

The **Board of Zoning Appeals** of the City of North Royalton met on **December 19, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:32 p.m.

Present: Chairman Neil Price, John Ranucci, Robert Jankovsky,
Prosecutor Donna Vozar, Building Commissioner Rito Alvarez,
Secretary Lynn Brinkman.

Chairman Price: May I have a motion to excuse Diane Mastronicolas and Dan Kasaris for cause.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **excuse Ms. Mastronicolas and Mr. Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Motion carried (3-0).

Mr. Price: Before we get to the Public Hearing we have on the agenda the re-organization of the Board of Zoning Appeals and the election of officers for the calendar year of 2012. I will now open the floor for nominations for Chairman.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **nominate Neil Price to continue as Chairman of the Board of Zoning Appeals.**

Mr. Price: Any other nominations? May I have a motion to close the nominations.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **close the nominations.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Neil Price is elected Chairman for the calendar year of 2012.

Mr. Price: I will now open the floor for nominations for Vice-Chairman.

Moved by Mr. Jankovsky, seconded by Mr. Price to **nominate John Ranucci as Vice-Chairman of the Board of Zoning Appeals.**

Mr. Price: Any other nominations? May I have a motion to close the nominations.

Moved by Mr. Ranucci, seconded by Mr. Price to **close the nominations.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

John Ranucci is elected Vice-Chairman for the calendar year of 2012.

Mr. Price: We will now go into the Public Hearing.

Present: Chairman Neil Price, John Ranucci, Robert Jankovsky,
Prosecutor Donna Vozar, Building Commissioner Rito Alvarez,
Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse Diane Mastronicolas and Dan Kasaris for cause.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky **to excuse Ms. Mastronicolas and Mr. Kasaris for cause.**

Mr. Price: Call the roll

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Motion carried (3-0).

Public Hearing

(BZA11-18) Jeff Budzowski / Christopher Homes, Inc. request a variance to **Chapter 1270 “Residential Districts”, Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, of the City of North Royalton Zoning Code, to allow relief from the **maximum height** requirement for an **accessory building** he wishes to construct on this property located at **10769 Shawnee Circle, also known as PPN: 481-20-035.**

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. Price: Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Budzowski: I do.

Mr. Price: Your name and address please.

Mr. Budzowski: Jeff Budzowski, 7330 Firewood Circle, in Independence.

Mr. Price: What is the reason you are here tonight?

Mr. Budzowski: I am here representing Mr. Sidoti and his property on Shawnee Circle. I am the builder. I know that you have all read my submittal here but I would also like to show you the plans for his house. If you look at the elevation at the front of his house you see that it is a rather steep pitched roof. The main roof is an 8:12 pitch and the other gables and that are 10:12 pitches so the outbuilding structure, if we were to make it 15 feet high, would look rather squatty and not even look like the main building. It would really look out of character. So we are asking to get the roof pitch on the outbuilding at least 8:12 which places the roof at 19 feet rather than 15 feet in height. It would then look a little more like the house and would not have such a squatty roof. It would fit the character of this neighborhood. That is why I wanted to come in and show you the house plan so that you had a better idea of what the main building would look like. We think that the outbuilding should have a similar architectural appeal. Thank you.

Mr. Price: Anybody else? May I then have a motion to move BZA11-18 to the Open Meeting?

Moved by Mr. Jankovsky, seconded by Mr. Ranucci **to move BZA11-18 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

(BZA11-19) Jeff Budzowski / Christopher Homes, Inc. / Sal's Heating & Cooling, Inc. request a variance to **Chapter 1278 "Industrial Districts", Section 1278.06 "Yard Regulations"**, of the City of North Royalton Zoning Code, to allow relief from the **minimum side yard setback** requirement for a proposed **addition** they wish to construct to the existing building located on this property at **11701 Royalton Road**, zoned as **General Industrial, also known as PPN: 483-18-005.**

