

The Board of Zoning Appeals of the City of North Royalton
met on **July 29, 2015** to hold a Public Hearing in
the Council Chambers at 14600 State Road.

The meeting was called to order by Chair Mr. Kasaris at 7:00 p.m.

Present: Board Members:, Chair Dan Kasaris, Vice-Chair Anthony Rohloff, Victor Bull, Dale Gauman, Christine Ragone, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, Assistant Law Director Donna Vozar.

Moved and seconded to approve the May 27, 2015 meeting minutes as submitted.
Roll call: Yeas: Four. Nays: None. Mr. Kasaris Abstained. **Minutes approved.**

Public Hearing / Open Meeting

The clerk stated that Public Legal notices were sent out as required for the applications before the Board.

New Business:

1. **(BZA15-17) – Eric Niedermeyer** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed garage addition at **5600 Wiltshire Road**, also known as PPN:486-13-003, in a RR-Z district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.19 (d) “Dwelling Unit Area Requirements – Area of Garage”. Request is to allow for relief from the maximum square footage of the proposed attached garage addition. The Applicant is requesting a variance of 910 sq.ft.

Mr. Kasaris asked the Applicant, Eric Niedermeyer, if this variance request is based on the same facts and circumstances as the variance last month. The Applicant responded, “It is.” Mr. Kulchytsky explained that this variance wasn’t addressed last month because of the additional information that was not included as part of the review. It came to the realization upon submission of construction documents to the Building Department that the garage size was larger than permitted by code. Mr. Kulchytsky stated the maximum square feet allowed for this property is 1,000 sq. feet. The existing garage is nonconforming; the structure that exists is 1,592 sq.ft. which was approved at the time that it was built. The Applicant is requesting to enlarge it by an additional 504 sq.ft. Mr. Kulchytsky asked Ms. Vozar if we are looking at the net total of garage or the sum total of the garage. Ms. Vozar stated that he has an existing nonconforming garage size of 1,592 sq.ft. and he is seeking to enlarge it by 504 sq.ft. for a total variance of 504 sq.ft. Exhibit A is the information from the property’s Cuyahoga County fiscal officer’s web site.

Moved by Mr. Rohloff, seconded by Ms. Ragone **to amend BZA15-17 area variance from 910 sq.ft. to 504 sq.ft.** Roll call: Yeas: Five. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull, Mr. Kasaris). Nays: None. **Motion to amend variance request approved.**

Mr. Kasaris stated the Applicant and his attorney Mr. Sindyla were present at the June 24, 2015 PC meeting and presented the same information. Mr. Niedermeyer said he agrees with the amended variance request. Mr. Kasaris stated that this is a wooded lot on a dead end street in a rural residentially zoned area and that drain issues exist on the lot. He said the essential character of the neighborhood will not be substantially altered, adjoining property owners are not going to suffer any detriment as a result of the variance, the variance does not adversely affect the delivery of governmental services and special conditions and circumstances exists that are peculiar to the land involving the structure. For those reasons Mr. Kasaris said he would support the variance request and would adopt his findings as the findings for the Board.

Moved by Mr. Bull, seconded by Mr. Ragone **to approve a variance to Section 1270.19(d) for 504 sq. ft more than the maximum square** footage for the attached garage addition. Roll call: Yeas: Five. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull, Mr. Kasaris). Nays: None. **Variance granted.**

2. **(BZA15-13) – Heidi Morel** is seeking **BZA approval on behalf of the Jump Yard** for a variance to Chapter 1278 “Industrial Districts”, of the City of North Royalton Zoning code for a proposed parking lot at **13700 York Road**, also known as PPN:483-15-020, in a General Industrial district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1278.06 "Schedule of Yard Regulations for Research-Office, Commercial Service and General Industrial Districts." Request is for a variance of ~~45 feet~~ 10 feet to allow for relief from the minimum 25 ft. front parking setback requirement from the street right-of-way. The applicant would like to put a parking lot ~~40 feet~~ 15 feet away from the street right-of-way.

Heidi Morel is seeking BZA approval on behalf of her father, Joseph Sieder who owns the building which houses the Jump Yard business. She stated that the Jump Yard is a growing business and is very active during the winter months with indoor parties. They are always having parking issues. They currently rent from the neighboring communities and we would like to pave part of the large grassy area in front of the structures that could potentially be converted into additional parking. It would increase the parking capacity from 62 spots currently up to 87, a 40% increase.

