' Height variance from Zoning Code Section 1252.045(g), which permits a 12' Height and where a 15' Height is proposed in order to construct a 14' x 20' Accessory Structure; property located at 19654 Tanbark Lane, PPN 391-28-001, zoned R1-75.

The Board noted that the Metroparks sent a letter that said that they don't object to the extra three feet. They debated over the visibility to people driving by. The Board discussed whether or not they even have definite reason for approving it. They discussed that it doesn't fall within the guidelines for approving variances in the Code. Some Board members felt that it wasn't needed.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
February 22, 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 February 22th, 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. Thank you, this evening we have before us an amended agenda; may I have a motion to approve it?

Mr. Baldin – I make a motion to approve the amended agenda.

Mr. Houlé – Second.

Mr. Evans – We have a motion and a second; may we have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – Thank you. I have minutes from our February 8th 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) **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 meetings are divided into portions. First is New Applications. Number one on our agenda this evening is Gerald and Margaret Kenny. Please come up to the microphone and give us your name and address for the record.

Mr. Kolick then stated the oath to Mr. Kenny.

Mr. Kenny – My name is Gerald Kenny. 14022 Basswood Circle.

Mr. Evans – OK, you are here requesting a variance because you'd like to put a pool in your backyard. A couple of members have been out to see it. The rest of us will all be out to see it. Tell us a little about why the pool needs to be where you're suggesting that it be.

Mr. Kenny – The backyard gets extremely wet. I was going to move over to that area that is requested at the 15', but the way my yard is tapered, I have a drain that's in our northeast corner of the lot. I think if I put the pool there I think it'll back up the water toward the house. It might even go into the pool and erode the area around the pool. I figured with it being behind the deck, there's really no runoff from the deck area going towards the pool. I just thought that would be the best location. I even asked the neighbor next door and she didn't have a problem with it.

Mr. Evans – Are there any questions from the Board?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Kenny – I gave the President from the Homeowners Association a call, but he hasn't gotten back to me yet. I called him again this evening.

Mr. Evans – You'll want to try to lean on him to get it before our next meeting on March 8th. All of the members of the Board will be out to visit the property to take a look at it. You don't need to stake it out for us. 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 March 8th. 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. Baldin – How close will you be to your deck?

Mr. Kenny – I will be 10' out from the deck. The deck goes out 15' from the house.

Mr. Evans – Thank you Mr. Kenny.

Mr. Kenny – Thank you for your time.

2) ANTHONY AND KATHERINE MCGOWAN, OWNERS

- a) Requesting a 440 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,440 SF Floor Area is proposed in order to construct a Detached Garage;
- b) Requesting a 15' Side Yard Setback variance from Zoning Code Section 1252.13, which requires a 25' Side Yard Setback and where a 10' Side Yard Setback is proposed; property located at 20460 Albion Road, PPN 391-26-012, zoned R1-75.

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

Mr. McGowan – My name is Anthony McGowan; I reside at 20406 Albion Road. I'm speaking on behalf of my wife as well who is at home with our two kids.

Mr. Evans – OK. So you heard us in caucus. Caucus is our time to talk, now it's your opportunity. Basically there's some things we have concerns about. One of them is the height of the building. The other is the square footage because that's going to be a pretty big structure. You need to tell us why it is that you need a big structure, why there, and also what the height of the building is proposed to be.

Mr. McGowan – I could probably get to it if you allow me to use my phone. I bought the house, it was a dilapidated piece of property. It was bank-owned, and I had to jack the entire house up because the foundation was bad. I've spent a lot of money on this house. My frat brother built a house there in 1954 on Prospect Road so I'm here to stay. I want to make this house big enough for me and my family, and not need to move. I'm extending the garage, and I need to build another garage. I do have some cars and a truck. I'd like to make things look nice. I want to put everything away. I need storage for things like patio furniture. 1000 SF doesn't give me a whole lot of room, and I have some outside property and stuff like that. So I have a lawnmower I'd like to put in there and things like that.

