

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
September 11, 2024**

Board of Appeals Members Present: Dustin Hayden, Ken Evans, 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) LIPOVITS CONSTRUCTION, INC. (OWNER), (TABLED, AUGUST 28, 2024)

Requesting a 4.89' rear yard setback variance from Zoning Code Section 1253.11 (b) (3), which require a 35' rear yard setback and where a 30.11' rear yard setback is proposed in order to construct a new single-family dwelling, property located at 9849 Rosalee Lane, PPN. 398-08-073, zoned R1-75

Mr. Hayden – Item number one on the agenda was tabled at our August 28, 2024 meeting. This was a rear yard setback variance and the original request was for a 13' rear yard setback variance and that has been reduced to 4.89'. The updated drawings were attached to the email we received this week, which looks like they removed the sunroom.

Mr. Evans – They removed the sunroom and that is what we asked for, the rest of it is a corner of the house, which is very unintrusive.

2) BRADLEY BENDER (OWNER), Nicholas Clark, Agent

Requesting a 24 SF Floor Area variance from Zoning Code 1252.16 (b), which permits a 120 SF Floor Area and where a 144 SF Floor Area is proposed in order to construct a new Front Entry Canopy & Porch, property located at 11620 Coopers Run, PPN 392-01-028, zoned R1-100

Mr. Hayden – Item number two on the agenda is for Bradley Bender. This request is for a 24 SF floor area variance for the construction of a new entry canopy and porch located at 11620 Coopers Run. This is a relatively small request and I did not see any issue with this, we do have Homeowners Association approval.

Mr. Baldin – There are a lot of porticos in the area that are very similar. I do not see a problem.

Mr. Evans - Mr. Chairman, I did enlighten myself today. I sent an email to Mr. Hurst because I thought this would require a setback variance but it does not, the Code permits it. I didn't realize that you could put a portico out like that and it can go up to 6' so, there is no setback variance required.

3) VITO COLONNA (OWNER), Zaremba Group, Agent

- a) Requesting a 64' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from West 130th St. centerline and where a 61' Front Building Setback from West 130th Street centerline is proposed in order to construct a new Dollar General Store
- b) Requesting a 3.98' Side Building Setback (North Side of Building) variance from Zoning Code Section 1258.11 (a), which requires a 30' Side Building Setback and where a 26.02' Side Building Setback is proposed in order to construct a new Dollar General Store
- c) Requesting a 19' Front Parking Setback variance from Zoning Code Section 1258.11 (b) (1) (c), which requires a 75' Front Parking Setback from West 130th St. centerline and where a 56' Front Parking Setback from West 130th Street centerline is proposed in order to construct a new Dollar General Store
- d) Requesting a variance from Appendix III, to permit 9' x18' parking stalls (South Side of Building), which requires 9' x 20' parking stalls, in order to construct a New Dollar General Store, property located on West 130th Street, PPN. 398-29-009, zoned General Business

Mr. Hayden – Item number three requires variances for a front building setback, side building setback, front parking setback for a Dollar General Store on West 130th Street.

Mr. Kolick – Mr. Chairman, I spoke with the Assistant Engineer and the City Planner regarding this request. The front building setback variance is needed because the lot falls way off in the back. The Assistant Engineer said this is about the only place that they can build this building, even though they are requesting a sizeable variance from West 130th Street. I also spoke with the Assistant Engineer regarding the 18' stalls and she did not have a problem with it; she said that most City's only require 18'. We require 20' and we like that because of the larger vehicles. This is only a smaller area on the south side of the building that they are requesting this and not throughout the entire lot. I would note that they are next door to residential and the

Planning Commission will require them to install a masonry wall between the commercial and residential property. That is a Code requirement and usually they try to have the material match the building but, that will be up to the Planning Commission. The real estate sign on the next lot says that it is commercial but it is residential.

Mr. Houlé – Is there a vacant lot because there is a for sale sign that says commercial.

