

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
March 9, 2016
7:30 p.m.**

Board of Appeals Members Present: Richard Baldin, John Rusnov, Tom Smeader, David Houlé, Kenneth Evans
Administration: Assistant Law Director Daniel J. Kolick
Building Department Representative: Mike Miller
Recording Secretary: Kathryn Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) THOMAS HEMMER, OWNER

- a) Requesting a 220 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,220 SF Floor Area is proposed in order to approve enlargement of an existing Accessory Structure;
- b) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway and where no driveway is proposed; property located at 16526 Albion Road, PPN 395-25-002, zoned R1-75.

The Board discussed the size of the structure. They noted that the existing addition is partially built onto an existing structure, and the necessity of a hard surface. They mentioned that this building project was started without approval and not to code, and that they have had hardships with situations similar to this in the past.

2) ROB AND HEATHER SKOMSKI, OWNERS

- a) Requesting a 2.46' Side Yard Setback (South) variance and a 2.50 Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North and South) and where a 7.54' Side Yard Setback (South) and a 7.50' Side Yard Setback (North) is proposed in order to construct a New Single Family Dwelling;
- b) Requesting an 18 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where 1,018 SF Floor Area is proposed in order to construct a New Single Family Dwelling Attached Garage; property located at 14349 Bentley Lane, PPN 398-25-032, zoned R1-100.

The Board made mention that this is for a new construction of a home, and that the positioning of the addition could not be changed due to the unique topography of the property. They also noted that the variances requested were not particularly large ones.

PUBLIC HEARINGS

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There are no Public Hearings

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

March 9, 2016

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans
Mr. Baldin
Mr. Rusnov
Mr. Smeader
Mr. Houlé

Also Present: Mr. Kolick, Assistant Law Director
Mr. Miller, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I'd like to call this March 9, 2016 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. Kathy if you'd call the roll please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. Anyone in our audience this evening that wishes to speak before this Board, I ask that you stand now and be sworn in by our Assistant Law Director, also including our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing.

Mr. Evans – Thank you, this evening we have minutes from our meetings of February 10 and February 24th. Our secretary gave us a new first page of the minutes for February 10th which included one correction. If there are no other corrections I will submit them as presented. Our meetings are divided into two portions, but there are no public hearings on the agenda this evening. We will ask that each of those individuals come forward in order and give us their name and address for the record. Then we are going to ask them to describe their request for a variance.

NEW APPLICATIONS

1) THOMAS HEMMER, OWNER

- c) Requesting a 220 SF Floor Area variance from Zoning Code Section 1252.22 (c), which permits a 1,000 SF Floor Area and where a 1,220 SF Floor Area is proposed in order to approve enlargement of an existing Accessory Structure;
- d) Requesting a variance from Zoning Code Section 1252.15 (b), which requires a Portland cement concrete or interlocking concrete paving stones driveway and where no driveway is proposed; property located at 16526 Albion Road, PPN 395-25-002, zoned R1-75.

Mr. Evans – First on our agenda this evening is Thomas Hemmer. Please come up to the microphone and give us your name and address for the record.

Mr. Hemmer – Hi my name is Tom Hemmer, I live at 16526 Albion Road.

Mr. Evans – Thank you, tonight you have two variances you are requesting. You heard us talking in caucus. If you would address some of those items it would be helpful.

Mr. Hemmer – I was a little confused. What I did was I got a permit to put up an addition on the side of my garage. I have a lot of things like lawn mowers and such. The roof on the block building is bad. I think I talked to Mike and some other inspectors out there. They suggested different things. I told them that I have to basically tear that roof off because it's rotten. I thought I would put up a temporary lean-to type thing. I have a 1929 Chevrolet car that I only drive on a parade day or something, or take the grandkids through the park. I did mess up, I confessed that from the very beginning. I used to work at James Lumber, and we did blueprints and all kinds of stuff. I forgot to put in the wall sections, and it is 100% on me. I thought we were only going to need a variance for putting in the wall and closing it off along with Dutch doors. That's all I'm here for; to see if I can do that.

