

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &  
BUILDING CODE APPEALS  
Meeting of  
September 25, 2024**

**Board of Appeals Members Present:** Dustin Hayden, Ken Evans, John Rusnov, Dave Houlé

**Administration:** Assistant Law Director Daniel Kolick

**Assistant Building Commissioner:** Steve Molnar

**Recording Secretary:** Mitzi Anderson

The Board members discussed the following:

1) **VITO COLONNA (OWNER), Zaremba Group, Agent**  
**(TABLED AT MEETING OF SEPTEMBER 11, 2024)**

Requesting a 23' Front Parking Setback variance from Zoning Code Section 1258.11 (b) (1) (c), which requires a 75' Front Parking Setback from West 130<sup>th</sup> St. centerline and where a 52' Front Parking Setback from West 130<sup>th</sup> Street centerline is proposed in order to construct a new Dollar General Store, property located on West 130<sup>th</sup> Street, PPN. 398-29-009, zoned General Business

Mr. Hayden – Item number one on the agenda is for Dollar General Store and this was tabled at our meeting on September 11, 2024. They did supply updated plans based off of our suggestions and are requesting a 23' front parking setback variance. This is much more palatable for me and I thought they heard our concerns and came back to the Board with something we can work with.

Mr. Houlé – They reconfigured the entire project. The building is going to be 9,100 SF, which I believe I saw in their updated plans.

Mr. Evans – They heard us and they did what they needed to do.

2) **BRENDAN KROWKA (OWNER)**

Requesting a 227 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 627 SF Floor Area is proposed, in order to construct an Unenclosed Structure over a patio, property located at 14350 Timber Lake Drive, PPN 398-09-083, zoned R1-75

Mr. Hayden – Item number two on the agenda is for 14350 Timber Lake Drive. This applicant was before the Board a couple of months ago and the application was withdrawn and they are back. The current request looks like it is 10 SF larger than the previous request so, I am interested to hear a little bit more about that.

Mr. Kolick – The question at the last meeting was whether this falls under the American Disability Act (ADA). I believe the question came from Mr. Rusnov and they have submitted additional medical information, which could lay a foundation for an ADA claim, unlike what we had before. That is something that you can take into account but even if there is an ADA claim they are only entitled to a reasonable accommodation. The ADA claim would be for the autoimmune disease and not for the problem with the children, as I read the ADA. It is specifically stated in the federal statute that the ADA covers functions of the immune system. If you believe there is an ADA claim because of the immune disease then you need to grant a reasonable accommodation and it is up to this Board to determine what is a reasonable accommodation. It does not mean you have to grant the whole thing but I am not saying that you can't; however, that is something you need to take into account.

Mr. Rusnov – Lupus does fall under that guideline.

Mr. Kolick – It can because the ADA defines an autoimmune disease as a possible reason for an ADA claim. There have been cases in the employment setting where Lupus has required reasonable accommodations. I have not found anything in the Fair Housing Act but it usually mirrors what happens in the employment setting so it could be and it is something to take into account. If you determine that you will grant the total variance or a portion of the variance, I would make it clear in your decision that it is because of the ADA requirements and not for something else so, it is not precedential for other items. You can also make it contingent like we did with the individual with the chickens, if you recall, which would only allow this to be applicable to the individual with the autoimmune disease. We would probably never ask them to take it down but it is an appropriate condition and that is something to think about when making your decision.

Mr. Evans – Mr. Kolick, am I correct for HIPPA reasons that there are things that we do not want to read into the record? Like the medical information that was provided and that would be reviewed by the Law Department. as meeting or not meeting the requirements.

Mr. Kolick – If it is in the records and they didn't ask us to keep it confidential, then it is a public record that could be utilized. I would not make a big deal about it on the floor but you are not violating someone's privacy if it does come up.

Mr. Evans – I think that does give us grounds because we have turned down a number of them recently and may turn down others in the future, there is a differentiation. We just need to make sure that we are clear about it in our deliberation.

Mr. Kolick – Correct, and we can talk with them on the floor. It is Federal Law and it does supplant some local ordinances.

**3) MARKS ROAD PROPERTY, LTD (OWNER), GRANGER PROPERTY DEVELOPMENT, LLC, AGENT**

Requesting a variance for Parcel B from Codified Ordinance Section 1262.06 to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 394-07-001, property located at 17607 Marks Road, PPN 394-07-001, zoned General Industrial - A and RT-C – Townhouse Cluster

Mr. Hayden – Item number three on the agenda is to permit a lot without frontage on Marks Road.

