

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
June 26, 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), (TABLED AT JUNE 12, 2024 MEETING)**

Requesting a 309.31 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 709.31 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, it was tabled at our June 12, 2024 meeting. I don't have the exact measurements in front of me but it appears that there was a reduction of a couple hundred square feet. We are now looking for a 309.31 SF floor area variance, to install an unenclosed structure over an existing deck.

Mr. Houlé – It was actually approximately 125 SF and I am a little disappointed that it is still so large.

Mr. Kolick – Council just recently increased the ordinance to allow 400 SF.

Mr. Molnar – I spoke with the gentlemen and the reason that he has it that big is because of the way his deck is built and he is having a hard time reducing that without getting inside the deck. He would have to tear apart the whole deck and it could become a construction nightmare to get the post installed, that is the reason he is at the proposed size.

Mr. Baldin – Can he cut through the existing deck?

Mr. Molnar – That is what I was trying to explain, he would have to pull the whole deck apart and drill the holes next to the other footers, which is going to be pretty tough to do.

Mr. Rusnov – Was the deck built with a permit?

Mr. Molnar – Yes, it was.

Mr. Kolick – We have allowed much larger decks but never anticipated they would be totally covered with a roof over top off them.

Mr. Hayden – We will address the concerns on the floor with the homeowner.

2) **LAVONNE URBAN (OWNER), MARCUS LEATHERBERRY, AGENT**

Requesting a 15' rear yard depth variance from Zoning Code Section 1253.11 (c) (5), which requires the rear yard depth to be not less than 50' and the applicant is proposing a 15' rear yard depth to construct an addition onto the rear of the house, property located at 17823 North Inlet Drive, PPN. 399-31-142, zoned R1-75

Mr. Hayden – Item number two on the agenda is for a 15' rear yard depth variance for the construction of an addition on to the rear of the home. This property is located at 17823 North Inlet Drive.

Mr. Houlé – We have the Homeowners Association approval letter. They were unable to do anything without a zoning variance because they do not have 50' in their whole back yard and are only coming out 7' from the existing house.

Mr. Hayden – We have run into this several times throughout the years.

Mr. Rusnov – There is a topography issue, we are dealing with houses that were built 20, 30, 40, and 50 years ago. The zoning code then was a lot different then it is today.

Mr. Kolick – They always had a 50' rear yard setback.

Mr. Houlé – Did they require a variance to build this house, back then?

Mr. Kolick – Probably, this backs up to two other homes and there is no common land behind them.

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Mr. Houlé – This property has trees and is fenced in, there is a minimal impact to the backyard with the 7’.

Mr. Baldin – They have their Homeowners Association approval letter.

Mr. Hayden – I didn’t see any opposition from any of the neighbors.

The Board members approved the minutes for June 12, 2024

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
June 26, 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 June 26, 2024 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL:

MR. HAYDEN	PRESENT
MR. EVANS	ABSENT
MR. HOULÉ	PRESENT
MR. RUSNOV	PRESENT
MR. BALDIN	PRESENT

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

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. RUSNOV	YES
MR. HOULÉ	YES
MR. HAYDEN	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 June 12, 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), (TABLED AT JUNE 12, 2024 MEETING)

Requesting a 309.31 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 709.31 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. There was a reduction of approximately 126 SF and there are still some comments regarding the size of this. The sentiments that I heard is that we may have been looking for something a little bit less than what was presented. Please talk us through your thought process with what you have reduced it to and why.

Mr. Andrei – I reduced the whole thing with a 1' all around overhang and before, there was a 2' overhang. I reduced it by 2' x 27', which is 54 SF and plus all around 1' and it comes out to 709 SF.

Mr. Hayden – Yes, that is what you have here.

Mr. Andrei – The last time we discussed this, it was 26.5' x 26.5', which is 702 SF and I am asking for 709 SF.

Mr. Hayden – What was the 702 SF comment?

Mr. Houlé – It was for the 26.5' x 26.5', from last time.

Mr. Hayden – Gentlemen, I am going to be blunt, for me there is not a hardship here. I know this is a want and I can appreciate it; however, I wrestle with the fact that we would approve this simply for someone's want. That is not within our purview, we look at things like topography and hardships and will it commit a danger to surrounding neighbors. I struggle with the size of this even with the reduction, which I do appreciate.

Mr. Rusnov – We would be setting a precedent.

Mr. Hayden – Yes, I would still personally have an issue with moving forward with something this size.

Mr. Andrei – I'm sorry, is this personal or why?

Mr. Hayden – It is because this would set a precedent that we would have to live with moving forward.

Mr. Rusnov – This Board can grant a variance based on four things and he will tell you what the four things are.