Mr. Kolick – That is not a commercial property but the lot is zoned residential.

Mr. Houlé – West 130th is a pretty large street and this will be close to the street if the variance is granted. Is there any option of reducing the size of the parking? I look at the Dollar General by us and there is never anybody there and I don't think they need all of that parking. I would rather have it pushed back and I would rather not even build it because there are so many other lots in the City that don't require a variance, that are vacant.

Mr. Kolick – The parking is mandated by the size of the building so, it goes by square footage. They are not violating the parking requirements by putting the building there, my conversation with the Assistant Engineer is that this is probably the only spot on the lot where they can put it.

Mr. Houlé – I don't have a problem with that, I just don't think that it should be built there with that kind of a variance.

Mr. Baldin – You are more concerned Dave, about the variance from the street?

Mr. Houlé – Yes, I would rather give up some of the parking, to have it back further from the street.

Mr. Rusnov – The ingress and egress could be a problem.

Mr. Houlé – That too and there are so many other lots in Strongsville that do not need any kind of variance.

Mr. Rusnov – Maybe the reason that they brought or own this lot is because of the price.

Mr. Baldin – If you look at Mike's on the corner, he is close to the street, on 82 and West 130th, which is a lot closer than what these guys are looking for.

Mr. Evans - I wouldn't want to give a variance to a new building going in just because one that has been there forever is closer. When the Dunkin Donuts went in, we were very careful to make sure that we didn't give a lot of variances, like what is being requested here. I understand that the lot drops off in the back and that they would have to back fill to create parking to move it back. This is not an area where I think we want to continue to build whatever comes.

Mr. Baldin – You have a point Ken. Although it is at the tail end of our City and will be facing North Royalton, it is not in any direct competition with anything else in the City because of the location.

Mr. Evans – There is a lot of retail in the City that is sitting empty. To put a building in that is closer and that has the variances that we are talking about, this could be a Rite Aid in the next 3-5 years. We would then have a building that has all of the variances and we don't know what is going to go into it. Again, this is new construction and for us to say because it is over there it doesn't matter, but it does matter and it matters a lot.

Mr. Baldin – You have some valid points. Let's talk to them on the floor to see what they can and cannot do.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
September 11, 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
Mr. Evans

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 September 11, 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. RUSNOV	PRESENT
MR. HOULÉ	PRESENT
MR. EVANS	PRESENT
MR. HAYDEN	PRESENT

Mr. Houlé – I make a motion to approve the Findings of Fact and Conclusions of Law regarding Yahia Hassan, 16045 Squirrel Hollow Lane, PPN. 397-11-044.

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. EVANS	YES
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

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 August 28, 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 Building Department representative and Secretary.

Mr. Kolick administered the oath to those standing.

1) LIPOVITS CONSTRUCTION, INC. (OWNER), (TABLED, AUGUST 28, 2024)

Requesting a 4.89' rear yard setback variance from Zoning Code Section 1253.11 (b) (3), which require a 35' rear yard setback and where a 30.11' rear yard setback is proposed in order to construct a new single-family dwelling, property located at 9849 Rosalee Lane, PPN. 398-08-073, zoned R1-75

Mr. Hayden – Item number one on the agenda is for 9849 Rosalee Lane. Please state your name and address for the record.

PAUL LIPOVITS, 35620 GRAFTON E. ROAD, GRAFTON, OH 44044

Mr. Hayden – You were here during Caucus and heard our comments around the project and the reduction in size with the removal of the sunroom. Which brings the request for a variance down to 4.89’ from 13’, thank you for taking our recommendations. Are there any other comments from the Board?

Mr. Rusnov – They did what we asked and it is in better conformance.

Mr. Hayden – We have already held the public hearing and closed it out at our August 28, 2024 meeting so, I will entertain a motion.