Mr. Evans – Alright. Mr. Hemmer we all got copies of the BZA minutes from the 1997 meeting when the first addition was put on to that. There are two problems that this Board has with this. First of all, when we grant variances, we have to live with those decisions for a long time. Too often people will tell us that this is what we want, and after we approve it the variance permanently goes with the property. Then that person decides to move or they die and the property is sold. Then someone else moves in and decides that with the big building on their property, they are going to run a business out of it like a car repair shop or a craftsmanship business of some sort. When they start doing that, the variance that created the situation comes back to bite us because it was not the intended use. The person who presented it to us is no longer there and the intent for the structure is changed for something else due to change in ownership. Nine times out of ten it becomes a problem. It becomes the Building Department and ultimately this Board's responsibility. We do not like being put in that position. So that is an issue for us. In your case, in 1997 you wanted to enlarge it, the Board granted that variance and allowed you to do that. The

2) **THOMAS HEMMER, OWNER, Cont'd**

Mr. Evans continues - lean-to didn't require putting walls up or anything like that. Once another addition to the building was created that is different from the lean-to on it, since you already have the block building in the back, it put us in a position where the Building Department has to bring it to someone's attention. This is because now it is not something that fits into the Code. Now that this has come back to us then the second situation comes up, which is a driveway back to the structure. In the old days we used to have grass that went back to sheds and barns. People would take equipment back and forth. Then it would get muddy, then dusty, and then the neighbors complain. So City Council put into place the ordinance that requires a hard surface driveway to avoid those situations. Forty years ago we were a farm community, but today we are not. Therefore the problem that we run into is that since we have started to enforce this Code there have been 40 or 50 cases where people presented situations to us wanting to have the structure without a driveway. They claim it's not necessary because they are simply using it for lawn equipment or whatever the case may be. We know from past experience though that once a garage door is in place eventually someone will take advantage of that to run cars in and out of it. Then instead of using it only for parades like in your case, they use it every weekend or something like that. City Council has told us to stick to the Code because it was put in place for good reason. We have criteria that we can use in situations that haven't been caused by the owner wanting to build something, but rather a situation that has arisen for one reason or another causing a need for a variance. Then we can make a decision based on a hardship that exists. In this case it falls into the category of simply wanting to drive my car back and forth without putting in a hard surface. We're not disposed to grant a variance unless it falls into our criteria based on a real hardship situation. That's the reason the second variance is added on because we're in a position where now you have these garage doors back there, and we need to have a hard surface driveway to that structure. Now you want to have another structure back there, and you could be running cars back and forth. Then once you retire and move to Florida someone else will move in thinking they can do and run all kinds of things on that property. So the question would be, is the hardship that simply economically you aren't in a position to put in a concrete or paver stone driveway back there, or is it that you just don't feel the need to do that right now?

Mr. Hemmer – I have no intention of running anything back there. If it's too wet I'm not going to drive on it. I'd prefer not to put a surface back there just because of aesthetics. I'd rather have grass.

Mr. Evans – The one option you have is the paver stones that are cut out in the middle so you can grow grass, but it's also a surface and protects it enough that you still see the grass. You won't see a concrete driveway. That's an option. In particular it's used in situations such as yours where it's not an active use, but it helps keeps the area looking good. Other members of the Board, do you have any questions or comments?

2) THOMAS HEMMER, OWNER, Cont'd

Mr. Baldin – I think I voiced most of my comments in caucus. It's a big property, there's no doubt about it. At the same token, we just need to adhere to the Codes. As our Chairman has stipulated, we go through a lot of these. We try to uphold the Code as much as possible here. You said you made a mistake. You sent in prints that shows one thing, had permits for that one thing, and you did something else. I don't understand your mistake.

Mr. Hemmer – Well, I've been out business 10 years. I'm sorry. When I was trying to draw them up I just forgot the walls. I don't know why, but I got the post in, I got the roof on, the soffit, I tried to remember as much as I possibly could. I didn't have any professional help. When I was working for James Lumber, I had other people helping me. Saying how about this or that. I'm sorry, I did forget.