Mr. Evans – Do you intend to run a business out of such a large garage?

Mr. McGowan – No. Absolutely not. I just have tools and stuff. We accumulate things.

Mr. Evans – Do you know what the projected height is? When we looked at the elevation drawings it looked like it was going to be over 12’.

Mr. McGowan – Can I come back up after I look for that?

Mr. Evans – Let the Building Department know. You need to take a look at that because 12’ is the limit. So that means if you’re going over 12’ then we need to add that as another piece of the variance.

Mr. McGowan – OK.

Mr. Evans – Actually, you need to call them about that tomorrow morning because the notice will go out on Friday. So it needs to be put into the notice tomorrow.

Mr. McGowan – OK. Another issue regarding the setback? My survey said 26’ I think on the rear and 21 on the front.

Mr. Evans – Well I know that we’re going to ask that you stake out where you’re proposing it goes. So when we come out to look at it we’ll be able to tell where it is. It’ll also give your neighbor an idea of what that’s going to do to the view on Scotch Pine. Are there other questions from the Board?

Mr. Rusnov – Size is always an issue with things like this. You’re 1440 SF so you’re 400 and some square feet over what zoning allows. It’s a two car garage. Is there any chance that you could cut this down to conform to the Code? Or at least get close?

Mr. McGowan – We could always cut things down, but my blueprints were made to that size so we’d have an overhang over the patio and for things of that nature. I would like to get it approved for as large as possible.

Mr. Evans – Part of the reason why size is in question is because the roof goes over that patio portion. When we have applicants come in and say that they are not going to wall that in because it’s meant to stay open as a patio area that’s one thing. If it’s built with the design having an intent for the ability to close it in and wall it in later, then it becomes part of the building. Then we get concerned because that makes it a lot bigger. Our problem quite honestly Mr. McGowan is that when people come in, they always want it as big as they possibly can. When someone puts in a big garage, then the person next to them says that they need a garage bigger than that. Then they’re in for a bigger garage, and then the neighbor across the street says that they need a big one too. So our job is to disseminate why and when we make variance determinations that fit within the Code

that give us certain parameters. Mr. Kenny talked about the sloped topography. That's a natural situation that causes an issue on their property, and that can be a reason to approve a variance. Yours's is a small lot it is a corner because it was made into a corner. Not when you were there, but prior to the time you were living there. There are some extenuating circumstances, but that doesn't necessarily give us a reason to put a big barn out there. We have to determine if it's appropriate or not.

Mr. McGowan – Let me ask you a question. If I keep it with an overhang and don't close it in, can I still have the overhang? Is that an issue?

Mr. Evans – It would be less of an issue for us to deal with it that way. The fact that it is involved with the same roof means we have to consider it, but if you're telling us that it's not going to be enclosed in then when we grant the variance we could do the garage portion and the patio portion with some form of differentiation. It's not always as clean as we would like, but those are things that we can consider.

Mr. Kolick – Mr. McGowan, your measurements for the setback is from the curb but the Code requires it from the right-of-way. That is why they are different.

Mr. McGowan – OK. Thank you.

Mr. Smeader – If the overhang is excluded then the garage would be 960 SF, and therefore you wouldn't require a variance. We might be able to slide that over to the west and it might not block the view of the southbound traffic on Scotch Pine. Is the overhang that important to putting this building up?

Mr. McGowan – I would like to have that, yes.

Mr. Smeader – Is it a deal breaker without it?

Mr. McGowan – Maybe. Not necessarily a deal breaker because I have to build a garage.

Mr. Smeader – I'm just throwing things out there.

Mr. McGowan – The thing is that I would just like it. I want a nice backyard to entertain. You know it's to go over patio furniture and just so I have some outdoor space. It's going to be a beautiful garage that I'm putting up. It's not going to be some cheap shack by any means.

Mr. Rusnov – I think the point that Mr. Smeader was trying to make was that if you went with the removal of the overhang you wouldn't need a variance.

