

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
June 12, 2024**

Board of Appeals Members Present: Dustin Hayden, John Rusnov, Dave Houlé, Richard Baldin

Administration: Assistant Law Director Daniel Kolick

Assistant Building Commissioner: Steve Molnar

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

1) SILVIU ANDREI (OWNER)

Requesting a 437 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where an 837 SF Floor Area is proposed, in order to construct an Unenclosed Structure over an existing deck, property located at 21356 Hickory Branch Trail, PPN 391-16-030

Mr. Hayden – Item number one on the agenda is for 21356 Hickory Branch Trail, which is for an unenclosed structure over an existing deck. They are looking for a 437 SF floor area variance, our code was recently increased from 175 SF to 400 SF and they are asking for over double that. I reviewed this and understand that this is to be over an existing deck and I spoke with Mr. Kolick before Caucus. From what I remember, the previous variances we considered were somewhere in the low 600 SF.

Mr. Rusnov – That was for a neighbor across the street and I think there was a mistake made on the interpretation of the variance granted.

Mr. Kolick – We have amended the code since then so that we could avoid that type of problem in the future. There was a loop hole in the code to provide for structures and unenclosed structures.

Mr. Rusnov – I visited the site today and the deck is more like a patio because it is on the ground. It is a big deck and there is nobody behind them except the woods. They would like to put an enclosure over top of the deck but it is huge.

Mr. Hayden – My concern is about the precedent we would set because it is over double what the Code allows and we just increased the Code permitted sizes.

Mr. Rusnov – What about the size of the existing deck? They will be building the same size above their existing deck.

Mr. Kolick – That is the problem and it is why they limited enclosures to 400 SF because the next person may have a 1200 SF patio behind their house.

Mr. Rusnov – If we grant a variance, the next applicant will not want 800 SF but 1200 SF, which will cover the whole back yard.

Mr. Houlé – It is private back there and I asked Mrs. Andrei if there was anyway they could cut the variance request down because it is massive.

Mr. Rusnov – This is double what we allow?

Mr. Houlé – This is over double what is allowed and that is with the increased size to the Code.

Mr. Baldin – We can discuss this with the gentlemen on the floor and maybe he can bring it in a little bit, let's see if this can be reduced.

2) SPM ACQUISITION II LLC (OWNER), WILLIAM BORON, AGENT

- a) Requesting a variance for Parcel A from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way, in order to split PPN. 396-21-044; property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center - SC
- b) Requesting a variance for Parcel B from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 396-21-044, property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center - SC

Mr. Hayden – Item number two on the agenda is for a parcel split at SouthPark Center, this is where Sears was located.

Mr. Kolick – This is the former Sears parcel and the long-term proposal is to tear down the tire and battery center and to install playing fields there. The Sporting Goods Company would utilize this as an active place for their sporting goods, they are considering

in the winter turning this space into an ice-skating rink, to sell their hockey equipment and the community may use it for various events. The Mall has vacancy problems so City Council has expanded different uses to permit outside recreational uses with a Conditional Use Permit and this is the first step to doing it.

Mr. Rusnov – That sounds pretty worthwhile.

Mr. Kolick – The Sporting Goods Store will take over the Sears Store and they will install fields there.

Mr. Rusnov – Will the fields be for baseball, basketball or football?

Mr. Kolick – I don't know, you can ask on the floor and maybe we can find out.

Mr. Rusnov – They are starting to repurpose the mall, which is probably a good thing because if they don't we could be faced with a mess down the road.

Mr. Kolick – It could be another Randall Park, Midway or Parmatown Mall.

Mr. Baldin – Are they taking over the Sears Store completely?

Mr. Kolick – Yes, the Sporting Goods Store will take over the Sears Store and outside where the tire and battery shop was located they will be installing fields or a field.

Mr. Rusnov – This is an improvement to what we have now.

Mr. Kolick – Yes, it is better than a vacant unit.

Mr. Houlé – Is this in addition to keeping their existing store?

Mr. Kolick – No, I don't think so, they are going to move out of their existing store.

Mr. Rusnov – This is the beginning of the revitalization of the mall into the 21st Century. The people who are doing this revitalization are looking forward to what they can do with this property.

Mr. Kolick – They met with City Council and the zoning was changed to expand the uses and allow for a hotel, supermarket, and some outside activities, that were not allowed there before. They have some discussion about four buildings and an area in between, similar to what they have at Crocker Park, those are all possibilities. This is just the first step and they would like to sell the parcel to the Sporting Goods Store.