Mr. Kulchytsky stated that he has visited the site a number of times. He said they had previously received approval under his predecessor for the parking layout. It does comply with City Ordinances with the amount of parking; however, their parking lot is already full even on a weekday morning. There are two parcels that are leased from adjacent neighbors for additional parking behind the building. As to the proposed layout, Mr. Kulchytsky said he and the Engineering Department recommend that should the variance be considered, the variance be reduced by 5 ft. thereby increasing the amount of green space closer to the street. They would still maintain a green strip between the building and the parking but it would increase the buffer between the parking and the street and allow for better landscaping arrangements and for better visibility of the sign. No spots would be lost. It would just shift their parking over five feet to the west which would be closer to the building. The request would be for a variance of 10 feet to allow for relief from the minimum 25 foot front parking setback requirement. He added that would give us an additional five feet to accommodate for a sidewalk in the future. Ms. Morel responded that there already is an existing sidewalk. Mr. Kulchytsky corrected himself and said it does accommodate for a greater landscape strip. He responded to a question from Mr. Rohloff and said he does not recommend the parking be moved right up against the building. He said astatically it would remove landscape in front of the building as well as their sidewalk and entry access to the front door. The Applicant asked if the shift of the parking lot would impact a variance to a setback from the building. Mr. Kulchytsky said no variance would be necessary; you could move closer to the building without any issues. Mr. Kulchytsky stated that there is also a recommendation by the Engineering Department and Building Department that this go to PC for review of the landscaping layout. Should you consider approving this, the approval may be contingent on PC approval.

The Chair stated that the variance is not substantial, the essential character of the neighborhood which is an industrial park is not going to be altered, adjoining property owners are not going to suffer substantial detriment, Governmental services will not be affected, and the initial request has been modified to make the variance smaller. He said for those reasons he supports the variance request. Ms. Vozar clarified for the record, and asked the Applicant if she is authorized to agree to the modification to the variance request as discussed by the Board stating it would be a 10 ft. rather than a 15 ft variance. Ms. Morel replied yes that is correct. Ms. Vozar also informed the Applicant that she will need to apply to the PC for site plan approval. Approval must be received otherwise the BZA variance is null and void. The Applicant asked if there is an expiration time on the variance. Ms. Vozar responded yes there is; if you do not seek PC approval, the variance would lapse in one year and the approval from the BZA would be null and void. With no other discussion, the Chair stated that he would adopt his findings as the findings for the Board.

Moved by Mr. Bull, seconded by Ms. Ragone **to approve variance BZA15-13**, a variance to C.O. Section 1278.06 **for 10 ft. less than the minimum 25 ft. front parking setback requirement from the street right-of-way** with the **condition** that the Applicant apply and seek approval from the PC for its landscaping and general site plan approval. Roll call: Yeas: Five. (Mr. Rohloff, Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

3. **BZA15-14** – **Richard & Susan Kozimor** are requesting a variance to Chapter 1270 "Residential Districts" of the City of North Royalton Zoning Code for a proposed accessory building at **3605 West Sprague Road**, also known as PPN: 489-26-001, in a R1-A District. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.04 (g) "Area, Yard and Height Regulations". Request is for a variance of 3 ft. more than the maximum 15 ft. height restriction for a proposed accessory building. The applicant is proposing to erect a two story 960 sq.ft. accessory structure with an 18 ft. roof line.