Mr. McGowan – Right. I guess that's why I'm here because I want to push for the patio area if possible.

Mr. Evans – That's fine, you're allowed to ask for that.

Mr. Smeader – I haven't been out there yet so I don't know if this is going to be a potential obstruction to traffic or not. Without that though you might be able to slide the garage over and it may not even be an issue.

Mr. Baldin – Is there another shed on your property?

Mr. McGowan – Yes, I just put that up not too long ago.

Mr. Evans – Well if it's a garage and it has a driveway to the shed we'd be set. OK? Is there anything else? OK. Get back to the Building Department with the height of that so we know it. As well if you could look at it tomorrow morning and do the measurements from the right of way and it changes anything, we need to get the numbers corrected. We'll have you back on March 8th, and please stake out the four corners.

Mr. McGowan – When should I have it staked out by?

Mr. Evans – By the weekend.

Mr. McGowan – OK. Thank you.

PUBLIC HEARINGS

3) FRANK CELEBREEZE, OWNER/Diane Bija with New Creation Builders, Representative

Requesting a 3' Height variance from Zoning Code Section 1252.045(g), which permits a 12' Height and where a 15' Height is proposed in order to construct a 14' x 20' Accessory Structure; property located at 19654 Tanbark Lane, PPN 391-28-001, zoned R1-75.

Mr. Evans – Alright now we move onto public hearings and number three this evening is Frank Celebreeze and Diane with New Creation Builders is here to represent them. Please come up to the microphone and give us your name and address for the record.

Ms. Bija – Diane Bija, 2885 Peace Drive, Rocky River, Ohio.

Mr. Evans – The property in question on Tanbark was here for a couple of variances. We granted a size variance and during the process we discovered that the proposed building was higher than what Code permits. You had said that you wanted to come back in and explain to us why the height was needed.

Ms. Bija – Thank you. I've been here since August. My original plans to the 20 x 20 had this 15' ceiling. It only became an issue after we finally came to an agreement, and I call it an agreement, that we would build it at 14' x 21' I believe was the final size. We never changed the height. It only became an issue because your City Ordinance or Bylaw, I'm not sure which, says that once it's an accessory build and it's of such a size then it can't be over 12'. The State of Ohio Code says that the original building I submitted was allowed to be 15'. So when we all made this decision to make it smaller none of us, including myself, addressed the 15' height. We'd already taken Mr. Celebreeze's storage area to the minimal, and the height was the only reason we could still get away with the 14' x 20'. That way he'd be allowed to have some room above.

Mr. Evans – OK. The 15' didn't change because we downsized the building. We missed the 15' when the plans were in because it wouldn't have been allowed for the bigger one either.

Ms. Bija – The Ohio Code says you can build up to 15', and that's to the mast so that's not even to the peak.

Mr. Kolick – We are speaking of two different things. 15' is a Building Code requirement. 12' is our Zoning Code requirement.

Ms. Bija – OK. That's what I didn't understand. When I went in and resubmitted the plans, and it was discovered. I said it was always 15'. She said that now that it's a smaller size it's not allowed to be 15' anymore. We wouldn't even have to be here if I had the proper information.

Mr. Evans – Well Kathy, our Building Department Secretary, has just now put the drawings in front of me. The plans that were received on December 14th for the 20' x 20' indicated a 12' height.

Ms. Bija – Its barn style.

Mr. Evans – Be that as it may, the plans at that point that were submitted for the 20' x 20' did always show a 12' height. Then we got the other plans and it showed 15'.

Ms. Bija – OK. Then we went barn style. We've been through so many changes, please forgive me.

Mr. Evans – So basically what you're telling us is that he needs the additional space to be able to store up above.

Ms. Bija – He didn't have the space for anything less than a 20' x 20'.

Mr. Evans – Alright. So in caucus we talked about a number of things. Are there any comments or questions from Board members?

Mr. Baldin – Why does he need a 15' height?

Ms. Bija – Christmas items, family memorabilia, tool boxes that can't put on the floor. He needs floor space for things that fit down there. He can hang his bikes from the rafters. He has six bikes.