Mr. Baldin – It makes a lot of sense.

Mr. Kolick – If we are going to do this, we need to make it subject to maintaining mutual easements to the satisfaction of the Law Department for the ring road, parking, and utilities because it still has to function and the mall has different ownerships. We will add that as a condition to the variances.

Mr. Baldin – You have new people that have come in and spent money and would like to do that, if the City works with them and they are willing to work with the City and spend the dollars to get this done, then I think it is the right thing to do.

Mr. Kolick – We have done something similar across the street, where we divided up parcels where they could buy them off separately.

The Board members approved the minutes for May 22, 2024.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 12, 2024
7:00 PM**

The meeting was called to order at 7:00 PM by Mr. Hayden.

Present:

Mr. Baldin
Mr. Rusnov
Mr. Houlé
Mr. Hayden

Also Present:

Mr. Kolick, Assistant Law Director
Mr. Steve Molnar, Assistant Building Commissioner
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this May 22, 2024 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:	MR. BALDIN	PRESENT
	MR. HAYDEN	PRESENT
	MR. RUSNOV	PRESENT
	MR. EVANS	ABSENT
	MR. HOULÉ	PRESENT

Mr. Baldin – I move to excuse Mr. Evans for just cause.

Mr. Rusnov – Second

Mr. Hayden - Thank you Mr. Baldin for the motion and Mr. Rusnov for the second. May we have a roll call please?

ROLL CALL:

MR. RUSNOV	YES
MR. HAYDEN	YES
MR. HOULÉ	YES
MR. BALDIN	YES

Mr. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden - Before us we also have minutes to approve from our meeting on May 22, 2024. We discussed this in caucus and there were no corrections or changes and we will file those accordingly.

Mr. Hayden - If you are here this evening and you plan on addressing the Board, I would ask that you stand and be sworn in by our Assistant Law Director, as well as our Secretary and Building Department representative.

Mr. Kolick administered the oath to those standing.

1) **SILVIU ANDREI (OWNER)**

Requesting a 437 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where an 837 SF Floor Area is proposed in order to construct an Unenclosed Structure over an existing deck, property located at 21356 Hickory Branch Trail, PPN 391-16-030

Mr. Hayden – Item number one on our agenda this evening is for 21356 Hickory Branch Trail. Please state your name and address for the record.

Silviu Andrei, 21356 Hickory Branch Trail, Strongsville, Ohio

Mr. Hayden – You were here during Caucus and heard some of the Boards comments, please take us through the project and the need for the variance.

Mr. Andrei – I have an existing deck, which I built last year and I would like to cover up the deck to enjoy with my family.

Mr. Hayden – You were here during Caucus and heard some of our comments concerning the size of the unenclosed structure. Just recently Council approved an increase to the square footage allowed for unenclosed structures, which used to be around 175 SF and it was increased to 400 SF. Our concern is that this request is double the square footage allowed and often times we look at this project but we consider the precedent that will be set moving forward for other request down the line. We have to take into consideration four (4) specific things on this Board, does this create some type of hardship, is there a topographical issue that we might be dealing with, we will get into some further discussion here tonight but for me I do not see those things. I am all for home improvements and spending time with family and gatherings especially after COVID. I am concerned about the size of this and the precedent that it sets moving forward for the next person making a request for an unenclosed structure. Is there any latitude on the size of your request and have you given any consideration in the square footage?

Mr. Andrei – My point is that I have spent a lot of money on the deck and would like to cover the deck, to protect it and I don't want to have to replace the deck in 10 years. The roof is that size because houses in that development are 3,000 SF and are the same size lots, but you guys know better.

Mr. Hayden – The City Code allows for 400 SF and as a Board we review these types of requests and grant variances if we can. If it is a bit outside of that and it makes sense for the property type, size and size of the yard. The main concern is what sort of precedent will this set for other projects in the City. You heard Mr. Rusnov mention in Caucus that this request is 837 SF and the next one could be 1000 SF. We are in a position where if we approved 837 SF, then 1000 SF is not that much greater and it puts us in a tough spot for looking at future projects.

Mr. Andrei – My neighbor's house is 3200 SF and my house is 1800 SF on the same size lot. I am requesting 800 SF for the roofing cover, what is the difference? If I want to extend my house, I would be able to extend my house, right?