The Applicant, Richard Kozimor, stated that they had built the home in 2002 and also took a permit out to build the original 300 sq.ft. accessory building. He said that in October of 2012 he obtained a permit to add on to the accessory building in order to increase it to a size of 960 sq.ft. He stated that they did not start the construction because of financial reasons. They are now in the position to start the construction. They would now like to increase the height by 3 ft.; from the standard 15 ft to a height of 18 ft. for the purpose of optimizing the storage on the second floor. The storage would be for patio furniture and pool equipment and light weight storage that need to be put away for the winter. Mr. Kasaris asked the Applicant to identify some of the pictures provided by Mr. Kulchytsky, starting with the picture that shows a pool and pool house. The Applicant stated they started that in September of 2014; a pool permit was taken and he stated he also obtained a permit for the pool and patio deck. He added that where you see the pool house, there was originally a pad for the pool equipment: heaters, filters, pumps, mechanical equipment and the service panel. He said when they started construction this spring on the pool deck; they decided to construct a pool accessory building to put all the pool's mechanical equipment. He said it was brought to his attention by the Building Commissioner a change to the permit was not requested to include a building. Mr. Kasaris asked if he is looking to add a structure in addition to the pool house. The Applicant stated that the original reason before the BZA is regarding increasing the size of the height of the existing red barn that was built in 2002. We would also like to increase the square footage from 320 sq.ft. to 960 sq.ft. and make it 18 ft. in height. The picture with the concrete pad by the red barn is for the foundation for the larger building. He said they will be using part of the existing structure including the slab that it is currently on and increase the size. Mr. Kasaris stated that there are actually two accessory structures on this property and we are being asked to add to the size of the barn. Ms. Vozar addressed the Applicant saying unfortunately the way this is set up is you are only permitted to have one accessory structure. So the question is, since you requested a variance for the barn, are you as part of it agreeing to remove the pool house from your property to be in compliance. She added that because the Applicant did not receive the required permit to construct the building, it is not permitted. The only way he could have a second accessory structure would be for him to come back before the BZA and ask for a variance. The Applicant responded that he would be more than happy to do that. Ms. Vozar explained that the Board cannot move forward tonight with the application because we would be permitting a second accessory structure on the property. She also stated that we did not send out the legal notices stating there are two accessory structures on the property; that is because it was not indicated when the application was completed. She added that had the Applicant done that, it could have been requested at that time. The soonest this will be heard is the meeting in September. A new application will need to be submitted. Mr. Kasaris asked the Applicant if he would consent to a continuance or moving this hearing from the 29th of July to the meeting date on September 23rd. The Applicant responded yes. Mr. Kasaris informed the Applicant that during that time period he would need to file an additional variance request for the pool house. The Applicant responded yes.

George Stybel, 3551 Sprague Rd., stated he had lived at this address since 1961. He stated he is against the variance. He said that from his lot, the Applicant's property is like a circus. He said they have lights by the pool that face his property and shines into his house at 3:00 a.m. He said the Applicant should not be allowed all this. Ms. Vozar informed Mr. Stybel that the BZA has nothing to do with the lighting; the variance request is regarding the structures, where they are located and how large they are. She added that Mr. Stybel can contact the Building Commissioner to discuss the lighting issue. Mr. Kasaris asked for clarification from Mr. Stybel regarding the light structures on the pictures. Mr. Stybel responded that the light poles in the pictures are not the ones shining onto his property. Mr. Rohloff stated he was at the property and did see a large number of lights which may need to be addressed by the Building Department. Mr. Stybel also expressed his concern that when the construction was being done, the Applicant moved all the soil to the back of the property and the water drainage is now going through the yards adjacent to him. Mr. Kasaris said the issues will be followed up by the Building Commissioner.

Linda Lingler, 5884 Edgerton Rd., spoke on behalf of her mother who wasn't able to attend. Ms. Lingler stated that the Applicants are nice people but they have asked for numerous variances for their property. She questioned why we have to constantly fight variances when there are rules in place. She asked why the built-in-pool (which is approx. 6,000 sq.ft.

of concrete) was not constructed on the ground; now there is a 5 or 6 ft. walled structure surrounding the pool with a 960 sq.ft. pool house, on the corner backing up to her mother's home and a house that is 6,200 sq.ft. She is fearful that all that area will drain onto her property. She said the Applicants built their house way higher than her property; it is hard to cut the lawn because of the angle of the property and the amount of standing water. She added that the front lawn has been flooded since they built; she said they had to put a new ditch in and a new apron with a big wide pipe to collect the water. The structures downspouts or drainage are always funneled towards her house. She also mentioned the concern of all the dirt from the construction being put in the back of the property which is going to cause additional flooding to start rolling. We feel they are taking advantage of variances. Where will the new structure drain? She stated that her neighbor down is even lower than her mother's property. She asked if they can tie the drainage to the front drainage pipes and not onto the neighbor's property. She stated that the situation is if you build it, you beg for forgiveness and hope it stays. She feels the property is no longer valued as to what it used to be because with all of the concrete and additional buildings, it is no longer a beautiful rural setting. She stated that they are not in favor of the variance and would like to ask that if they want to build an additional structure let it be within compliance and not have the water draining downhill.