Mr. Kolick – This lot is split by the railroad tracks and the west side is zoned for residential and Council recently rezoned it and the east side of the railroad tracks is zoned for industrial. They have access through CCL to the industrial parcel, as a practical matter it is split now. The only way they can develop and sell off the residential section is to grant the variance and in this case because of the location of the railroad it probably makes sense.

Mr. Rusnov – How do they get to it?

Mr. Evans – The plan that we have an easement is shown.

Mr. Kolick – There is an easement from Foltz Parkway. The parcel that they want to develop has frontage on Marks and that parcel is okay. The parcel on the east side of the tracks does not have frontage and they have an easement through CCL to gain access to the industrial portion of the parcel.

Mr. Evans - I expected to see something from the City Planner saying that this is acceptable or not acceptable. The 23 acres could be substantially developed and have a lot of traffic going in and out of there. Does the easement provide for that in an adequate way? We would not want to create a problem by doing this.

Mr. Kolick – In talking with the City Planner, I don't think he had any problem with it. This would be like any other driveway, even if you have frontage you only have one driveway leading back there.

Mr. Rusnov – That should be put in the record.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS  
MINUTES OF MEETING  
September 25, 2024  
7:00 PM**

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

Present:

Mr. Baldin  
Mr. Evans  
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 September 25, 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	PRESENT
MR. HOULÉ	PRESENT
MR. RUSNOV	PRESENT
MR. BALDIN	ABSENT

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

Mr. Rusnov – Second.

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

ROLL CALL:

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

Mr. Kolick – Let the record reflect that Mr. Baldin is now present.

**1) VITO COLONNA (OWNER), Zaremba Group, Agent  
(TABLED AT MEETING OF SEPTEMBER 11, 2024)**

Requesting a 23' Front Parking Setback variance from Zoning Code Section 1258.11 (b) (1) (c), which requires a 75' Front Parking Setback from West 130<sup>th</sup> St. centerline and where a 52' Front Parking Setback from West 130<sup>th</sup> Street centerline is proposed in order to construct a new Dollar General Store, property located on West 130<sup>th</sup> Street, PPN. 398-29-009, zoned General Business

Mr. Hayden – Item number one is for Dollar General Store. Please state your name and address for the record.

**Scott Royer, 14600 Detroit Avenue, Suite 1500, Lakewood, Ohio 44107**

Mr. Hayden – You were here for Caucus and you heard our comments. Please take us through the updated plans for the project.

Mr. Royer – As mentioned in Caucus, what we have done is rearrange the entire site, after hearing your comments at the last meeting. The building shifted to the south and previously there were four variances that were reduced to one variance. We were unable to rearrange the parking lot as well as the building to get rid of all of the variances so, we figured the lesser of all of them would be the 23' front parking setback. This would eliminate the front building setback and the side building setback because those were the biggest issues at the last meeting.

Mr. Hayden - We greatly appreciate you going back to the drawing board and making those adjustments, which makes our job a little easier when making these decisions. As we discussed in Caucus, there are no issues here with what they came back with.

Mr. Evans – Mr. Royer, did you reduce the footprint of the building? In your original submittal, I could not find any dimensions of the building.

Mr. Royer – No Sir, it stayed the same and the building square footage is 9,100.

Mr. Hayden – Are there any additional comments?

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. Rusnov – Mr. Chairman, requesting a 23' Front Parking Setback variance from Zoning Code Section 1258.11 (b) (1) (c), which requires a 75' Front Parking Setback from West 130<sup>th</sup> St. centerline and where a 52' Front Parking Setback from West 130<sup>th</sup> Street centerline is proposed in order to construct a new Dollar General Store, property located on West 130<sup>th</sup> Street, PPN. 398-29-009, zoned General Business

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. Royer this variance has been approved by the Board.

Mr. Kolick – You will have to wait until the next Council meeting because Council has the opportunity to review this, if they deem it necessary. In the meantime, you may submit your information to the Architectural Review Board. If Council decides not to review, after the Architectural Review Board you can submit for the Planning Commission.

**2) BRENDAN KROWKA (OWNER)**

Requesting a 227 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 627 SF Floor Area is proposed, in order to construct an Unenclosed Structure over a patio, property located at 14350 Timber Lake Drive, PPN 398-09-083, zoned R1-75

Mr. Hayden – Item number two on the agenda is for 14350 Timber Lake Drive  
Please state your names and addresses for the record.

**Tiana Huelsman, 14562 Pebblestone Court, Strongsville, Ohio 44136**

**Jessica Krowka, 14350 Timber Lake Drive, Strongsville, Ohio 44136**

Mr. Hayden – Please take us through the need for the variance.