Mr. Rusnov – Mr. Chairman, request for a 4.89’ rear yard setback variance from Zoning Code Section 1253.11 (b) (3), which require a 35’ rear yard setback and where a 30.11’ rear yard setback is proposed in order to construct a new single-family dwelling, property located at 9849 Rosalee Lane, PPN. 398-08-073, zoned R1-75

Mr. Evans – Second.

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

ROLL CALL:

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

MOTION APPROVED

Mr. Hayden – Mr. Lipovits this variance has been approved by this Board.

2) BRADLEY BENDER (OWNER), Nicholas Clark, Agent

Requesting a 24 SF Floor Area variance from Zoning Code 1252.16 (b), which permits a 120 SF Floor Area and where a 144 SF Floor Area is proposed in order to construct a new Front Entry Canopy & Porch, property located at 11620 Coopers Run, PPN 392-01-028, zoned R1-100

Mr. Hayden – Item number two is for 11620 Coopers Run. Please give us your name and address for the record.

BRADLEY BENDER, 11620 COOPERS RUN, STRONGSVILLE, OHIO 44149

Mr. Hayden – You were here during caucus and heard some of our comments about your project. If you can take us through the project and the need for the variance.

Mr. Bender – We are putting a cover over our front porch and replacing the doors that have been weather beaten by the sun and there is really no overhang. We are spending a decent amount of money on double doors and we want those to be protected, while creating a sitting area because we face due east and it would be nice to get a little better protection there. We are asking for 24 SF, because the configuration will make it aesthetically pleasing with the existing construction and that is what made sense with what we are trying to accomplish.

Mr. Hayden – In caucus we discussed this is not a very large variance request, we do also have Homeowner Association approval.

Mr. Houlé – Are you enlarging the front steps with this project?

Mr. Bender – Yes, the existing will come out and a new foundation will be poured. The foundation will actually be setback from the overhang about 3' and the actual foundation will be slightly larger than existing.

Mr. Baldin – I saw no problem and I think it looks fine. There are a number of porticos in the area that look very similar.

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, request for a 24 SF Floor Area variance from Zoning Code 1252.16 (b), which permits a 120 SF Floor Area and where a 144 SF Floor Area is proposed in order to construct a new Front Entry Canopy & Porch, property located at 11620 Coopers Run, PPN 392-01-028, zoned R1-100

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

MOTION APPROVED

Mr. Hayden – Mr. Bender this variance has been approved by this Board.

3) VITO COLONNA (OWNER), Zaremba Group, Agent

- a) Requesting a 64' Front Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Front Building Setback from West 130th St. centerline and where a 61' Front Building Setback from West 130th Street centerline is proposed in order to construct a new Dollar General Store
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- d) Requesting a variance from Appendix III, to permit 9' x18' parking stalls (South Side of Building), which requires 9' x 20' parking stalls, in order to construct a New Dollar General Store, property located on West 130th Street, PPN. 398-29-009, zoned General Business

Mr. Hayden – Item number three is for the Zaremba Group. Please state your name and address for the record.

SCOTT ROYER, 1460 DETROIT AVENUE, LAKEWOOD, OHIO 44107

Mr. Hayden – We did discuss this at length in caucus. Please take us through the project and the need for the requested variances. There are several parts to this, if you could highlight each one for us and there are a couple of questions for you on the floor.

Mr. Royer - I have my engineer here with me, Mr. Wohlwend and he will assist me with going through these different variances.

MIKE WOHLWEND, 4216 KARG INDUSTRIAL PARKWAY, KENT, OHIO 44240

Mr. Wohlwend – I will walk us through the variances and then we are happy to answer any questions. We are requesting four variances tonight, the first is for a 64' front building setback variance. The second variance is for a 3.98' side building setback variance, that is to the north.

Mr. Evans – Which is against the residential property.