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. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give tonight is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Bruckner: So help me God. My name is Peter Bruckner and I own the building on the east side of the applicant's building. I sent a letter – I think that the Secretary is going to read it. I disapprove of this. The zoning law says that it has to be three (3) times the height of the building so they should have to stay 28 feet away from my property. They tried already 33 years ago to move it closer and the City would not let them; otherwise this building would sit a lot closer to my property. It would create harm and according to the building code they are not allowed to do this. Right now they did already – the parking lot is much to close than what it should be. They let the water from the main roof run on my property and run underneath my footer. My building was all cracked up. I put aluminum siding on but I realized just lately that the only way that the building could crack was because all of the water was running underneath. I have a picture here. I can show the footer and the building where the three (3) downspouts go down and run towards my property. They put a 6'-7" extension on so that it goes away from their footer and it can run towards my footer. They also put on the end a pipe all the way around the concrete which allows the water to come out about 2 feet away from the property line. We have sewers in North Royalton so you do not have to run your gutters on someone else's property. The Code says that he has to stay at least 10 feet from the property line or two (2) times the building height or whichever is greater. The building height is 14 feet. That means that they have to stay away from the property line 28 feet. With the front variance – I think that the front variance was from the old drawing. Since that time they moved the road closer to our property. It is not 100 feet anymore as far as I know. I think that it was about 5 years ago that they moved the road and took away from our property there. That is about all – you can read what I submitted.

Ms. Brinkman: If I may I would like to read the Public Hearing Form that was submitted by Mr. Bruckner. It states as follows.

"Disapproval as it will cause too much damage to my property. Applicant has already performed work in violation of the zoning / application map / drawing that has already damaged my property."

Mr. Price: Anybody else?

Mr. Jankovsky: I have a question for Mr. Bruckner. I was not able to tell, when I viewed the property, what exactly is the business going on at your property right now? What is happening on your property?

Mr. Bruckner: That has nothing to do with this. I have a place in the back ...

Mr. Jankovsky: My question is what is the business going on at your property right now that it would detrimentally affect you?

Mr. Bruckner: It would hurt when they come that close. It means that the fire insurance goes up also. It does not say how they will build it. They build similar. They do not say what they are building there. They come that close and have a window towards the property. The insurance has to go up because of a fire hazard.

Mr. Jankovsky: I understand. In that building though, is there a business currently operating?

Mr. Bruckner: Yes. There are three (3) businesses there.

Mr. Jankovsky: What are they?

Mr. Bruckner: There is Italgranite, Sears Carpet Cleaning and Freedom Design, which is an outfit which designs kitchens.

Mr. Jankovsky: Have you actually had a detriment to your business from the water?

Mr. Bruckner: They have no problems with their businesses but I have problems with the footer.

Mr. Jankovsky: Okay. Thank you.

Mr. Price: Raise your right hand. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Budzowski: I do. My name is Jeff Budzowski, 7330 Firewood Circle, Independence. I would like to address some of the things that Mr. Bruckner brought up. The area between the two lots there – there is a swale there. I do not know about water damage going to his property but if his property is pitched away into that swale it is on the property line. If Mr. Sidoti's property is pitched into it then that swale should be handling the water. I do not know what water would get past that swale and go uphill to his property and cause any damage. I do not know what harm this would cause to the businesses that are there. If there was an addition on Mr. Sidoti's property that was closer to the line that addition would obviously have to meet all of the building codes and fire prevention codes. What we have provided right now is more or less a preliminary plan. The architectural and engineering design is not even done yet. That is based on the fact that should this variance be granted then all of that would be addressed and would have to go through the Building Department and would have to be approved. Mr. Bruckner also mentioned about downspouts. I am not familiar with how the downspouts are on that side of the building – whether they just splash out on the ground or I thought that most downspouts are required to be tied into the storm system. That would probably be something that would have to be designed into this building so that the drainage from the roof structure would be taken to the underground downspout system. Mr. Sidoti, as you may know, has been doing quite a bit of advertising and has increased his business quite a bit. You have probably heard his radio commercials. His business has grown drastically in the last year. He needs more space to handle the volume of his business. He has hired more people and has them crammed into tight offices. He has hired more production people. His production facility is jam packed right now. He either needs to get more space or he has to move somewhere. He could move out of the City which would be a detriment to the City. Here is a good business in the City and a guy who is moving into the City and wants to live here. It would be unfortunate for him to be forced to have to find somewhere else to run his business.