Mr. Baldin – I have a garage and fit my items in it.

Ms. Bija – With all due respect, we're comparing apples and oranges here. I understand that your lifestyle is perfectly accommodated by your garage. Mr. Celebreeze's doesn't. He has six bikes, two trucks that he parks in the attached garage, and a car that he parks in the driveway now. He originally came here to try and get another garage in front just to park his cars in. My suggestion to him would be to move, however he loves his house and he loves Strongsville so he's not going to do that.

Mr. Evans – OK.

Mr. Rusnov – What was approved at the last meeting was a 14' x 20' with a 12' height as per the plans that were submitted.

Mr. Evans – Yes and no. We approved the dimensions and the square footage, but we never dealt with height because this is a different plan than what was submitted at the 20' x 20'. So now instead of a barn style it's going to be a garage style.

Mr. Rusnov – So the original height was 12'.

Mr. Evans – Correct.

Ms. Bija – That's when it was going in the front yard.

Mr. Evans – Right. So when we changed it into a barn style by decreasing the dimensions that led to them requesting a taller height.

Mr. Rusnov – OK.

Mr. Evans – Are there any other questions? Is there anything else?

Ms. Bija – No I'm going to love you no matter what you say.

Ms. Evans – OK. I'm going to move us into public hearing. 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? Please come up to the microphone and give us your name and address for the record.

Mr. Srodek – Matt Srodek at 19615 Tanbark Lane. When its 15' would it still be even with the roof of the house? Is it being built into the ground?

Ms. Bija – No, but it'll still be lower than the house.

Mr. Srodek – The house is 12'. I'm on a two story house and my awning is at 15', and in that neighborhood they built them lower because they wanted to keep the trees and make it more inviting.

Ms. Bija – The house's grade its 12'. So this would still be below the house level, but probably only by 2 or 3 inches. It's going to be close, but its setback and in the trees. Actually if I could show you a picture of it it'll make it much more attractive because there's some design and dimension to it now as opposed to this ugly little square pointed shed in the back. We thought this actually made it more aesthetically pleasing.

Mr. Evans – Diane you might show this to Mr. Srodek.

Mr. Srodek – Now so this is facing the road? So you're going to see the garage door.

Mr. Evans – Yes.

Mr. Srodek – I'm just worried about the external obsolescence of it. I don't want to hurt our property neighbors. It's a beautiful street. Every house is just awesome. He has a beautiful home.

Ms. Bija – He completely agrees with you and his number one priority was the aesthetics.

Mr. Srodek – As long as it stays below the height of the house I don't have to look at it.

Ms. Bija – It's close to this property too.

Mr. Srodek – How close is this to the house? Is it on the side of the house? This is the house.

Ms. Bija – Let me show you this way. This is the house, this is attached, and it's going to be like that.

Mr. Srodek – As long as due to the grade it's no taller than the house I don't have any concerns. If it's taller than the house, I just don't want it to stand out.

Mr. Rusnov – I have a question. You're saying that the wall height on that one story ranch is 12' that would mean from the grade to the soffit. That would mean that it would be a much higher ceilings like 9-10', and Merle Hossfeld did not build them that way. I remember when these were built.

Mr. Srodek – So from the roof point to the...

Ms. Bija – Well you have to remember that their property goes on an elevation.

Mr. Rusnov – But the wall height is still going to be the same. From the tip of the peak to the ground. I could see 12' because if you have 8' rooms plus the pitch of those roofs that's another 6-7'. That's a moot point at this point.

Ms. Bija – Originally when we were discussing with Mr. Celebreeze to put this in the front yard, I was like they're not going to give you a garage in the front yard. I'm in 48 cities so I know better.

Mr. Srodek – It's not a commercial property.

Ms. Bija – I know better. There isn't a city in 5 counties that would do that. We might be able to attach it. We went out there and did measurements to see if we could do this. We have really worked with him to see if we could even make it an attached garage. At that point we did the measurements of the house. At that elevation from the grade to the soffit was 12'. I did the measurements myself.