Mr. Hayden – These are two different things, this is for an unenclosed structure that is separate from the house.

Mr. Andrei – The roof is tied to the house.

Mr. Hayden – Is it actually attached to the house?

Mr. Andrei – Yes, it is attached to the house.

Mr. Kolick – It is different from the home itself, we are talking about an outside area and what Council looks at is noise; as opposed to an enclosed structure, what is happening underneath there; how late at night it might be used, so an unenclosed structure is a lot different than a home surrounded with walls. Council just updated the Code to permit up to 400 SF and they had some reluctance to increasing it to 400 SF. I don't think that they ever envisioned there being 800 SF unenclosed structures in the City. Your neighbor could come in, even though he has a 3,000 SF home and says he wants an 800 SF unenclosed structure behind his home and then it just keeps multiplying down the road and that is the fear of the City, just so you understand.

Mr. Rusnov – When those houses were built the Zoning Code was entirely different and has changed repeatedly over the years.

Mr. Andrei – I am paying the same taxes as them so, why can't I have what I want? He can have so many square feet on his land and he is paying the same taxes as I am. I want to cover the deck in the right way and I can't because of the Code.

Mr. Rusnov – Your request is double what the new Code permits and if your neighbor is living in a 3000 SF house they are not asking for a 1000 SF unenclosed structure in their back yard. The one that was across the street was totally different.

Mr. Andrei – The request across the street was smaller than mine, 450 or 500 SF, right?

Mr. Rusnov – I don't have it memorized.

Mr. Houlé - If you were doing an addition to the house that would be different zoning than putting on an unenclosed patio or deck. You just built a brand new deck on there and it is composite wood, which will weather and it should not be an issue whether it is covered or not.

Mr. Andrei – The deck may erode.

Mr. Houlé - The composite wood is good for 30-40 years.

Mr. Kolick - We have decks that have been on houses for 30-40 years and they may not be composite but just wood, you have to maintain and stain them. They don't have to be enclosed in order to protect them from the weather. The question is can you live with covering a portion of the deck as opposed to the whole deck. If you say no then we will act on what you have and if you say yes, they can work on granting a smaller variance.

Mr. Houlé – You may decide to take more time and develop a plan and come back with something in between, that is your third option.

Mr. Rusnov – You would have to request to table it and go back to the drawing board and you can talk to the City and your builder or whoever is building the structure to see what they can do. That may be the way to go, to table and reconsider it because if we vote on it tonight, you are done.

Mr. Andrei – Are you asking me to make it smaller?

Mr. Baldin - You would have to look at it and think about it to see what you can live with. Instead of covering the whole thing maybe bring it in a few feet, all the way around. Is this suppose to tie into the roof line?

Mr. Houlé – Yes, according to his wife, it is and he is having it professionally done.

Mr. Kolick – The Code reads the same whether it is tied to the house or tied to the roof line.

Mr. Baldin – It does not have to be tied to the roof line or it could be independent.

Mr. Kolick – It may change the construction on it.

Mr. Rusnov – That is why I am asking you to think about this and meet with the Building Department and whoever drew up your plans to see what can be done and see what you can live with.

Mr. Andrei – I will measure the area because I will need to create new plans to see how the windows and joist tie into the house.

Mr. Baldin – You do not have to tie it into the house.

Mr. Andrei – I want to tie it into the house.

Mr. Baldin – Do you have any intentions of eventually enclosing the structure.

Mr. Andrei – No.

Mr. Hayden – Mr. Andrei, if you would like to take some time and reformat the plan, we would need for you to request us to table this request. Which means this item would be pushed to the next meeting or the following meeting after that.

Mr. Andrei – I think I want to keep what I have and do not want to make it smaller. I want this to look sharp and nice and not look bad.

Mr. Baldin – Apparently, you are a very handy man and from what I have seen at your home you have done a great job but we have to live by the Code. Why don't you request for this to be tabled and think about it?

Mr. Andrei - If you do not want to approve how it is right now, I am not going to change it and I am okay.

Mr. Kolick - Let's just act on what we have then.

Mr. Molnar – Let me ask you a question, your existing deck is 26' x 26', which is 676 SF. Is that how big it is?

Mr. Andrei – Yes, what I was planning to do is cover the entire deck so that if it rains, under my deck won't get water and smell, that is why I want to cover the deck.

Mr. Molnar – You submitted a variance request for 837 SF. How come you don't make it the size of your deck, which is 676 SF?

