

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS
Meeting of
July 10, 2024**

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

Administration: Assistant Law Director, Daniel Kolick

Recording Secretary: Mitzi Anderson

The Board members discussed the following:

BRENDAN KROWKA (OWNER)

Requesting a 217.5 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 617.5 SF Floor Area is proposed, in order to construct an Unenclosed Structure over patio, property located at 14350 Timber Lake Drive, PPN 398-09-083, zoned R1-75

Mr. Hayden – We have a singular item on the agenda tonight, which is for an unenclosed structure over a patio, this property is located in Pine Lakes. They are requesting a 217.5 SF floor area variance, which is not out of the ordinary for what we have seen over the last couple of years. Mr. Evans made a comment regarding the measurements that were submitted and we would like to confirm that on the floor with the homeowner. It appears that the square footage could be a little less than what is on our request.

Mr. Evans – My calculations were very different from what the City came up with, I had 558 SF. If you use the measurements here there is actually a 2' jag in one section and that brings it down to 534 SF, we need to verify that with the applicant. To determine whether the drawings that they gave us with the measurements are actually correct. I believe it might be a little different and I could not figure out how the City came up with the numbers so, I just wanted to verify what the numbers actually are.

Mr. Rusnov – I think I will go with Mr. Evans.

Mr. Houlé – I still think it is way too big.

Mr. Evans – It's large, it is.

Mr. Houlé – Last week, we said no to something that was not much different and I don't see anything different with this one. They can certainly use a table with an umbrella if they need the whole area covered but, I can't justify it.

Mr. Rusnov – Is the person requesting this under the American with Disability Act?

Mr. Kolick – I don't think so, I did not see enough in here to qualify for that because, it requires some non-conformance of lifetime tasks.

Mr. Rusnov – That would put us in a whole different ballgame and we will ask that question on the floor.

Mr. Kolick – That requires some non-conformance of ordinary lifetime tasks and it appears to be some type of an autoimmune disorder.

Mr. Rusnov – This is a lot different from the previous one that we turned down.

Mr. Houlé - I don't think so, it is a big pad in the back yard, just like the other one.

Mr. Kolick – The difference is that this backs up to a large common area, unlike the other guy.

Mr. Rusnov – Nobody will see it.

Mr. Houlé – Nobody was going to see the other guys house because he had woods behind him too.

Mr. Evans – Dave, the difference would be if there is only a 134 SF variance.

Mr. Baldin – Yes, but we need to check the numbers to see if they are correct or not.

Mr. Hayden – I am pretty sure that the gentlemen's request came back at 110 SF larger than this and it was sufficiently bigger. You bring up a good point because where do we draw the line, especially with the square footage increase just given.

Mr. Houlé – It went from 175 SF to 400 SF.

Mr. Rusnov – Speaking of Mr. Molnar, from what I understand there is a medical issue and the unenclosed structure allows him to enjoy the outside of his property, we will find out about the medical issue and that may have a big bearing on this.

Mr. Kolick – Even if it is not an ADA case you can still take health issues into account.

Mr. Rusnov – Depending upon the severity.

Mr. Hayden – We will get those questions answered on the floor and the Homeowners Association approval is in the packet.

Mr. Kolick - We also have Findings of Fact and Conclusion of Law.

Mr. Hayden – Yes, we will get to that before we approve the minutes on the floor.

The Board members approved the minutes for June 26, 2024.

**STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS
MINUTES OF MEETING
July 10, 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. Evans
Mr. Hayden

Also Present:

Mr. Daniel Kolick, Assistant Law Director
Mrs. Anderson, Recording Secretary

Mr. Hayden – I would like to call this July 10, 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. Hayden – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Strongsville Codified Ordinances.

Mr. Hayden – I will entertain a motion for approval of the Findings of Fact and Conclusions of Law regarding the Decision of Silviu Andrei on June 26, 2024.

Mr. Houlé – I make a motion to approve the Findings of Fact and Conclusions of Law regarding the Decision of Silviu Andrei on June 26, 2024.

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	ABSTAIN
MR. HAYDEN	YES
MR. BALDIN	YES

MOTION APPROVED

Mr. Hayden - Before us we also have minutes to approve from our meeting on June 26, 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 Secretary.

Mr. Kolick administered the oath to those standing.

BRENDAN KROWKA (OWNER)

Requesting a 217.5 SF Floor Area variance from Zoning Code 1252.15, which permits a 400 SF Floor Area and where a 617.5 SF Floor Area is proposed, in order to construct an Unenclosed Structure over patio, property located at 14350 Timber Lake Drive, PPN 398-09-083, zoned R1-75

Mr. Hayden – Item number one on our agenda this evening is for 14350 Timber Lake Drive. If a representative could step up to the microphone and give us your name and address for the record, please take us through the project and your need for the variance.

Brendan Krowka, 14350 Timber Lake Drive, Strongsville, Ohio

Mr. Krowka – We are requesting a square footage variance to cover our entire patio due to wanting to limit exposure to the sun because I suffer from systemic lupus and one of the aggravations of that condition is that it could be intensified with exposure to the sun. Between me and my two little children we do not utilize the space as much as we could but, by covering it we would be able to spend more time out there.

Mr. Rusnov – In other words the ADA may apply to this also.

Mr. Krowka – I am not currently a member but it could get worse at any point.

Mr. Hayden – We did mention in Caucus that we have Homeowners Association approval. You heard some of our comments regarding the measurements, we just wanted to make sure for the record that we have those.