Ms. Huelsman – I was at the previous meeting when this variance was discussed and we decided to withdraw it. I was new to the company at the time and my take away from the meeting was that there was confusion on what the actual ADA requirement would be or the medical reasoning behind this. I had a conversation with Jessica and her husband about this and tried to understand more from their family’s perspective why this is



necessary. We discussed some of the items that we would need further clarification on and that is why we submitted the letters from the doctor, hopefully you found those helpful and from a mental and physical standpoint as to why we are requesting this. Hopefully that information shed some light on why we are asking for a variance on this project.

Mr. Hayden – Thank you and we did review those documents. It was noted in caucus that the last request was for a 217 SF floor area variance and this request was for a 227 SF floor area variance. Why is an additional 10' being requested?

Ms. Huelsman – It is the same but I think it is a difference in the soffits. We did go through with the approval of the one structure and now we are asking for the additional structure.

Mr. Evans – Mr. Chairman, we should note that we did receive communications from neighboring residents that indicated their approval of the project. This was submitted entirely differently from the original request, having the documentation requesting a reasonable accommodation and the information from the neighbors certainly makes it a much easier decision for us to make. We have turned down many that have had similar requests but given the circumstances, it presents a different situation.

Mr. Rusnov – The circumstances are that this is ADA, a medical condition.

Ms. Huelsman – Yes, it was mentioned last time whether or not someone should go outside or not. It is hard to quantify that when you have a medical reason that you can't. What space do you feel is accommodating because someone who doesn't have this can go outside anywhere? Hopefully, the Board can approve the amount of square footage that we are asking for in a variance and we are open for discussion for whatever else there will be. We did ask the surrounding neighbors and I also submitted an overhead map view of the property where there are no houses right behind it and there is a pond. I don't feel that this would be a hinderance to the neighbors and we wanted to make sure that we included all of that information. In talking with her and her husband to understand why they need the space for their children and for him.

Mr. Houlé – I certainly understand the hardship but, I do not see the necessity for such a large structure to get out of the sun as opposed to the 400 SF that is allowed. That is the concern that I have.

Mr. Hayden – You heard in caucus that there needs to be a reasonable accommodation so, the thing that I struggle with is who determines that. Is that up to us to determine or a separate party to determine? Under our previous Code we used to allow significantly less square footage than we do now and that is what I am wrestling with. The 400 SF is over half of that request and would that be deemed reasonable to get out of the sun, those are just my thoughts.

Mr. Evans – Part of the reasonable accommodation has to go back to the description that we have been given by the medical individuals. If you read the letter from Metro Health it talks about keeping the children out of the sun. It would be very difficult to keep children contained to a very small area because if you have chairs and a table, you will need space for kids to be able to move around. I am a grandparent and at this point I approach things a lot different than when I had kids. I think that would be part of what we would have to take into consideration.

Mr. Rusnov – Is this directly behind the property, attached to the house?

Ms. Huelsman - Yes, it is attached.

Mr. Rusnov – They are not walking through the yard to get to it, they walk out the patio door and they are there.

Ms. Huelsman – Correct.

Mr. Baldin – When they installed that size patio, did they realize that they wanted to cover this at the time?

Ms. Krowka – No, but because of the kids and my husband's condition we want to cover the patio.

Mr. Hayden – Are there any additional comments?

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. Kolick – Mr. Chairman, given the square footage I think it would be appropriate to attach a condition that as long as there is someone there with an ADA requirement than that is the basis in which you are acting on this. If the next person wants one, I don't want them to say that they have it down the street, why did I not get it. It would be appropriate to attach that condition to it, which you are permitted to do this under the Zoning Code.

Mr. Rusnov – This is non-transferrable if the house is sold?

Mr. Kolick - That is correct as a matter of law.

Mr. Houlé – Mr. Chairman, requesting a 227 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 627 SF Floor Area is proposed, in order to construct an Unenclosed Structure over a patio, property located at 14350 Timber Lake Drive, PPN 398-09-083, zoned R1-75, conditioned on an individual with an ADA claim residing at the home

Mr. Evans – Second.

Mr. Hayden – Thank you Mr. Houlé, for the motion and Mr. Evans 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	NO

**MOTION APPROVED**

Mr. Hayden – Your variance has been approved by this Board and you are all set for tonight.

**3) MARKS ROAD PROPERTY, LTD (OWNER), GRANGER PROPERTY DEVELOPMENT, LLC, AGENT**

Requesting a variance for Parcel B from Codified Ordinance Section 1262.06 to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 394-07-001, property located at 17607 Marks Road, PPN 394-07-001, zoned General Industrial - A and RT-C – Townhouse Cluster

Mr. Hayden – Item number three on the agenda is for 17607 Marks Road. Please state your name and address for the record.