Mr. Kasaris asked how many variances have been applied for on this property. Mr. Kulchytsky said that he would have to research that; he wasn't aware of a variance. He stated that looking at the existing topographic; it appears to fall within the required setbacks so he is not sure what variance would have been required for the actual placement of the building. As to the square footage of the building, the County has it listed as 3,828 sq.ft. which also would be compliant with our ordinances. Mr. Kasaris asked that he research the data prior to our next meeting. Ms. Vozar asked the Applicant if he agrees with the request for a continuance and tabling of this matter until that time. The Applicant responded, "I do."

Moved by Mr. Bull, seconded by Ms. Ragone **to continue BZA15-14 until the September 23rd meeting** where we will address this variance request and a second variance request dealing with the pool house. Roll call: Yeas: Five. (Mr. Rohloff, Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Request to table granted.**

4. **BZA15-15 – William Fox** is requesting a variance to Chapter 1270 "Residential Districts" of the City of North Royalton Zoning Code for a proposed garage addition at **4121 Greenwood Oval**, also known as PPN:489-27-044, in a R1-A District. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.19 (d) "Dwelling Unit Area Requirements". Request is for a variance of ~~275 sq.ft.~~ 200 sq.ft. to allow for relief from the 1,000 sq.ft. maximum permitted for a garage. The applicant is proposing to construct an 800 sq.ft. garage addition.

William Fox stated that he currently has a 2 ½ car side entry garage. He stated he has four cars; currently the cars are parked at the top of the driveway. He added that with age the side entry garage is getting more difficult to pull in; straight ahead would be much nicer. Part of the plan is to convert the existing 2 car garage into a 1½ car garage. With the construction of the new garage which has an attached storage room, he would erect a new back hall so that the elevation from the new garage into the new back hall into the house is a singular level for accessibility. There would be no threshold or steps making it easier to get into the house should medical conditions warrant. Mr. Kulchytsky had no comments regarding the application.

Ms. Vozar clarified for the record that what was mailed out to the notices indicated there would be a 1,275 sq.ft. addition. Since it is being reduced to 800 sq.ft., the Law Department has no objection to making it without notice going out. The Chair stated that the essential character of Greenwood Oval will not be altered and we have not heard of any substantial detriment to the neighbors; the variance request will not adversely affect the delivery of Governmental services. For those reasons the Chair stated that he supports the variance request and adopts his findings as the findings for the Board.

Moved by Mr. Bull, seconded by Ms. Ragone **to approve BZA15-15, for a variance of 200 sq.ft. to allow for relief from the 1,000 sq.ft. maximum permitted for a garage. The approval is for an 800 ft. garage addition.** Roll call: Yeas: Five. (Mr. Rohloff, Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

5. **BZA15-16 – E.S.Sign Group** is seeking BZA approval on behalf of **Sal Consiglio, CPA**, for a variance allowing for relief from the signage requirements relative to the installation of a proposed sign at **14129 State Road**, also known as PPN: 487-10-006, in a TCD-2 district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1284.10(d) "Location, and Supplementary Area Regulations for Signs in Business Districts." Request is to allow for relief from the signage requirements relative to the installation of a ground sign in a TCD-2 zoning district.

Mr. Kasaris asked Ms. Vozar if this is something the PC reviews or is this reviewed by the Building Commissioner. Ms. Vozar responded that it is normally reviewed by the Building Commissioner. It previously would go before ARB, but that Board was eliminated. Because the fact that it is TCD there are limited restrictions on signage so that is why the Building Commissioner sent it to BZA to be heard.

