

The **Board of Zoning Appeals** of the City of North Royalton met on **October 23, 2013** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:30 p.m.

Present: Chairman Dan Kasaris, Robert Jankovsky, Victor Bull,
Assistant Law Director Donna Vozar,
Building Commissioner Dan Kulchytsky,
Secretary Lynn Brinkman.

Mr. Kasaris: May I have a motion to excuse Mr. Rohloff and Mr. Gauman.

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

Mr. Kasaris: Will the clerk please call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Kasaris: This is the Board of Zoning Appeals. We are a quasi-judicial board and as such we take in evidence, under oath, so you will be sworn-in when you approach the microphone. You will then state the reasons why you think that we should grant the relief that you are seeking or the variance that you are seeking. Normally we have five (5) people on the Board. Tonight we only have three (3). We are able to move forward but it is the practice of this Board that when we do not have all of the members present we may afford you the option of being heard the following month if you would choose to do so. In the event that two Board members would vote against your request then your request for a variance would be denied. If two people vote “no” with all five members present your variance request would be granted because three members would have voted “yes”. Given the fact that we are short two members we have always afforded the applicant the courtesy of having your item tabled tonight and coming back the following month, if you would so choose, so that you could be heard by the full Board. That having been said is there anyone who would rather not go forward tonight? (No response.)

We are not going to approve the September 25, 2013 Minutes at this time because we had a problem with the recording system equipment at that last meeting. We are missing the recording of the first application that we considered which was for a variance request for an accessory building which was too close to the property line and a variance because the structure exceeded the maximum square footage allowed. We will use our collective memories, thoughts and notes to create these minutes with respect to that application. We will now move forward to the first item on this agenda.

Public Hearing / Open Meeting

New Business:

(BZA13-16) Brilliant Electric Sign Co. / Gliss Properties request a variance to **Chapter 1284 “Signs”, Section 128.17 “Prohibited Signs”, paragraph (s)**, of the City of North Royalton Zoning Code, so as to **allow a ground sign to be installed on this property located in the Traditional Town Center District** (specifically zoned as TCD-1), at **13901 Ridge Road, also known as PPN: 488-06-019.**

Ms. Brinkman: 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 will recognize anyone in the audience wishing to be heard.

Mr. Kasaris: Would you please raise your right hand. Do you solemnly swear that the testimony that you are about to give tonight is the truth, the whole truth and nothing but the truth?

Mr. Harrison: My name is Major Harrison. I am with Brilliant Electric Sign Company located at 4811 Van Epps Road in Cleveland, Ohio.

Mr. Kasaris: If you could please state your cause.

Mr. Harrison: At this point, due to the recommendations of the Building Department, I would like to respectfully amend our original submission. We would like to present an alternative to the submitted ground sign that would be more conforming to the area.

Mr. Kasaris: Do you mean shorter?

Mr. Harrison: Yes.

Mr. Kasaris: We will mark this new submittal as Exhibit 1.

Mr. Harrison: I would like to begin with a brief synopsis. First National Bank is very pleased to be expanding their businesses throughout Northeast Ohio. North Royalton is one of the fifteen sites that we have rushed through as far as a changeover. You probably already know that we have already installed some wall signs and a face replacement for the existing ground sign. I understand that this is probably a different way to go in regard to how they approach the ground sign but they ultimately wanted to install their own type of ground sign in their family-type of signage. That is why we are here before you tonight with this revision. The ground sign that you have before you (Exhibit 1) has basically 25 square feet of sign face area. It is internally illuminated. It stands 5 feet-6 inches. It is not unlike any other ground sign that you have in the TCD area. We believe that this sign is conforming to the area considering the precedents that have been set throughout the neighborhood in this particular zoning district.

Mr. Kasaris: What is the height of the current sign?

Mr. Harrison: I believe that the current sign is maybe five (5) feet high. I am not exactly sure.

Mr. Kasaris: So this sign is about six (6) inches taller than the current sign. Would the new sign be installed in the same location?