Mr. Baldin - Your existing deck is 26' x 26' but you want the sides to overhang.

Mr. Andrei – I would like to have the sides overhang and that is why it came out to 837 SF total.

Mr. Hayden – The overhang is for the water. Will this have gutters?

Mr. Andrei, Yes, it will have gutters tying into the existing gutters.

Mr. Hayden – You would not need an overhang if you have gutters.

Mr. Baldin – Why don't you just leave it at 26' x 26' and put the gutters on?

Mr. Andrei – How much of a difference is it?

Mr. Rusnov - Your existing deck is 676 SF and you are asking for 837 SF, so there is a an approximately 200 SF difference.

Mr. Baldin – The difference is that everyone here may not agree on the 837 SF but a 676 SF variance they may agree on.

Mr. Andrei – I'm going to measure one more time and come up with a plan.

Mr. Rusnov – If you are going to build it the size of the existing deck 676 SF, then that is a much smaller variance than what you are asking for.

Mr. Baldin – If you make the structure smaller you may get the approval, then you can put the gutters on for the rain. Maybe you should ask to table this so that you can go back and check.

Mr. Andrei – If I am going with the exact size of the deck then the middle posting will need to be on my deck. I am not going to take the post off the deck to make them 29" holes and 4' deep to put concrete on it. I need to open up the middle of my deck and re-do the decking after that and I would like to put in 6 x 6 post next to my deck.

Mr. Baldin – I understand what you are saying but that is something you are going to have to think about.

Mr. Hayden – It may be what is necessary to move forward on something like this.

Mr. Rusnov – You have the Building Department to talk to, you can measure what you have, what you want to do, and sit down with the Building Department or someone in the City and straighten this out so that you have it right and we are not confused.

Mr. Kolick – I think the Board is clear that they are not conducive to granting such a large variance. The question is, can you make it smaller here or request to table it and determine whether you can live with something smaller and come back with another number.

Mr. Andrei – Alright, thank you so much.

Mr. Baldin – Do you want to come back?

Mr. Andrei – I don't know, I have to think about it.

Mr. Baldin – If we vote on it now, it is done and you will never get another chance.

Mr. Kolick – If you want to think about it, just tell us you want to table it for now and think about it. If you determine you don't want to move forward at all, let us know or if you have another number you want to move forward with and submit a revised drawing. You can tell us you want to table it so that it will give you time to think about it.

Mr. Andrei – No, I am not going to make it smaller. If you don't want to approve it than I am not going to make it smaller.

Mr. Kolick – Okay, let's just act on what we have after the public hearing.

Mr. Hayden – We have received an approval letter from the Homeowners Association.

Mr. Rusnov – Do you understand what we are trying to tell you to think about? If you go to a vote and lose today, you are done. If you want to go back to the drawing board and talk to the people at the City, all you have to do is say I would like to table this request and you can reconsider. Maybe you made a mistake on calculating what you want.

Mr. Hayden – If you think about it this way, if you table it you can still withdraw it a week from now. You are simply not having us vote on the request tonight and giving yourself an option. You could contact the Building Department a week or two weeks from now and say you would like to withdraw your request but if we vote on it this evening and it is voted down, you will not have an option moving forward.

Mr. Andrei – If I reconsider and make the roof cover 26' x 26', what will it be?

Mr. Hayden We will have to vote on it.

Mr. Kolick – I can't speak for the Board but I think they are more likely to act positively if you have a much lower variance, like 200 SF less, you are more likely to get an affirmative action on it.

Mr. Rusnov – We will need drawings and actual sizes.

Mr. Andrei – I need to redo everything?

Mr. Kolick – Yes.

Mr. Andrei – The plan cost me \$500.00.

Mr. Rusnov – You should be able to do this yourself, you can draw a site plan showing the dimensions.

Mr. Kolick – Steve, if he goes with the size of the deck, does he need to revise all of these drawings? What do you need?

Mr. Molnar – For now he can give us what he is thinking about reducing it to and I can work with him on how to make it Code compliant.

Mr. Kolick – If you can live with the 26' x 26' the Board can vote on that and if they grant it then you can see the Building Department and they can work with you on what type of drawings are needed.

Mr. Andrei – 26'.5" x 26'.5"?

Mr. Rusnov – Why don't we get the right numbers before we take a vote.

Mr. Andrei – Okay let's do that, table it.