Mr. Price: Anybody else? May I have a motion to move BZA11-19 to the Open Meeting?

Moved by Mr. Ranucci, seconded by Mr. Price to **move BZA11-19 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Price: (Addressing Ms. Vozar) Should I mention now about the membership and voting?

Ms. Vozar: You can.

Mr. Price: Before we go any farther, just so the applicants are aware, we only have three (3) members here tonight. This means that for an application to pass there has to be a unanimous vote. The applicants will have the option to request that their application be tabled, should they so desire and if they think that there is a chance that their request be denied should one member of the Board vote against their request. I thought that I should make that known before we go any farther.

Ms. Vozar: There are usually five (5) members.

Mr. Price: A majority vote is necessary to pass a request. In this case it would have to be a unanimous vote to grant a variance.

Mr. Budzowski: So if we ask to have it tabled we would have to wait another month to be heard.

Mr. Price: Yes.

Mr. Sidoti: If it is denied, can it be brought back at another meeting?

Mr. Price: Not without just cause – a change in circumstances.

Ms. Vozar: There is a time limitation.

Mr. Sidoti: Basically we should see where we are tonight or put it off and wait until everyone is here.

Mr. Price: So we will go ahead and move on to the Open Meeting then after the last item is addressed.

(BZA11-20) Praxair requests a variance to Chapter 1610 “Standards (National Fire Codes; Ohio Fire Code; Life Safety Code; BOCA National Fire Prevention Code)”, Section 1610.17 “Storage Limits for Flammable Materials”, paragraph (d), of the City of North Royalton Codified Code, to allow relief from the requirement regarding the maximum capacity allowed for an above ground fuel storage tank to be located on this property at 14788 York Road, zoned as General Industrial, also known as PPN: 483-27-014.

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. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Krznaric: I do. My name is Larry Krznaric and my address is 14119 Heatherwood Drive, Brookpark, Ohio. I would like to start out by stating that we would like to amend our variance to include all of the recommendations made by the Fire Chief. We intend to comply with all of those recommendations.

Ms. Vozar: Mr. Chairman, if I could. Sir, you stated your name for the record but could you please tell us if you are the owner or someone authorized to speak on behalf of Praxair tonight that would enable you to amend the application?

Mr. Krznaric: I am the Plant Manager of the facility.

Ms. Vozar: Okay. Did you initially sign the original application?

Mr. Krznaric: Yes, I did.

Ms. Vozar: Thank you.

Mr. Krznaric: The reason why we are seeking this variance is for us to be competitive in the market in Northeast Ohio and also Western Pennsylvania. We also need that size of tank to fill propane trucks that would come into the facility that could take up to 9,000 gallons of propane at a time. Another reason is that our competition in the area have the same type of tanks. Air Gas, in Cleveland, has a 30,000 gallon tank. Lindy, in Twinsburg, has a 30,000 gallon tank. The AmeriGas facility in Willoughby has a 30,000 and an 18,000 gallon tank. The AmeriGas, Akron facility, also has a 30,000 gallon tank. Atlas Propane, in Carlton, Ohio, has two (2) 18,000 gallon tanks that are side by side. All of our requirements either meet or exceed the N.F.P.A. 58. I do not know if you all have the handout about the safety of the tank. You could see, just through that list, that each of those safety items either meets or exceeds the Fire Code. That is all that I have.

Mr. Jankovsky: Question, Mr. Chairman. What size of tank do you have there right now?

Mr. Krznaric: We currently do not have a tank there.

Mr. Jankovsky: There is not a tank there at all?

Mr. Krznaric: No.

Mr. Jankovsky: Was there a tank previously?

Mr. Krznaric: There was a tank there previously. It was a 12,500 gallon tank.

Mr. Jankovsky: Why, having remained in the business, do you not currently have a tank?

Mr. Krznaric: We are currently outsourcing it from a supplier in Youngstown. We are now looking to supply all of our Praxair retail locations in-house.