**Ben Weinerman, 2211 Medina Road, Suite 100, Medina, Ohio 44256**

Mr. Hayden – Please take us through the need for the variance.

Mr. Weinerman - We are requesting the variance to sub-divide the property for two main reasons. One, to purchase the property from the current property owner. We are only under contract to purchase the land from the railroad tracks, west to Marks Road, with all of the frontage on Marks Road. Secondly, we have already been through the Planning Commission and rezoned the portion of property that we are under current contract to purchase. The property was rezoned to RT-C zoning classification, in May 2024. As Mr. Kolick pointed out in caucus, the property is already bifurcated by the railroad tracks. The current property owner did a great job in securing easements through CCL for access for exactly this purpose.

Mr. Houlé – Did you purchase both properties, or just the property to the east?

Mr. Weinerman – We have not purchased any of it yet; however, we are under contract to purchase the property fronting on Marks Road, west of the railroad tracks.

Mr. Kolick – The property to the east will be the one that needs the variance, once the property is split; however, they are purchasing the property on the west. That property is zoned RT-C and they will be developing that property for residential.

Mr. Houlé – I’m confused why we are talking about the property on the west side if we are trying to give a variance for the east side.

Mr. Kolick – That is because it is only one parcel now and the parcel has frontage now on Marks Road. Once that is cut off it will not functionally have frontage on Marks Road because it will be two separate parcels.

Mr. Houlé – The parcel that we are reviewing to rezone are they represented here?

Mr. Weinerman – We are representing the property owner.

Mr. Baldin – How big is the property?

Mr. Evans – 15.4 acres is for the cluster homes and 23 acres will be on the industrial side.

Mr. Houlé – The clusters will front on Marks Road and the other property will be an island land locked with an easement.

Mr. Evans – An easement for ingress and egress.

Mr. Kolick – That parcel is on Foltz Parkway and the zoning will remain industrial. The other side they are asking to split off is now zoned residential.

Mr. Kolick – I do have a question for the applicant. How will you get the water and sewer over to the residential parcel?

Mr. Weinerman – There are a couple of options that we are still dissecting right now. One, is to run a water main extension from Lunn Road, south down Marks Road. Option two, is to run water from Foltz Parkway because there is an easement for utilities next to the access easement and the property owner did a great job in thinking ahead from that standpoint.

Mr. Kolick – Have you talked to the Railroad? I have never heard of the Railroad granting a drilling easement underneath their tracks for utilities.

Mr. Weinerman – We are working with the Assistant City Engineer, Lori Daley on that specifically. It is not A-typical that they will allow utilities to be pushed under the railroad track and put pipe through. All over the City, we have railroad tracks and utilities running underneath them. It would be an additional engineering approval, it is a process that you submit through CSX and they have engineers on staff that review accordingly and provide permits to do so. It is almost like another governmental body reviewing the plans.

Mr. Kolick – The City would probably prefer that you run it down Lunn Rd. because that would open up that whole area and further south. That would be the City's preference rather than cutting underneath the railroad tracks. If you did that you will have to sign a restrictive affidavit, when the City does run water or sewer lines down Marks Road, you will get assessed for it and you would be accepting the assessment. Also, talk with the Engineering Department, this may not be a lot split but a subdivision because you don't have utilities there now. Keep that in mind, nomenclature wise, when you submit documents to the Engineering Department.

Mr. Evans – Chairman, I also asked during caucus that Mr. Kolick respond to the question regarding if the City Planner has reviewed this. I think that would be appropriate to have on the record for the meeting.

Mr. Kolick – The City Planner has looked at it and determined since the railroad tracks are there, it is a natural impediment. He didn't have a problem, particularly with the access easement being granted to the property on Foltz Parkway.

Mr. Evans – Thank you, Mr. Kolick.

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. Evans – Mr. Chairman, requesting a variance for Parcel B from Codified Ordinance Section 1262.06 to permit a lot without frontage on a dedicated right-of-way; in order to split PPN. 394-07-001, property located at 17607 Marks Road, PPN 394-07-001, zoned General Industrial - A and RT-C – Townhouse Cluster

Mr. Rusnov – Second.

Mr. Hayden – Thank you Mr. Evans, 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. EVANS	YES
MR. HAYDEN	YES

**MOTION APPROVED**

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

Mr. Kolick - You will have to wait until the next Council meeting because they have the opportunity to review this. In addition, you will need to get on the Planning Commission agenda; however, touch bases with the Engineer because we will have to see what we are going to call your drawing.

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

*Dustin Hayden /s/*

*Mitzi Anderson /s/*

10-9-24

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Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date