Mr. Rusnov – Could you have possibly made a mistake and overstated the size?

Mr. Krowka - What you received would have come from our contractor and the architectural firm that he used so, I would have to defer to him on this.

Mr. Rusnov – He is not an architect so, I think we will go with Mr. Evans.

Mr. Krowka – He used an architect to do the plans.

Mr. Evans – Brendan, on the back of your house, there is a 2' differentiation from one section to the other, that 2' is where the architect did not show it. My theory is that in the one section rather than it being 18' it should really be 16' x 12' on the smaller section. The other one that is 18' x 19' is probably correct and I didn't measure it when I was out but it looked like the numbers may be off. Mr. Chairman, that would be my estimation, we are looking at 12' x 16', which is 192 SF and 18' x 19', which is 342 SF. The total for the project would be 534 SF of which 400 SF is allowed and the 134 SF would be the variance. I'm not sure how the City determined 217 SF.

Mr. Rusnov – They probably relied on the drawings that were supplied.

Mr. Evans – Even using the drawings that were supplied it does not come up to 217 SF and that would be my estimation.

Mr. Kolick – We have two things that can be done, we can act on the 134 SF variance or you can table it and confirm with your architect the square footage. That may be the best way to do this because if we act on this only to find out that it is 617.5 SF but we only acted on the 134 SF variance, that would not help you.

Mr. Krowka – I thought that the measurement that Mr. Evans indicated did not take into account the additional 2' and I also thought I heard that the measurement was bigger.

Mr. Kolick – I think what he is saying is that if you take into account the 2', it would be 2' less and that would bring the area down.

Mr. Evans – Based on what I saw, the one section is 12' x 16' because the house comes 2' into that area, which isn't shown on the architect's rendering. The other section is 18' x 19' and is what the architect showed, those two sections together would be 534 SF total, opposed to the 617 SF the City had.

Mr. Krowka – If I can confirm with the contractor and the architect how does that relate?

Mr. Kolick – What you can do is table it here tonight and confirm with the architect, then appear at the next meeting so we can act on the correct number. I think what I am hearing from the Board is that they would be more prone to approve a smaller variance than the larger variance.

Mr. Evans – Brendan, I can give you this, so that you will know exactly what I am talking about because it is 2' shorter; therefore, it would be 16' x 12' and the other section is 18' x 19'. That is what you want to confirm with your architect.

Mr. Krowka – Do you think that the smaller variance would be approved but the larger variance would not?

Mr. Kolick - I'm not saying it would be approved but they would be more apt to approve a smaller variance rather than a larger variance, that would make sense.

Mr. Baldin – Can we act legally on the numbers we think it should be?

Mr. Kolick – You can but if it is not correct, he will be back before the Board again.

Mr. Hayden – Can he agree to go down to 550 SF because it would encompass that?

Mr. Evans – Dan, my guess is that there is an error in the drawing that we have from the architect. No matter how you do it, these are the numbers that the applicant presented to us and it is just that the one dimension is off by 2'. I think that this is the project, if he submitted for the 134 SF variance tonight and the architect says the drawings are wrong he could come back to the next meeting because the submission according to the City was 217 SF. I still do not know where that number came from.

Mr. Kolick – The suggestion is that we could act on the smaller number if you would like us to and if it ends up being the smaller number you will not have to come back here. If it is not, I guess we could always reconsider at the next meeting and determine the larger variance.

Mr. Rusnov – What about the ADA?

Mr. Kolick – I don't think it is to the point as the applicant noted that he is not covered by the ADA because he has his lupus under control.

Mr. Evans – I think there is a reason for us to consider the variance but I don't know if we need to consider the bigger variance if we only need the smaller variance.

Mr. Baldin – We have the Homeowners Association approval letter, if we vote on it tonight then he does not have to come back. If he comes back we are delaying this another two weeks and then another two weeks before he can start on this.

Mr. Kolick – No, it is residential and he could start on it immediately.

Mr. Baldin – Yes, we changed that.

Mr. Kolick – The next meeting is in three weeks on July 31, 2024.

Mr. Houlé – My thought is, I would rather have the right numbers because we are establishing another precedent by going way over the 400 SF.

Mr. Evans – We have gone over the 400 SF.

Mr. Baldin – Not for this type of application, we have in other situations but not for this.

Mr. Kolick – Why don't we just table this and you double check with the architect to see if it is less than the application shows and come back to the July 31, 2024 meeting and we will see where we are at that point.

Mr. Krowka – As I understand the timeline, if this is approved the project cannot start for 20-days, post approval?

Mr. Houlé – The project could start right away.

Mr. Kolick - As soon as the Building Department issues the permit you can start. We used to have a 20-day waiting period but they did away with it for residential construction so, we no longer have a 20-day waiting period.

Mr. Krowka - We would like to table this and I will call him tonight.

Mr. Kolick – 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 the public hearing open.

Mr. Hayden – You are all set for this evening and we will see you at the next meeting.

Mr. Kolick – Check with your contractor and then follow up with Mitzi or the Building Department to let them know the correct figures.

Mr. Krowka – Is my wife able to speak at the next meeting if I am not able to?

Mr. Kolick – Yes.

Mr. Evans – If you want this, I circled what I think the correct numbers are so, that you can ask your architect and that will shorten the process if I am right.

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

Dustin Hayden /s/

Mitzi Anderson /s/

7-31-24

Mr. Hayden, Chairman

Mrs. Anderson, Secretary

Approval Date