Mr. Andrei – I don't want to be smart but I want to understand why.

Mr. Hayden – Typically, when we review things we consider if there is a topographical issue, does the homeowner have a pie shape lot which prevents them from doing something they would normally be able to do on a square or rectangular lot.

Mr. Andrei – Please give me an example.

Mr. Kolick - A lot on the end of a cul-de-sac that is pie shaped, which is smaller in front and maybe opens up in the back, that is what he is talking about.

Mr. Hayden – Yes, where the yard kind of wedges in the back so, they are limited on their distance from property lines and they would like to put in a patio or an addition on to a home or it creates a hardship of some kind.

Mr. Andrei – Did you see the outside of my property?

Mr. Hayden – Yes.

Mr. Andrei – Did you see the other houses?

Mr. Hayden - Yes, I did see the houses.

Mr. Andrei – My neighbor on the left side, his house sits in the back and my construction is not going to bother him and I have a letter from him that says he agrees. My neighbor on the right side, is the same thing, his house sits back and is not visible because I can't see him and he can't see me. I don't know why there is an issue.

Mr. Hayden – The issue for me does not boil down to only whether or not it will affect your neighbors. The issue for me is that on record at the last meeting you stated you simply did not want to cut into your deck and for me that is not a hardship reason, that is something you just do not want to pursue; however, you could pursue it.

Mr. Andrei – Can we have a dialog?

Mr. Hayden – Yes.

Mr. Andrei – I'll give you an example, if you want to install a vanity or tub and you need to take up half of the bathroom to redo but the cost is a lot.

Mr. Hayden – I understand it is something that you don't want to do.

Mr. Andrei – Yes, because I worked so hard on that.

Mr. Hayden – Mr. Andrei, what I am trying to explain is that we as a Board cannot operate like that, we are tasked with looking at a project and how it will set a precedent should we approve it moving forward. Then we would have to deal with that on the next project, should someone want a bigger project. I respect the fact that it is something that you want, or you don't want, or that you don't want to cut into and ruin, I understand. That is not something that we can consider, when we look at projects within the City. We have a certain set of guidelines that we have to operate within and unfortunately a homeowner's want to not do something like that isn't one of them.

Mr. Kolick – Mr. Chairman, just noting when you built the deck you could have built it in such a manner that you had this planned out and then you would not be cutting into it. I'm not sure if you built it or the homeowner before you built it but, if it had been laid out for the post to come down in the middle of the deck. You created in effect your own hardship, if you want to call it a hardship. You created it yourself and that is another reason the Board can't grant a variance, if it is a self-created hardship.

Mr. Andrei – I have another question. What do you think, especially because it seems like you don't like that or agree with the size?

Mr. Rusnov – Likes or dislikes have nothing to do with it, we have the four criteria's to follow.

Mr. Andrei – I am concentrating to talk and if you are going to talk on top of me, I will forget my idea.

Mr. Rusnov – You can talk all you want but City Council and whoever set up our parameters of what we can and can not do, gave us only four options that we can grant a variance. Maybe the code has to be rewritten, sounds familiar, to allow some of these things to get us into the twenty-first century but, right now we are guided by these four factors. We can consider these other ideas but we cannot act on them.

Mr. Hayden – Mr. Andrei, I think I should clarify, when I say I don't like the size it is not a personal matter for me.

Mr. Andrei - I did not say it was personal but you need to let me know why you don't like it.

Mr. Hayden – I don't like it because it does not meet our Code.

Mr. Andrei – The Code is changeable.

Mr. Hayden – The Code already changed.

Mr. Andrei – You guys have the power to change that.

Mr. Hayden – No, we do not.

Mr. Andrei – You guys don't have the power to change but you have the power to approve something on top of that.

Mr. Hayden – We do but it has to be within reason and this is well outside of being within reason. As a City, City Council just re-wrote our Code to increase from 175 SF up to 400 SF and we just did that. You are asking us to approve, 300 SF on top of that. That is not reasonable and that is why I don't like it because it is not that I don't love your design, I think it would look great.

Mr. Andrei – Again, you use the word to me, what should I believe?

Mr. Hayden – What?

Mr. Kolick – Mr. Chairman, to the applicant, we do not set the distance, the square footage is set by City Council, it is a law that City Council sets. They are the ones who determine that there is a maximum of 400 SF, not this Board. This Board only has the ability to modify that, if it meets one of the four conditions, like a topographical problem, something of that nature or a geographic problem, that is the only time that they can do it. If the Board does not find those factors then they are not permitted to grant a variance from what Council has approved and that is where they are with this. If for some reason they acted on this and it was turned down, they will put into writing why they turned it down and you will be informed.