Mr. Harrison: It will be placed in the exact same location. Please keep in mind that the pole cover for this existing ground sign is six (6) inches so the sign face area is just 5 feet by 5 feet. So you are looking at 25 square feet in sign face area. We do not believe that this is a substantial variance request. We believe that it will conform with the signs in the area and the neighborhood. It is within the Zoning Code for commercial signage. I will welcome any questions that the Board might have.

Mr. Kasaris: For the record, are there any other ground signs in the area?

Mr. Harrison: In the TCD area? Yes, there are.

Mr. Bull: Are you changing the "entrance" and "exit" signs? How does that compare to the existing signage that Parkview Federal Savings has there now?

Mr. Harrison: The directional signs are basically the same as what Parkview had before. I do not believe that they changed in area or height in any form or fashion. They will be located in the exact same place as Parkview Federal had theirs.

Mr. Kasaris: Does anyone else have any further questions? I will then entertain a motion with respect to BZA13-16.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance to Section 1284.17 (s) of the Zoning Code so as to allow the installation of a ground sign, as amended by the applicant, at the same location as the previous sign in this TCD-1 zoning district.**

Mr. Kasaris: Any discussion? There are other signs in this TCD district so it will conform to the area. It is not really a substantial variance. It is replacing a sign that is already there. It will not negatively affect the delivery of governmental services. I will be supporting this variance request.

Mr. Jankovsky: I concur. I support the request. I was not totally adverse to the original application request. I think that this sign is probably much more conducive to the area.

Mr. Bull: I concur.

Mr. Kasaris: I will issue the following findings of fact for the Board. The variance being requested is not substantial. It does not alter the essential characteristics of the neighborhood. It does not adversely affect the delivery of governmental services. The sign will be in the same location as the previous sign. The sign will be only six (6) inches higher than the previous sign. Any additions or subtractions? Will the clerk please call the roll.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Variance granted (3-0).

Mr. Harrison: Thank you.

(BZA13-17) Vittorio Monteleone requests a variance to **Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s) and Chapter 1281 “Traditional Town Center / Main Street District (TCD)”, Section 1281.07 “Schedule of Yards and Setbacks”, paragraph (a)(B)(1)**, of the City of North Royalton Zoning Code, for relief from the **signage** requirement so as **to allow the installation of a ground sign** and relief from the **minimum setback requirement for parking from the street right-of-way in a TCD-3 zoning district**, for this **proposed sign and extension to the parking area** at this multi-tenant building located at **5740 Royalwood Road, also known as PPN: 488-02-031**.

Ms. Brinkman: 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 will recognize anyone in the audience wishing to be heard.

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

Ms. Monteleone: Yes. My name is Rebecca Monteleone. I am the daughter-in-law of the applicant, Vic Monteleone. We are here to replace the sign that was damaged by one of the customers at my father-in-law’s building on Royalwood Road. We are also requesting to install additional parking spaces at the same location in order to accommodate the tenants who currently occupy the building.

Mr. Kasaris: What type of signage exists in the area right now?

Ms. Monteleone: The sign is currently on its side. It had monument brick posts. It was a double sided sign. We have changed the sign a little bit. It will now be a vinyl sign with vinyl posts.

Mr. Kasaris: Are there any similar signs in the area?

Ms. Monteleone: Yes. The original sign that we had submitted for was a little bit taller. We had allowed some room should there be another tenant or should a space be made available. We have since taken that out and amended those specifications which reduced the amount of signage being requested. This reduced the sign amount by six (6) inches which then reduces the height of the sign to under seven (7) feet.

Mr. Kasaris: Where will the proposed new sign be in relation to where the old sign was? Would you please approach the microphone and raise your right hand. Do you swear that the testimony that you are about to give tonight is the truth, the whole truth and nothing but the truth?

Mr. Monteleone: Yes. The sign will be placed at almost the same location. We moved it over about five (5) feet to protect it from being bumped again.

Mr. Kasaris: So it is five (5) feet farther from the road?