Mr. Jankovsky: Do you have any 24-hour security on the premises?

Mr. Krznaric: We do. We have video surveillance 24 hours a day. We are in operation 24 hours a day, five days a week.

Mr. Jankovsky: Besides the video surveillance, is there manpower on hand 24 hours a day for security?

Mr. Krznaric: We have people working in the facility five (5) days a week. On the weekends the facility is monitored by an impact center. If they get an alarm or if someone tries to access the gate who does not have access, that will set off an alarm. We also have a keyless punch card so you have to be registered within the facility to even enter into the gate.

Mr. Jankovsky: I found that out Saturday when I could not get in or even see where you were putting this. Thank you.

Mr. Price: May I have a motion to move this item to the Open Meeting?

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **move BZA11-20 to the Open Meeting.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

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

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

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Public Hearing adjourned at 7:58 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **December 19, 2011** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:58 p.m.

Present: Chairman Neil Price, John Ranucci, Robert Jankovsky,
Prosecutor Donna Vozar, Building Commissioner Rito Alvarez,
Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse Ms. Mastronicolas and Mr. Kasaris for cause.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **excuse Ms. Mastronicolas and Mr. Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none

Motion carried (3-0).

Ms. Brinkman: The Minutes for November 28, 2011 are not ready so may we continue?

Mr. Price: Yes.

OPEN MEETING

New Business:

(BZA11-18) Jeff Budzowski / Christopher Homes, Inc. request a variance to **Chapter 1270 “Residential Districts”, Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, to allow relief from the **maximum height** requirement for an **accessory building** he wishes to construct on this property located at **10769 Shawnee Circle, also known as PPN: 481-20-035.**

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 4 feet more than the maximum height allowed for an accessory structure per Section 1270.04 (g) of the Zoning Code.**

Mr. Price: Discussion?

Mr. Ranucci: Mr. Chairman. Having looked at the plans of the proposed structure and considering the size of the home and the reasons provided by the contractor for wanting this variance, I do not see the requested 4 feet as being excessive. It will be in keeping with the character of the neighborhood. As the neighborhood gets built up they will be setting the bar. I do not see a problem with the request. It is in line with some of the other issues that we have approved in the past. I will be voting in favor of this.

Mr. Price: Would the applicant please come up to the microphone. In looking at the house the other day it appears that, what I will call the second garage, is a drive-thru. Are there doors on both ends?

Mr. Budzowski: The one that is attached to the house – yes.

Mr. Price: There is a driveway from the rear of that garage back to the accessory building and then there is a turn-around or a parking area. What exactly is going to be stored in all of these garages?

Mr. Budzowski: If you have a new tractor it will be brought through that garage to the back where it will be dropped off there. You can bring equipment in and out of that outbuilding which is essentially more or less a storage building for lawn equipment, bikes and anything like that. He does not want to keep those things in the garage where his vehicles are located because they could scratch his vehicles. That is the main purpose of this outbuilding.

Mr. Price: Will there be any parking of commercial vehicles there?

Mr. Sidoti: No.

Mr. Budzowski: No. He has his commercial vehicles parked at his business.

Mr. Price: So it is just for storage of lawn equipment, toys and such.

Mr. Budzowski: You name it. It is just to keep these things away from the cars in the attached garage.

Mr. Price: I would assume that this outbuilding will be sided the same as the house.

Mr. Budzowski: The same materials that we use on the house will be used on the accessory building – the same colors, the same scheme.

Mr. Price: I will be voting in favor of this variance being that 4 feet seems to be a minimal height for this structure. The general neighborhood will not be affected because there is no neighborhood at this point. The structure will be fairly well hidden due to the size of the house and the wooden area. It will not affect any governmental services. I will then be voting for it.

Mr. Jankovsky: Mr. Chairman. I agree with the comments of my colleagues here. It is an initial building in the entire development. It is hopefully a model for other homes to come. I do not think that the variance being requested is of any significance as to change the complexion of the neighborhood. Mr. Sidoti, for coming here from Walton Hills, welcome to North Royalton. I will be supporting this.