Chris Serafino, owner of the E.S.Sign Group spoke on behalf of Sal Consiglio, who was also present and is the owner of the business acquiring the sign. Mr. Serafino stated that in the original plans that went before the PC, they did specify in the plan that there would be a sign. He said since then they are slightly changing the sign. Mr. Kulchytsky clarified that yes it was presented to the PC as a proposed future sign, also with a notation that a variance would be required. He said they do not need to go to PC; however they do need a variance from the BZA since ground signs are not permitted in TCD. Mr. Serafino stated that he and Mr. Consiglio feel the way the building is oriented, a double sided sign is necessary for a business looking for new business. A sign on the building would be completely ignored being the building is situated close to the road. Mr. Kasaris asked Ms. Vozar if the city did away with the prohibition in part of TCD for ground signs. Ms. Vozar responded "no." She said we have talked about it since there have been a lot of other ground signs that have been approved in TCD. It is something that the Bldg. Commissioner intends to bring to Council to see if they would make a revision to the code as it exists. We have had a lot of variances because the businesses have brought forth arguments indicating they need them. Currently other businesses have had smaller than normal ground signs. Generally the goal has been to try to stick to the spirit of TCD while still allowing people driving by or for their clients to know where they are located. Mr. Kulchytsky stated we have seen several signs come before the BZA for ground signs. He added that it is his intentions and that of the Building Department's intention to bring it up at Building and Building Codes to have this amended. The character and the ultimate intent of the TCD District have changed since the enactment of that particular zoning district. The sign that is proposed here before you, falls into what we believe is the character of TCD, a smaller sign that is similar to Total Benefits Advisor, having a classical character. The Building Division is not against it and ultimately we do intend to bring forth this issue before Council.

Mr. Serafino stated that when taking this project over for Nate Milstein, his employee. He said he sent a grouping of emails showing the sign; he thought the document showing where the sign was going to be located was included with the packet. He was confused because he did not see that document in any of the correspondence or any notation of regulations. Exhibit A is a document showing measurements and a picture of where the sign will be located. Mr. Kulchytsky stated that there is an ordinance that requires signs to be set back 25 ft. from the street, which is not being entertained as part of this variance. He clarified that the variance is whether or not the Applicant can have a monument sign. Its actual placement will still have to comply or return for a different variance if you want to be closer than 25 ft. from the street. Mr. Kasaris asked if we can do it all at once. Mr. Serafino stated that from the sidewalk it would be 7 ft. plus 5 ft. for the sidewalk. Ms. Vozar stated the problem is if the Applicant is seeking another variance that was not included in the notice, we have to send out notices by law to residents within 500 ft. and they need to have an opportunity to attend the Public Hearing. Mr. Kulchytsky stated that this is a unique situation. The ordinance simply states a ground sign is not permitted. Since it is not permitted it does not give any kind of definitions or locations for placement, etc. The Building Division typically uses the ground sign requirements for other signs in other districts where you are permitted to have a ground sign as the basis of design. If it's in a Local Business District where a ground sign is permitted, it is required to be 25 ft. setback. In a TCD, there are no guidelines. We can talk about site lines but there are no setbacks for the sign itself. Mr. Kulchytsky added there are setbacks for the actual building itself. Mr. Kulchytsky said the line of site when pulling out is critical. Mr. Serafino asked if the Service Director would be able to come out to do the site line check. Mr. Kulchytsky addressed the Board and said this issue could be referred over to the Engineering Department. He added that there are ODOT standards for site lines and they can propose a site line. If they do not wish to comply with that then they can request a variance or appeal of their decision. Mr.