Mr. Wohlwend - Correct. The third variance is for a 19' front parking setback and the fourth variance is for 9' x 18' front parking stalls. The reason we are reducing the length in those is to try and pull the building away from the residential zoning district. The drawing also shows the masonry wall on the north side against the residential zoned parcel there. That is just a quick overview, I am happy to answer any questions you may have.

Mr. Hayden – One of the items discussed in caucus was the front building setback. Do you know how many individuals will be employed at this location? Do you all have an idea of what that number will be?

Mr. Royer – I do not have that information but I can find that out and provide it for you.

Mr. Kolick – What we are looking for is the number of employees and the number of employees that will be there at any one period of time. What we are looking at is maybe adjusting the parking by pulling the building back and we want to see how all of this will fit together.

Mr. Royer – I know the maximum number of employees at one time is four and that is the number they have given us in the past. However, total employees for the store, I don't know.

Mr. Evans – That number is what we want. What are the maximum number of employees that will be working at one time?

Mr. Houlé – I think the maximum employees working at one time is more important. My concern is that you don't meet half of the distance from the setback requirement. Which is supposed to be 125' and you are not even half way there. You are on a major road and right next to a residential area and I find it hard to substantiate granting a variance for a fairly large building being that close to the road.

Mr. Royer – We went through quite a few different iterations of the site plan and Mike can talk more about this. The topography on the site is very challenging near the building and is basically as far back as possible in order to make this project work. You can see that there is quite a steep drop off and as well as the geotechnical report because the soil back here is close to 30' deep of bad fill that we can't build on. The only way to get this building to work on this site is to position it where we have it and that is why we dropped it as far back from the residential area as possible. It seems like it is really close to the street but it is basically as far back as we felt comfortable going with the amount of parking that Dollar General would allow and where we could position the building. It is because of topography and bad soils.

Mr. Houlé - Would the bad fill support a parking lot?

Mr. Royer – It would support the parking lot but not the building.

Mr. Hayden – Is it feasible that the building could go back another 25' -30'?

Mr. Royer – No.

Mr. Hayden – Does Dollar General require a minimum amount of parking spaces, for each store?

Mr. Royer – Yes.

Mr. Hayden – Is that what you have?

Mr. Royer – I think they went below the minimum amount of spaces needed for this specific location. We had to work around what we had to reduce the number of variances and what Dollar General would accept. This was around the 12th iteration of the site plan and kind of the sweet spot we found to minimize the variances we are requesting.

Mr. Wohlwend – As well as the parking Code because your Code requires 34 parking spaces and that is what we show. Normally we are at 35 and are a few below what a normal Dollar General would be but we have to be at 34 to satisfy your Code.

Mr. Evans - Mr. Chairman, one of the problems is that this is in an unusual area in the City because you have Mikes at the corner, which is close to the street. It is a crappy area because of the truck parking and everything that is behind it. We had Dunkin Donuts that came in two years ago and we did not do any variances for them because they did what they needed to do in order to situate it. I am reticent to put variances on this property because the Dollar General may or may not be there for a long time, Dollar Generals come and go. I hate to see a building that close to the roadway because it is not the way we would do it, if it was anywhere else in the City. The fact that it is there really leaves a bad taste in my mouth for doing that. There is a lot of empty retail in this community and that is unfortunate. Anyone can do what they want with their property, the fact that you have bad soil and a drop off back there would be reasons that we could grant variances but at this point I would be really against doing that because it is an area that does not need any more problems in it.

Mr. Kolick – Mr. Chairman, for the applicant, is it possible to make the building smaller? Which would make the parking requirements smaller and still fit within your client's requirements.

Mr. Royer – This is an exception to the rule that Dollar General granted because they are in favor of this location, their typical stores are 12,000 SF and 10,000 SF. They allowed us to go down to 9,100 SF to help with those variances and that was already an option that we looked into.

Mr. Evans – Mr. Chairman, Dollar General did do some wild exceptions for the store located at Pearl Road and Drake, in that retail development. It started out as a shoe box and became a larger shoe box so, they can when they want to put in a smaller store.