Ms. Vozar: The findings of fact and conclusions of law presented here tonight are as follows. The applicant is seeking a variance for the property located at 10769 Shawnee Circle in North Royalton. He is seeking a variance of 4 feet more than the maximum height allowed for an accessory structure pursuant to Section 1270.04 (g). The applicant's representative, the builder, was here tonight and offered testimony regarding the necessity of granting this variance. He noted that the roof pitch is comparable to that of the main building and it would be similar in its architectural design to that of the main building. No neighbors were here objecting to the request. The Board, having heard the testimony presented, determined that practical difficulty has been established pursuant to North Royalton Ordinance 1264.08 (e). The Board specifically finds that the variance is the minimum necessary to make use of the land. The essential character of the neighborhood will not be substantially altered. The setback and location of the accessory structure are such that it will not impact the neighborhood. Is there anything else that the Board wants to add?

Mr. Price: Anything else? Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – three. Nays – none.

Variance granted (3-0).

Ms. Brinkman: Just a reminder that you now need to submit plans to the Building Department.

Mr. Budzowski: Right.

(BZA11-19) Jeff Budzowski / Christopher Homes, Inc. / Sal's Heating & Cooling, Inc. request a variance to **Chapter 1278 "Industrial Districts", Section 1278.06 "Yard Regulations"**, to allow relief from the **minimum side yard setback** requirement for a proposed **addition** they wish to construct to the existing building located on this property at **11701 Royalton Road**, zoned as **General Industrial**, also known as **PPN: 483-18-005**.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 5 feet less than the requirement as prescribed in Section 1278.06 of the Zoning Code with regard to the side yard setback for this addition which is to be constructed along the east property line which abuts a non-residential property.**

Mr. Price: Would the applicant come up to the microphone please.

Mr. Budzowski: Could you please state the variance again – I am not sure that the language in it was clear to me.

Mr. Price: A variance of 5 feet less than the requirement as prescribed in Section 1278.06 of the Zoning Code with regard to the side yard setback for this addition which is to be constructed along the east property line which abuts a non-residential property.

Mr. Budzowski: It would be 5 feet less than required – what is the required?

Mr. Price: 10 feet.

Mr. Budzowski: Okay. It would be 5 feet off of the property line. I am fine with that.

Mr. Price: Have you given any thought to the required three votes necessary to pass this request versus having this tabled tonight? I am just offering you that option.

Mr. Budzowski: We will table it until the next meeting and more Board members are present.

Mr. Price: Okay.

Mr. Ranucci: Mr. Chairman. Could I add one comment. I think that this is something that may need to be cleared up because the other business owner brought this up during the Public Hearing. He noted that the required setback should be 10 feet or two (2) times the building height, whichever is greater. If the building height is 14 feet then the side yard setback should be 28 feet. The variance that they should then be asking for is 23 feet – is that correct? Should it not be stated in that manner?

Mr. Alvarez: Mr. Chairman. If you actually read Section 1278.06 "Yard Regulations", it is either 10 feet or you go to subsection (e) which states two times the building height, whichever is greater, when, and the key word is "*when*", "**when approved by a conditional use permit for office structures only in the Research-Office or General Industrial District, as provided for in Sections 1278.02 (d) and 1278.04 (d)(2)**". This is not a conditional use that we are dealing with here. This is not really an office structure. The variance that was stated is the correct variance to be requested, that being a variance of 5 feet.

Mr. Ranucci: Just wanted to clarify for the record that we are asking for the correct variance.

Mr. Alvarez: It is correct.

Mr. Price: Another issue, as long as we are still talking about this. I was out there and did observe the three (3) downspouts that the other gentleman was talking about. It was like a lake. There is a lot of water that comes off of that roof. Another building, with another roof, will have to handle more water. I would like to see what will be done as far as having it tied into the storm sewer or where it will be tied in. It is something to think about.

Mr. Budzowski: It should be tied into the storm sewer.

Mr. Price: I do not know where the storm sewers are located in that area or anything.

Mr. Budzowski: (Directed at Mr. Sidoti) You have parking lot drains – correct?

Mr. Sidoti: Yes.