Kasaris recalled the Police Department went out and shot the sites for the old church on top of the hill to be sure we weren't causing any issues with line of site for the variance being requested. Ms. Vozar reminded the Board that if we grant a variance to allow it and then allow the placement to be in such a place so close to the road, certainly other applicants will come forward again. We are legislating for Council when they have said no. Ms. Vozar asked what was the setback of the other signs which were permitted in the TCD. Mr. Kulchytsky responded he believed they complied with the 25 ft. distance setback. However their site configurations were unique for each of them. Mr. Serafino stated they were going to have a hard time with that because the building itself is at 27 feet. Ms. Vozar asked if the 27 ft. is because TCD requires the building to be close to the road; so you were in compliance with TCD. If so, that would make sense to have a building sign, which is what TCD anticipated. Mr. Kulchytsky stated that is correct however the 27 ft. measurement from the building is to the right-of-way. Beyond the right-of-way is green space, sidewalk and (inaudible). Mr. Consiglio disagreed and said it's to the curb. Mr. Kulchytsky said they have a unique site; their building is not parallel with the street because the street widens as it gets closer to the intersection of Rt. 82 and State. Mr. Kasaris stated that when the TCD went into effect in 2004 or 2005, there was not a stated setback requirement for this sign. Therefore, we should have someone go out and tell us at what point is it safe with site lines to place a sign. He recommended this be continued until September 23rd. Mr. Consiglio asked if the issue is to make sure it doesn't block someone pulling out in traffic. If that was the case, he continued, he was forced to put in a gate (inaudible) with existing brick pillars. He said that is impairing the visual before even the sign goes up; he questioned why that wasn't an issue. Mr. Serafino said he understands what Mr. Consiglio is saying. It could become mute because there is already another obstruction in the way. Mr. Serafino said they will comply with where the city determines it should be. He said we are not set on the 7 feet; it was only where they thought it should go. He added that we are talking 27 feet from the road to the building and probably at least 10 ft. of that is sidewalk and tree lawn. Mr. Kulchytsky said there are set standards for site lines. They state for a street driving at 25 mph speed limit that has two lanes plus a center turn lane, the site line is required to be the following distance. That can be measured by the Engineering Department and thereby apply provided level of compliance with those standards. That would remove the necessity of the Board to have to come up with that number. Ms. Vozar stated that we don't want their site line to interfere with the site line from their next door neighbor on either side. So the placement of the sign is key to line-of-site not just for their drive but also for their neighbors. She stated that the Building Commissioner can give the authority to have a temporary sign without coming to the BZA. Mr. Consiglio responded that the neighbor on one side is the Quick Lube, and they do have a sign. He added that there is no neighbor on the other side. Mr. Kulchytsky stated that it turns into multi-family residential after that. Mr. Rohloff said he is in support of the sign but we need to have the site line figured out before we can vote on this. Since a site plan wasn't provided which showed dimensions of the location of the sign, Mr. Kasaris asked if they would agree to continue the application for the variance until September 23rd. Mr. Consiglio responded since we have no other choice, yes he does. The Chair entertained a motion to continue this variance request for September 23, 2015. In the interim, the Building Commissioner will make necessary arrangements to have a proper determination to where this type of sign can be safely placed on this property. Mr. Kulchytsky said he will coordinate the information with the Applicant.

Moved by Mr. Bull, seconded by Mr. Rohloff to **continue BZA15-16 to the meeting on September 23, 2015**. Roll call: Yeas: Five. (Mr. Rohloff, Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Continuance granted.**

6. **BZA15-10 – Viktor Horokivskyy** is seeking BZA approval for two variances to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for a proposed building structure at **9856 Bentley Drive**, also known as **PPN:481-24-074**, in a R1-B district. The variances being requested are as follows:

Variance #1: Codified Ordinance 1270.12 (b) "Yards for Accessory Buildings and Uses", request is to allow for relief from the minimum 8 ft. side yard setback for a variance of 3 feet. The applicant would like to put a building structure 5 ft. from the side property line.

Variance #2: Codified Ordinance 1270.12 (b) "Yards for Accessory Buildings and Uses", request is to allow for relief from the minimum 20 ft. setback of an accessory structure to a residence for a variance of 5 feet. The applicant would like to put an accessory structure 5 ft from the residence.

The Clerk stated that the Building Commissioner was contacted by the Applicant who requested the application be tabled until the next available meeting. The Applicant is waiting to hear back from the Army Corps of Engineers which is needed before he is able to proceed with the project.

The Assistant Law Director stated that according to our Ordinance, the Applicant needs to act within 60 days after such an appeal is presented at the regular meeting of the Board at which time all required information is provided. Failing to act shall be considered approval of the appeal unless an extension of time is mutually agreed upon. She added that since the Applicant is not here to have a mutually agreed upon time, the request will be denied and the Applicant will need to come back and have his request reconsidered.

Moved by Mr. Bull, seconded by Ms. Ragone to approve Variance #1. Roll call: Yeas: One. (Ms. Ragone). Nays: Four (Mr. Rohloff, Mr. Kasaris, Mr. Gauman, Mr. Bull). **Variance denied.**

Moved by Mr. Bull, seconded by Mr. Gauman to approve Variance #2. Roll call: Yeas: None. Nays: Five (Mr. Rohloff, Ms. Ragone Mr. Kasaris, Mr. Gauman, Mr. Bull). **Variance denied.**

Adjournment:

Moved by Mr. Bull, seconded by Ms. Rohloff to **adjourn the BZA meeting for July 29, 2015.**
Motion carried.

Meeting adjourned at 8:23 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: Sept. 23, 2015

ATTEST: /s/ Diane Veverka
B.Z.A. Secretary