Mr. Hayden – You have heard some of our comments around this and the reticence to potentially move forward on some of these variances. We could move forward on a vote but one of the things that I might recommend based on the comments from Mr. Evans and Mr. Houlé is going back to Dollar General to see if there are some additional adjustments that can be made. To Mr. Evans's point, there is a smaller Dollar General on the south side of the City.

Mr. Kolick – There are suggestions for a smaller store and maybe reducing the number of parking spaces. If you lost a row of spaces across the back, the building could be moved back at least 20', if not more. That maybe is another thing to look at or pick up the spaces somewhere else on the site.

Mr. Royer – There might be some mitigation but at this point if moving the building back is what we are looking for then we are going to have to investigate any sort of soil mitigation to make those areas be able to support the building.

Mr. Kolick – I am sure there is a way you could do it but the question is will the cost merit it and that is what you will have to look at. You can always correct the soil problem but whether the cost will merit it is something else. I think that is something you are going to need to look at.

Mr. Hayden – If you would like to proceed that way, we would need for you to request tabling this item. Which means we would not vote on it but if your wish is for us to move forward, we can do that too.

Mr. Royer – Is there a number that the Board would support if we moved the building back? You mentioned moving the building back 20', is that a number that would be acceptable?

Mr. Kolick – We would have to see the building. What is the Boards feeling on a 44' front building setback variance?

Mr. Evans – I understand that the area is an older area; however, my problem is that this is new construction. One of the reasons that the City has changed the Code is to try and make things better as we do new construction. I would be really reticent to approve a variance moving it closer to residential because even though that is not the greatest residential in the City right now, every lot in this City is up for grabs and a 44' variance is still a significant variance.

Mr. Houlé – Those homes will look right at the side of a building to the north, even if there is a wall there. With the amount of empty or vacant storefront properties, I am like Mr. Evans, I am reticent to approve something that is going to require so many different variances, without the stability to what we may have there long term.

Mr. Evans – I think Council would like for us to try and clean up things as we move forward, not make them worse.

Mr. Kolick – My suggestion is that he ask to table the request and look at how far back you can take the building. Taking into consideration the thoughts of the Board

Members and bring it back if you would like for us to vote on it, we could do so. There is no guarantee that they would approve a smaller front building setback but clearly the Board is not in favor of a 64' front building setback variance.

Mr. Royer – Understood, I request to table it.

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, the public hearing will remain open.

Mr. Hayden – When you are ready, please get ahold of the Building Department and let them know and submit the updated plans and we will get you back on the agenda.

Mr. Royer – Thank you.

Mr. Rusnov – I have a question on the reasons for granting variances. Reasons for a, b, and c, I understand but d, where the granting of a variance will not be contrary to the general purpose, intent and objectives of this Zoning Code and the Comprehensive Plan. When appealing for a variance or modification, the appellants shall state and substantiate his claim that each of the four conditions listed above exists. The question that I have is, to grant a variance do we have to have all four conditions and is it a should or a must? Also, this ordinance was written 46 years ago.

Mr. Kolick – Yes, it was but it is the same ordinance that almost every City in the area has for variances. Nothing has changed for the requirements for a variance, a variance is supposed to be an exception to the rule. That is what they are, exceptions and it is supposed to be difficult to get a variance. It is not an easy thing to do and they are required to meet all four conditions.

Mr. Rusnov – What is condition number d, in common language?

Mr. Kolick - Each one of the zoning districts have an intent for the district they are in. The intent of the section in the ordinance lays out the requirements for each district. If you look in the Findings of Fact and Conclusion of Law on the agenda tonight, I had to go back to show that they didn't meet the conditions, under item 4. In which I had to go back into the residential section to see what those conditions are and what the intent of the section is and that is what condition d, is referring to.

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

Dustin Hayden /s/

Mitzi Anderson /s/

9-25-24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date