Mr. Budzowski: They are tied into the storm sewer. They should be tied into the same system.

Mr. Price: Okay. Is there a motion to table?

Mr. Jankovsky: I have another question for Mr. Alvarez. Mr. Bruckner talked about the fact that he is already suffering some kind of damage to his property. Do we have anything on record in the City regarding water problems there between the two properties?

Mr. Alvarez: We will typically receive a complaint in the office. I am not aware of any complaint but we can look into the matter and I will refer it to the Engineering Department to see if there is anything there right now that is causing any problems for the neighbor on the east side.

Ms. Brinkman: If I may – Mr. Bruckner was in today and I did tell him that he should notify the Engineering Department. He was not able to do so today but he was told to contact Dan Collins, the Assistant Engineer.

Mr. Budzowski: Can I add to that? If this variance is granted it would improve the drainage of the grassy area between the two buildings by installing yard drains there that would tie into the storm system. We do get a lot of rain. I have walked this area myself and it does get rather soft so maybe an improvement would be to work with the Engineering Department and design yard drains that would pick up some of that standing water and remove it from that area between the buildings.

Mr. Price: Okay. May we have a motion to table.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **table this item until the next meeting in January.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – three. Nays – none.

Motion granted – item tabled until next meeting in January.

Ms. Brinkman: I do not send out Public Hearing Notices again so please note that the next meeting in January will be changed to the 4th Wednesday of the month.

(BZA11-20) Praxair requests a variance to Chapter 1610 “Standards (National Fire Codes; Ohio Fire Code; Life Safety Code; BOCA National Fire Prevention Code)”, Section 1610.17 “Storage Limits for Flammable Materials”, paragraph (d), to allow relief from the requirement regarding the maximum capacity allowed for an above ground fuel storage tank to be located on this property at 14788 York Road, zoned as General Industrial, also known as PPN: 483-27-014.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance to allow the installation of a 30,000 gallon above-ground propane tank of Class I and II flammable liquids on this property which is contrary to Section 1610.17 (d) of the Codified Code.**

Mr. Price: Discussion.

Mr. Ranucci: I have a quick question for the applicant. Out of this 30,000 gallon tank you are going to be filling tankers only or ...

Mr. Krznaric: We are going to be filling cylinders and also bobtail trucks that come in.

Mr. Ranucci: Cylinders of about a 300 gallon size or what?

Mr. Krznaric: 100 pound cylinders, 33 pound cylinders, 43 pound cylinders and so forth.

Mr. Ranucci: The main storage tank is filled by tankers that come in to fill it up.

Mr. Krznaric: Correct.

Mr. Ranucci: So it is going to be a pretty heavily operated process once it is installed as far as the filling of the cylinders and the trucks that go out.

Mr. Krznaric: Yes.

Mr. Price: And you are agreeable to the conditions set forth in the letter from Chief Fabish dated December 12, 2011 wherein he recommends that the variance be granted pursuant to the following conditions.

- 1) That the tank and its installation shall meet or exceed the prescribed standards and codes listed below:**
 - a. NFPA 58 (Liquefied Petroleum Gas Code);**
 - b. DOT codes and regulations;**
 - c. Ohio Fire Code;**
 - d. Ohio Building Code.**

- 2) The installation site shall be improved with paving designed to support the fuel tank with a volume of product and loaded delivery vehicles.**

- 3) Adequate site lighting and full twenty four (24) hour access, three hundred sixty five (365) days a year.**

Mr. Krznaric: Yes, we are agreeable.

Mr. Price: And you would be agreeable to amend your application to include those items.

Mr. Krznaric: Yes, we would.

Mr. Price: Do I need a motion to amend this?

Ms. Vozar: The applicant can amend his application on his own, which he did. I just wanted to clear up something. You are amending your application not only to meet or exceed those standards but also to incorporate all of the recommendations and conditions that were set forth in the letter to the Board of Zoning Appeals from Chief Fabish dated December 12th, 2011. Is that correct?

Mr. Krznaric: That is correct.

Ms. Vozar: Thank you.