Mr. Evans – Mr. Miller, do we know whether the roof and the supports were all on the drawing? Do we know if the work that has been done so far is done to Code?

Mr. Miller – We've one inspection out there for compliance because the permit had expired. Once we saw that it wasn't to the approved plans we stopped the inspection at that point.

Mr. Evans – Thank you. Anything else from Board Members?

Mr. Kolick – Mr. Hemmer, you should go up to the Building Department to see what alternatives there may be to a hard surface. It doesn't necessarily need to be concrete like the Chairman said. You have vehicles back there though. The Board used to have the authority to vary these types of circumstances, but they no longer have that. The City Council has put the responsibility on this Board to handle these situations so they stick to the Code as much as possible. The Council says that if the garage doors are large enough to fit a vehicle in, you have to have a hard surface back there. So if you stop up and see Mr. Miller, he can show you what alternatives to concrete there may be. What you are hearing from the Board is that they are going to want you to put some sort of hard surface leading back there.

Mr. Hemmer – If I take the sides off the building, do I still need to put a hard surface down?

Mr. Kolick – You need to stop up at the Building Department and talk to them.

Mr. Hemmer – I thought that's all this is about because I got the permit to put the roof on and the posts.

Mr. Kolick – There's a little added problem. When you got the variance to expand that in 1996. The Board made it very clear that if you were going to put vehicles back there you had to have a hard surface. You asked this Board at that time to waive that requirement. They did not waive that requirement and it was stipulated that you weren't going to have vehicles back there. You just stated that you have vehicles back there.

2) THOMAS HEMMER, OWNER, Cont'd

Mr. Hemmer – One.

Mr. Kolick – One vehicle is sufficient.

Mr. Hemmer – I know.

Mr. Kolick – You have to comply with the hard surface. Just taking off those walls isn't going to resolve your problem. You still have to have a hard surface back there because you have a vehicle back there. That's what is required under the Code. This Board back in 1996 refused your request not to have a hard surface. You need to talk to the Building Department. Whether you have a lean-to or have walls on the building, you are still required to have a hard surface back there.

Mr. Hemmer – I did not know that.

Mr. Kolick – That's why you're here. You know it now.

Mr. Hemmer – Is it the old fashion thing where you have two lanes or is it one width?

Mr. Kolick – Again, go up and talk with Mr. Miller and he'll explain all the details.

Mr. Evans – In the meantime, Mr. Hemmer, I do need to let you know that since this is a new application, all of the members of the Board will be out to look at the property. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. The public hearing is on March 23rd. Talk with the Building Department about your options. Like Mr. Kolick said, back in 1997 the Board was able to do more than we are today, but there is still a granted authority to us to maneuver within the Code. You may be able to come up with a solution to accommodate some of what we need in order to grant you the rest of what you want.

Mr. Hemmer – OK.

Mr. Evans – Do that before March 23rd, and that will help us help you.

Mr. Hemmer – Are you in tomorrow Mike?

Mr. Miller – Yes.

Mr. Hemmer – Alright, I'll be up to see you tomorrow morning.

Mr. Evans – That all Mr. Hemmer. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

3) ROB AND HEATHER SKOMSKI, OWNERS

- c) Requesting a 2.46' Side Yard Setback (South) variance and a 2.50 Side Yard Setback (North) variance from Zoning Code Section 1252.04 (e), which requires a 10' Side Yard Setback (North and South) and where a 7.54' Side Yard Setback (South) and a 7.50' Side Yard Setback (North) is proposed in order to construct a New Single Family Dwelling;
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Mr. Evans – Second on our agenda is Rob and Heather Skomski. Please come up to the microphone and give us your name and address for the record.