Mr. Srodek – That's what he has now? From the grade to his soffit is 12' at the peak.

Mr. Rusnov – This would be the biggest ranch that he ever built height-wise.

Mr. Srodek – Our two story home at the gutter is 15'. In fact at my house inside its only 7'5" because they made the neighborhood stay small because they wanted that type of neighborhood and keep the trees up. This isn't even 12' here 12' is a little above this.

Mr. Rusnov – I can't see a one story ranch with a 12' wall height. We're beating a dead horse here so let's move on.

Mr. Evans – Mr. Srodek do you have any other questions?

Mr. Srodek – No I'm good.

Mr. Evans – OK.

Ms. Bija – Can I just mention that everyone keeps saying that they don't want it to stick out. We already agreed to make this a neutral blending of colors. It's not going to stick out.

Mr. Evans – OK. Thank you Diane. OK this is still a public hearing. Is there anyone else who would like to speak, ask questions, or otherwise? Please come forward Mr. McGowan.

Mr. McGowan – Anthony McGowan, 20460 Albion Road. When you talk about the size of the garage, Diane brought to my attention too that my house has no storage. So if you go into my garage now and open up the doors, if you are will, it's full of stuff. We have no basement. It's 1600 SF roughly. There's three bedrooms and no closets. So part of my garage is going to be

storage like Christmas stuff. I don't even have an attic in my house. That's taken up by the furnace, etc.

Mr. Biondillo – Did I understand that you were going to eventually convert the existing garage to additional living space? What's the time table on that?

Mr. McGowan – That's the first thing that I want to address. Well actually first I'm going to do the family room.

Mr. Biondillo – Since Mr. McGowan is at the microphone, I'd just like to ask the height of the private garage.

Mr. Srodek – I just texted the architect and he's getting back to me hopefully by tonight.

Mr. Biondillo – The maximum is 15' not 12' which was mentioned earlier.

Mr. Srodek – OK. Thank you. Thanks a lot. Good night.

Mr. Evans – Is there anyone else who would like to speak for, against, or ask questions?

Mr. Srodek – I just want to say that I love the home and I love the neighborhood. Mr. Celebreeze's great. I need a two car garage extension and when the time comes that I'm going to do that I'm unfortunately going to move. I love the neighborhood, but it just doesn't belong in that neighborhood. When the time comes, I'm going to find another home. That's what's best for the neighbors and everything else.

Mr. Evans – OK. Is there anyone else who wishes to speak? Hearing none and seeing none, I will now entertain a motion.

Mr. Rusnov - I make a motion to approve a request for a 3' Height variance from Zoning Code Section 1252.045(g), which permits a 12' Height and where a 15' Height is proposed in order to construct a 14' x 20' Accessory Structure; property located at 19654 Tanbark Lane, PPN 391-28-001, zoned R1-75.

Mr. Smeader – Second.

Mr. Evans – Thank you. Before I do the roll call I forgot to mention that we did have a response from the Metroparks that is entered into record saying that they have no objections with this request.

ROLL CALL:

Houlé – YES

MOTION DENIED

Evans – YES

Smeader – NO

Baldin – NO

Rusnov – NO

Mr. Evans – The variance has not been granted. Mr. Kolick that ends this process now because Council doesn't need to review that, is that correct?

Mr. Kolick – That is correct; however, you probably want Findings of Fact and Conclusions of Law.

Mr. Evans – So the answer would be no to the variance, and we appreciate you coming back and going through the process. There will be an official communication that goes to Mr. Celebreeze. So the variances that we have approved still stand, but the maximum height would be 12'. OK?

Ms. Bija – Thank you.

Mr. Evans – Is there anything else other than as Mr. Kolick said we will ask for Findings of Fact and Conclusions of Law to be done. Is there anything else? Then we are adjourned.

Mr. Evans, Chairman

Kathryn A. Zamrzla, Sec'y

Approval Date