Mr. Price: May I have a motion to amend this variance request.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **amend this request for a variance to include the recommendations and conditions that had been set forth in the letter from Chief Fabish to the Board.**

Ms. Vozar: If I could just clarify this before you take the vote. The application has been amended to include all of the conditions set forth in Chief Fabish's letter dated 12-12-11 as though it was initially proposed by the applicant.

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – three. Nays – none.

Motion amended to include recommendations and conditions set forth by Chief Fabish in his letter dated 12-12-11.

Mr. Price: I will be voting to approve this variance. The applicant has indicated other physical security protection as well as what has been detailed in the various codes. The property is set back away from other neighbors. There are other facilities throughout the county and the country which have similar sized propane tanks. I am not aware of any problems so I will be approving this.

Mr. Ranucci: One more quick question. Since you are in the business, what is your knowledge as far as the reliability of a system like this – are they safe or are you aware of any accidents that have happened with these type of installations?

Mr. Krznaric: To my knowledge there has not been any incident within Praxair. Of course, when you have these types of tanks, there are always incidents but I do not really know of any off hand to speak of.

Mr. Ranucci: Mr. Chairman. Looking at the application and their need for this storage tank to be competitive, and since I have lived in town here Praxair has been a reliable business, the tank is set off from the road, the security is in place, the Fire Chief has reviewed the plans and made his recommendations and conditions, so I will also be voting for this variance.

Mr. Jankovsky: I have to admit that when I first saw this application for a 30,000 gallon tank and I saw what the current Code called for, no more than 300 gallons, I said “holy crap” and could not believe that this would ever fly. I did not think that it was even likely to pass but there is probably nobody in the City that I have more confidence in his professionalism and his expertise than our current Fire Chief Mike Fabish. After having read his letter and his recommendations I realize that we are not all experts in all fields and so I think that as long as the applicant agrees to be in compliance with all that the Chief is requiring, and the applicant has agreed to do so, and the fact that this particular company has definitely been an asset to North Royalton in the past and we wish to keep them here and we need to work with them to make their business profitable, I will also be voting “yes” on this.

Ms. Vozar: Mr. Chairman. The findings of fact and conclusions of law that were presented here tonight are as follows. The applicant was here tonight - Praxair. The Plant Manager spoke on behalf of the application. The variance being sought is at the location of Praxair at 14788 York Road, in the City of North Royalton. They are seeking a variance to permit the installation of a 30,000 gallon above-ground propane tank of Class I and II flammable liquids on this property which is contrary to Section 1610.17 (d) of the Codified Code. There were no neighbors here to object to the variance. The Board noted the Plant Manager’s request to amend the application to incorporate the Fire Chief’s conditions and recommendations as was stated in his letter to the Board of Zoning Appeals dated 12-12-11. The Plant Manager indicated that he was authorized to speak on behalf of Praxair and that they, in fact, would comply with all of the conditions set forth in that letter. The Plant Manager indicated that the reason for this request for a variance was that it was required to remain competitive and he referenced other similarly situated companies. The safety issues were also discussed by the applicant and were addressed by not only the security that he set forth but also by their agreement to comply with all of the conditions set forth in the letter dated 12-12-11 by the Fire Chief. The Board also finds that the location and proximity of the tank, together with the Fire Chief’s conditions, ensure that practical difficulties has been established. That is all that I have.

Mr. Price: Any additions? Call the roll.

Mr. Price: Yes.
Mr. Ranucci: Yes.
Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

Variance granted (3-0) based on the recommendations and conditions set forth by the Fire Chief in his letter dated 12-12-11 to the Board (see attached).

Mr. Krznaric: Thank you.

Mr. Price: May I have a motion to adjourn.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for December 19, 2011.**

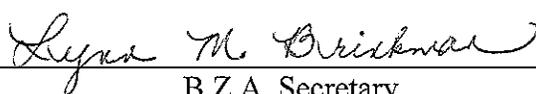
Ayes – all. Nays – none.

Motion carried (3-0).

The Board of Zoning Appeals Meeting **adjourned** at 8:24 p.m.

Approved: 
Vice-Chairman

Date: January 25, 2012

Attest: 
B.Z.A. Secretary