Mr. Skomski – My name is Rob Skomski and this is my wife, Heather. We currently own the property at 14349 Bentley Lane. We reside in Strongsville right now with my wife's parents. We previously lived on Webster Road for nine years as well. We both are long-time residents of Strongsville. The reason we're here tonight is for you to see the preliminary layout of our house. It's going to be a ranch with a walk-out basement. Solely in part due to the fact that there is a 14 degree pitch from one side of our property that is closest to the adjacent neighbors, and then it drops down to the retention pond that is on the south side of the property. That presents a fairly difficult layout as was explained to us by the designer of our house and also by the engineers. They had a heck of a time trying to tweak that house. It's not much larger than any of the other homes that are already near there. We'll probably be on the smaller end actually. Like you said, it's not staked out, but we're trying to get it staked out so we can proceed with building this. It's just a 7.5' difference. I know that last year the Code was changed and it was rezoned as cluster homes therefor requiring 10' on either side. I don't think our designer who had done at least one other home that was in there was aware of that. We have redesigned the way the house is laid out a couple times now. We did the best we could with the lay of the land. We need enough interior space so our three children aren't killing each other.

Mr. Evans – First of all, we appreciate that you're staying in Strongsville. You're building and remaining with us which is great. All of the members of the Board will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble. It is an area where the topography is a challenge and that is a situation where we are empowered to grant variances. The only other thing would be the garage area. My guess is that your three kids have things that need to go into a garage. Hopefully the garage will be big enough to accommodate some of those things. Members of this Board will tell you that no matter how big a garage is though, people never seem to be able to get their cars in because of all the other stuff people accumulate.

3) ROB AND HEATHER SKOMSKI, OWNERS

Mrs. Skomski – We're also not allowed to have a shed.

Mr. Evans – And you're not allowed to have a shed; yes that's a problem. You probably couldn't get one in there with the topography anyhow. Members of the Board are there any comments or questions?

Mr. Rusnov – Just to reiterate so I understand you correctly. After looking at this drawing this is about the only way that this house is going to fit correct?

Mrs. Skomski – Yes, we really wanted to angle it so we could have the view of the woods and we couldn't even do that. It's pretty much the only way it fits.

Mr. Rusnov – The topography is such that the difference between the north side and the south is considerable. If I heard you correctly you have a 14 degree change?

Mr. Hemmer – 14' drop.

Mr. Rusnov – 14' drop, not degree?

Mr. Kolick – 14' elevation difference between them.

Mr. Rusnov – I heard it as degree.

Mr. Evans – He did say that.

Mr. Rusnov – OK, thank you. So basically this fits as is. That's all I need to know.

Mr. Smeader – How big is the house roughly square footage wise?

Mr. Skomski – Slightly under 3000 SF, it's about 2900 SF.

Mr. Smeader – It's a full basement under the entire structure?

Mrs. Skomski – Yes with the exception of the garage.

Mr. Rusnov – The walk-out basement takes advantage of the slope.

Mr. Baldin – I think everyone has covered it all. The word that you used that she didn't use, and what I was going to use is challenge. That's all I can say about it.

Mrs. Skomski – I wrote that in the original application actually.

3) ROB AND HEATHER SKOMSKI, OWNERS

Mr. Evans – The only thing we ask is that you have the four corners staked, and I understand that there is cut in and cut outs on the layout. Roughly done it'll still give us a general idea of where that house is going to sit. I think that'll probably be helpful for the neighbors to be able to see where the variance needs to be.

Mrs. Skomski – You mean actually stake it on the lot?

Mr. Evans – Yes. If it's off by a couple inches, I think Mr. Rusnov is the only one who would catch that. Mr. Smeader might too, but Mr. Rusnov will be out with a tape measure.

Mr. Rusnov – Laser.

Mr. Evans – Laser, yes sorry. That's it then, your public hearing will be on March 23rd and we invite you back at that time. You are all set. Thank you.

Mrs. Skomski – Thank you.

PUBLIC HEARINGS

There are no Public Hearings

Mr. Evans –Is there anything else to come before the Board this evening? Then this meeting stands adjourned.

Signature on file

Mr. Evans, Chairman

Signature on file

Kathryn A. Zamrzla, Sec'y

April 13, 2016

Approval Date