Mr. Monteleone: No. It is five (5) feet further away from the parking. The original sign had been hit by a person who had backed into the sign.

Mr. Kasaris: Does it affect any site distances from the road?

Mr. Monteleone: No.

Mr. Kasaris: (Addressing the Building Commissioner) What are your thoughts on the sign and the parking requests?

Mr. Kulchytsky: As to the sign, the amended application and the reduction of the sign to seven (7) feet will be appropriate. Prior to this being changed to a TCD District this parcel had been zoned for Local Business and a seven foot high sign would have been permitted. So it is remaining within the character of the area and what he had previously had at this location. As to the parking, our TCD District has rather strict requirements for the front parking setback. This Board has considered this type of variance previously for AutoZone. My only recommendation is that should the Board choose to grant this variance those parking spaces should have bumpers. In addition to that the area between the parking and the sidewalk should be landscaped.

Mr. Kasaris: (Addressing the applicants) Why do you need the additional parking?

Ms. Monteleone: One of the current tenants that we have in the building is a cleaning company. They have crews who go out every morning. In addition to the other tenants who are there, the Cleaning Authority had requested to have a few more parking spots to accommodate their staff.

Mr. Kasaris: So it is to assist the businesses that are there.

Ms. Monteleone: Correct.

Mr. Kasaris: How many businesses are located in that building?

Ms. Monteleone: We currently have three (3) tenants in the building.

Mr. Kasaris: Is the building fully occupied?

Ms. Monteleone: Yes.

Mr. Kasaris: Does anyone else have any questions for the applicants?

Ms. Monteleone: If I may approach. I have copies of the amended measurements to the sign which show that we have reduced the height of the sign.

Mr. Kasaris: You went from a sign height of 72 inches to one that is 64.75 inches.

Mr. Bull: How does that compare to the height of the previous sign?

Ms. Monteleone: It is pretty much the same as the previous sign that was there.

Mr. Kasaris: Anyone else have any questions? I will then entertain a motion with regard to Variance #1.

Variance #1:

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance to Section 1284.17 (s) of the Zoning Code so as to allow the installation of a ground sign in this TCD-3 zoning district which had been reflected in the applicant's amended version of his sign submittal.**

Mr. Kasaris: Any discussion? With regard to Variance #1, I do not believe that the variance is substantial. It is not out of character for the neighborhood. It does not adversely affect the delivery of governmental services. The proposed sign is not very different from the one that existed before. Through no fault of your own you need to replace your sign. I will be supporting Variance #1.

Mr. Bull: I concur.

Mr. Jankovsky: I do also.

Mr. Kasaris: Anyone else? I will then incorporate the statements that I made previously for the findings of fact. Any additions or subtractions? (No response.) Will the clerk please call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Ayes – all. Nays – none.

Variance #1 granted (3-0).

Mr. Kasaris: I will then entertain a motion with regard to Variance #2 with the amendments suggested by the Building Commissioner in that the applicant install bumpers on the five (5) additional parking spaces as well as provide landscaping.

Variance #2:

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant relief from Section 1281.07 (a)(B)(1) of the Zoning Code so as to allow the applicant a variance of 15 feet from the minimum setback requirement for parking from the street right-of-way in this TCD-3 zoning district, thereby allowing the parking to be set back 5 feet from the street right-of-way. The granting of this variance to be contingent upon the recommendations made by the Building Commissioner; namely, bumpers to be installed at each of the five (5) new parking spaces and the area between the parking spaces and sidewalk must be landscaped.**

Mr. Kasaris: Does the applicant agree to the conditions set forth by the Building Commissioner?

Ms. Monteleone: We agree.

Mr. Monteleone: Yes.

Mr. Kasaris: Does anyone have something else to add? I find again that what you are requesting is not substantial but rather the minimum necessary to make possible the reasonable use of your land. You are assisting the businesses that you rent to, which is a good thing. The character of the neighborhood is not going to change by the addition of a few more parking spaces. You have agreed to follow the conditions that the Building Commissioner has recommended. You are not going to adversely affect the delivery of governmental services or cause any safety issues. I do not think that your predicament can be obviated through any other means than a variance. You want to assist your tenants who need to be recognized via the signage and who also require additional parking spaces. These businesses provide the life blood for this community with their income tax revenues. Those would be my reasons for supporting this variance request.