Mr. Hayden – You will need to get a hold of the Building Department and submit the updated drawings and they can get you on for the next meeting. We can take a look at them and we can vote on it at that point.

Mr. Andrei – I need to come back here again?

Mr. Hayden -Yes, two weeks from today. We will table this.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that wishes to speak against the granting of the variance. Hearing none and seeing none, we will leave this public hearing open until the next meeting.

2) SPM ACQUISITION II LLC (OWNER), WILLIAM BORON, AGENT

- a) Requesting a variance for Parcel A from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way, in order to split PPN. 396-21-044; property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center - SC
- b) Requesting a variance for Parcel B from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 396-21-044, property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center - SC

Mr. Hayden – Item number two on the agenda is for SPM Acquisition II LLC. Please state your name and address for the record.

William Boron, 6000 Lombardo Center, Suite 201, Cleveland, Ohio

Mr. Hayden - Please take us through the project and the need for the variance.

Mr. Boron – A Sporting Goods Store would like to come in and revamp the store and demolish the tire and battery center and put in a recreational track and field that is for the store but also for some community events, periodically. We are in the process of building 100 stores across the country and in Erie, PA they just completed their store. This is the first one in Ohio at this point. They require variances for the lot split and granting easement access and parking agreements.

Mr. Kolick – Bill, when you say track and field, is it like a football field, hockey rink or a track going around, like you would see at the recreational center?

Mr. Boron – I don't have the dimensions on it, but it is a running track that if you want to buy track shoes from the store you can go out there and test them out. They will have an artificial turf field in the middle and in the winter time they are planning to potentially turn this into an ice rink.

Mr. Rusnov – In other words, you are revitalizing the store.

Mr. Boron – The whole store will be redone inside.

Mr. Baldin – Are they doing this around the country?

Mr. Boron – They are doing it now, we are working around the country.

Mr. Hayden – Are there any stores that have been completed.

Mr. Boron – I was just in Erie, PA and their store is completed and this is the first one in Ohio. We are constructing stores on the east and west coast, all across the country.

Mr. Baldin – What is the square footage of the Sears Store now and what will be the square footage of the Sporting Goods Store?

Mr. Boron – It is relatively the same square footage of the existing Sears Store except there will be a 2-story climbing wall, sports facility and golf simulators.

Mr. Baldin – What part of the store are they knocking down?

Mr. Boron – They are knocking down the old tire and battery store, that is where the fields are going to go.

Mr. Hayden – I did quickly pull images on my phone and it looks awesome.

Mr. Kolick - They gave us information that showed they are already in operation in Eastview Mall, Victory NY; West Town Mall, Knoxville TN; and Ridgedale Center, Minnetonka, MN.

Mr. Hayden – Are there any other comments?

Mr. Baldin – I think it is a great idea.

Mr. Hayden – This is a public hearing, is there anyone in the audience that wishes to speak for the granting of the variance. Is there anyone in the audience that 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. Houlé – Mr. Chairman, I make a motion to approve request for a variance for Parcel A from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way, in order to split PPN. 396-21-044; property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center – SC, subject to the mutual easement agreements as approved by the City Law Department for the ring road, parking and utilities.

Mr. Baldin – Second.

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

ROLL CALL:

MR. HOULÉ	YES
MR. RUSNOV	YES
MR. BALDIN	YES
MR. HAYDEN	YES

MOTION APPROVED

Mr. Houlé – Mr. Chairman, I make a motion to approve request for a variance for Parcel B from Codified Ordinance Section 1258.11(a) to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 396-21-044, property located at SouthPark Center, PPN 396-21-044, zoned Shopping Center – SC, subject to the mutual easement agreements as approved by the City Law Department for the ring road, parking and utilities.

Mr. Rusnov – Second.

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

ROLL CALL:

MR. BALDIN	YES
MR. RUSNOV	YES
MR. HOULÉ	YES
MR. HAYDEN	YES

MOTION APPROVED

Mr. Hayden – Mr. Boron, both of these variances have been approved and City Council has an opportunity to review this decision at their next meeting, which is Monday June 17, 2024.

Mr. Kolick – If Council does not determine that they will review the Boards decision at the next Council Meeting then you can file your application to go back to the Planning Commission for approval.

Mr. Hayden – If there is no further business to come before this Board, this meeting is adjourned.

Dustin Hayden /s/

Mitzi Anderson /s/

6-26-24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date