

The **Board of Zoning Appeals** of the City of North Royalton met on **June 27, 2012** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:40 p.m.

Present: Chairman Dan Kasaris, Vice-Chairman Robert Jankovsky, Victor Bull, Dale Gauman, Law Director Thomas Kelly, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Kasaris: May I have a motion to excuse Mr. Rohloff for cause?

Moved by Mr. Jankovsky, seconded by Mr. Bull to **excuse Mr. Rohloff for cause.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Ayes – four. Nays – none.

Motion carried (4-0).

Mr. Kasaris: I would like to welcome our new Board member, Dale Gauman.

Public Hearing

(BZA12-07) Zillich Interiors request a variance to **Chapter 1270 “Residential Districts”, Section 1270.33 “Single-Family Cluster Developments”, paragraph (d)(4)(A), (d)(4)(B), (d)(4)(C)(1)(b), (d)(4)(C)(1)(c), (d)(4)(C)(1)(d), (d)(4)(C)(2), (d)(4)(D)** and **Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code, for relief from the **Code requirements** with regard to this proposed **single-family cluster development to be known as Quarry Park Subdivision**, located off of State Road, involving the following **Permanent Parcel Numbers: 488-09-002, 488-09-012, 488-09-044 and 488-09-003.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

Mr. Kasaris: Before we start, is the applicant here? I just wanted to make you aware that there are four of the five members of the Board present tonight. If all five members were present it would take a 3-2 vote for the passage of any of the requested variances. Since we do not have all of the members here tonight a 2-2 vote would result in the failure of any requested variance. It has been a tradition of this Board that when we are short we notify you of that and give you the option of moving forward tonight or tabling your request until next month when we would hopefully have all five members present.

Mr. Zillich: I would like to table this.

Mr. Kasaris: Okay.

Someone in the audience asked how many times an item could be tabled.

Mr. Kelly: It can be tabled as often as the Board of Zoning Appeals determines that it needs to be. There is almost no end to that possibility. It is not the applicant's fault, nor yours, that the Board is short one of its members. It puts the applicant in this awkward position. I am sure that he came here tonight hoping that the matter be resolved one way or the other. (Continued on next page...)

Mr. Kelly: As the Chairman pointed out though, a 2-2 vote on any of the requested variances would mean a denial of that request. The applicant is therefore afforded this opportunity as a matter of courtesy. All we can do is apologize to all of you for having been inconvenienced for having come this time and/or more than this time. Under these circumstances the Chairman has made this offer to the applicant to have his request tabled for another date. That appears to be what the applicant is electing to do. All of the notices then that had been sent out for this meeting will have to be sent out again. I hope that answers your question Mr. Chairman.

Someone in the audience asked when the next meeting would be held.

Mr. Kelly: B.Z.A. is held on the last Wednesday of every month.

Mr. Bull: Mr. Chairman, it is on the calendar for Tuesday, July 24th.

Mr. Kasaris: The meeting would be held on Tuesday, July 24th, at 7:30 p.m.

Someone in the audience asked if there was a risk that these variances could be granted outside of this forum.

Mr. Kasaris: No. This Board is an independent group. It is a quasi-judicial board. These variances cannot be approved by any board or any city official. These variances can only be obtained through this Board.

Someone in the audience questioned Planning Commission.

Mr. Kasaris: The Planning Commission is a separate board and handles different items.

Someone in the audience asked if the plans were available for public view at the Building Department.

Mr. Kasaris: That would be public record and it is available for review at the Building Department.

Someone in the audience asked if only the applicant could have the item tabled. She wanted to know if the Board could proceed at the request of the residents in the audience.

Mr. Kasaris: It is the decision of the Board to table an item. The applicant has the burden of going forward and establishing a need for a variance. Due to the fact that we are short Board members, through no fault of the applicant, it has been a tradition of this Board to notify the applicant of that fact and to offer to move forward or to table a request. This applicant has then requested that his application be tabled.

Mr. Kelly: Once again, notices will be sent out to the residents to inform you of this next meeting.

Mr. Jordan: The notice will also be posted on the City's website.

Someone in the audience asked if they could find out in advance of the next meeting if all members would be present.

Mr. Kasaris: You can call down at the Building Department and ask to speak to Lynn Brinkman and she can let you know if she has heard anything. Could we then have a motion to table this item.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **table (BZA12-07) until the next meeting in July.**

Mr. Kasaris: Please call the roll.

Mr. Bull: Yes.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – four. Nays – none.

Motion carried (4-0). Item tabled.

Mr. Kasaris: May I have a motion to adjourn the Public Hearing.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **adjourn the Public Hearing.**

Mr. Kasaris: Please call the roll.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

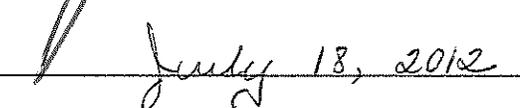
Ayes – four. Nays – none.

Motion carried (4-0).

Public Hearing adjourned at 7:55 p.m.

Ms. Brinkman: I will be sending out those notifications about two weeks in advance of the next meeting.

Approved:  _____
Chairman

Date:  _____

Attest:  _____
B.Z.A. Secretary