Mr. Andrei – You guys have the law in your hand, of course you are going to have an answer for me on why you are not allowed to do that.

Mr. Kolick – You will get an answer if it gets turned down, they normally adopt Findings of Fact and Conclusions of Law and you will know with that. They cannot announce all of those things here at the meeting.

Mr. Rusnov – One thing he should be aware of is that City Council has authority over us, so we are kind of in a corner here.

Mr. Andrei – Last question and I will let you vote. The first time you told me I need to reconsider and you said that the 26.5' x 26.5', will maybe work? You told me to come back again because I told you from the beginning if you don't approve that one it's fine, I am not going to build anything. On top of that I told the Board the issue with the water because I can't change the land underneath my house, I can't do anything about that and it is a lot of water on top of my deck. Why was my deck approved that big? There were inspectors over to my place and everything was done by the book. It is raining now and for a few days it has been raining bad and under my deck there is a lot of water and it smells. I have two kids; do you think it is okay to have my family on that deck with water under it? That is also one of the main reasons I want to cover the deck and hopefully we will not get sick.

Mr. Hayden – Here is what I urge you to consider, those were things that should have been a consideration when you built the deck. Those are things that should have been considered when you were drawing out the plans to install the deck.

Mr. Andrei – I just made a comment on that to let you know.

Mr. Hayden – I understand, at the last meeting we urged for a significant reduction and that is what we asked you for and a 126 SF in my opinion is not a significant reduction. Are there any other comments from the Board?

Mr. Baldin – That is the smallest that you can do then?

Mr. Andrei – Yes.

Mr. Hayden – We kept the public hearing open, 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. Rusnov - Mr. Chairman, requesting a 309.31 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 709.31 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. Houlé – Second.

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

ROLL CALL:

MR. HOULÉ	NO
MR. HAYDEN	NO
MR. BALDIN	NO
MR. RUSNOV	NO

MOTION DENIED

Mr. Hayden – Mr. Andrei, at this time the variance has been denied by this Board.

2) LAVONNE URBAN (OWNER), MARCUS LEATHERBERRY, AGENT

Requesting a 15' rear yard depth variance from Zoning Code Section 1253.11 (c) (5), which requires the rear yard depth to be not less than 50' and the applicant is proposing a 15' rear yard depth to construct an addition onto the rear of the house, property located at 17823 North Inlet Drive, PPN. 399-31-142, zoned R1-75

Mr. Hayden – Item number two on the agenda is for 17823 North Inlet Drive. Please state your name and address for the record.

Marcus Leatherberry, 17823 North Inlet Drive, Strongsville, Ohio

Mr. Hayden – I believe you were here for Caucus and you heard some of our comments around the project. Please take us through what the applicant is intending to do and the need for the variance.

Mr. Leatherberry – The house was originally constructed approximately 40' from the back setback, reading that the Code requires a 50' setback. We wanted to construct an addition off the back of the bedroom with the intention of using it for office space for working from home. My wife works in the medical field and occasionally takes phone calls with patients and has to comply with HIPPA compliance. I wanted to build this off the back of the house where it is not visible to the adjoining neighbors. I would like to construct a 60 SF office space, approximately 7.5' x 7' and then it comes back at an angle, so as to not obstruct the bedroom view.

Mr. Hayden - We do have the Homeowners Association approval letter for this project, as noted by Mr. Houlé in Caucus. It was also noted that this does not come off the back of the property to far, this is a shallow back yard and we have seen this quite a bit in this City. I don't think there will be any impact to the neighbors.

Mr. Baldin – I think this will be fine, you are not asking for a lot and it is something you need, we can understand that. What you heard previously was totally out of line for what we can even think about.

Mr. Rusnov – Your request is reasonable.

Mr. Houlé – Your true hardship is that in reality you couldn't do anything without a variance, where as in other cases they can.

Mr. Rusnov – It was the original builder's fault on how the subdivision was laid out.

Mr. Baldin – I have no problems personally.

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, requesting a 15’ rear yard depth variance from Zoning Code Section 1253.11 (c)(5), which requires the rear yard depth to be not less than 50’ and the applicant is proposing a 15’ rear yard depth to construct an addition onto the rear of the house, property located at 17823 North Inlet Drive, PPN. 399-31-142, zoned R1-75

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

MOTION APPROVED

Mr. Hayden – Mr. Leatherberry you are all set, your variance has been approved by this Board.

Mr. Kolick – Does the Board want the Findings of Fact and Conclusions of Law for the item denied tonight?

Mr. Hayden – Yes.

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

Dustin Hayden /s/

Mitzi Anderson /s/

7-10-24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date