Mr. Jankovsky: I agree with you Mr. Chairman. I will also support this and I am glad to see that Mr. Monteleone's building is at full capacity.

Mr. Bull: I also agree.

Mr. Kasaris: For the Board I will issue the same findings of fact that I just presented. Anyone have any additions or subtractions? (No response.) Will the clerk please call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Variance #2 granted (3-0).

Ms. Monteleone: Thank you very much.

Mr. Monteleone: Thank you.

(BZA13-18) Dean Asimes / Axios Investments, LLC request a variance to **Chapter 1278 “Industrial Districts”, Section 1278.15 “Exterior Masonry Surfaces”,** of the City of North Royalton Zoning Code, to allow relief from the requirement that **“all exterior masonry surfaces on buildings constructed in any Industrial District shall be of face brick, stone or other finished type of masonry”**, for this proposed **accessory building** to be constructed on this property located at **10139 Royalton Road, an office / warehouse complex known as Royalton Business Park, also known as PPN: 483-24-002.**

Ms. Brinkman: 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 will recognize anyone in the audience wishing to be heard.

Mr. Kasaris: 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?

Mr. Asimes: Yes.

Mr. Kasaris: Would you please state your name for the record.

Mr. Asimes: My name is Dean Asimes. My business is located at 10139 Royalton Road.

Mr. Kasaris: Who do you represent?

Mr. Asimes: Axios Investments.

Mr. Kasaris: Is that your company?

Mr. Asimes: Yes.

Mr. Kasaris: Please state your cause.

Mr. Asimes: We are here before the Board for a variance with regard to exterior materials for an accessory building that we want to construct for usage by the occupants of Royalton Business Park.

Mr. Kasaris: For the record, you are about to show us a diagram that we have in our packet. It shows the street and the location of the proposed building.

Mr. Asimes: The proposed building will sit over 500 feet back from Royalton Road. It will sit behind the existing building immediately to the north. To the north of it will be a metal-sided building as well.

Mr. Kasaris: When was that other metal-sided building constructed?

Mr. Asimes: Around 2003.

Mr. Kasaris: Was a variance granted for that or did the Code, at that time, allow it?

Mr. Asimes: That is a good question. We received approval for that building. I do not recall if we had requested a variance. That building had some masonry facing on it. It was a different use. It was a multi-tenant office / warehouse building. The material that we are proposing to construct this building out of is the same metal siding to match that building. The difference is that this building will be strictly for dry storage. There will be no occupants or bathrooms in there. It will be strictly an accessory storage building.

Mr. Kasaris: Who will be able to use it?

Mr. Asimes: The occupants of the Business Park.

Mr. Kasaris: Other than the building just to the north, are there any other buildings that have the same type of siding or shell?

Mr. Asimes: In this general area?

Mr. Kasaris: Yes.

Mr. Asimes: Yes, there are. Transport Services ...

Mr. Kasaris: Where is that located?

Mr. Asimes: Two parcels to the west of mine. There is also the U-Haul Mini Storage which is two parcels to the east. There are also metal-sided buildings on the same side of the road – the south side. On the north side of the road you have several other buildings in that same general area. So there are buildings in this area that do have metal siding. This building is also set back so far from the road that it will not be visible from Royaltan Road. The property owner to the south is Mr. Farinacci and his rock pile or Tri-County Concrete. That is located next to the immediate property line to the south.

Mr. Kasaris: What is the hardship that you would have should you follow the Code as it is written and without this variance?

Mr. Asimes: It is cost prohibitive for the use that this building will service, that being a dry storage building or an accessory building. To construct it out of masonry becomes cost prohibitive because it would be difficult to achieve the type of economic rents that would be necessary for that type of building.

Mr. Kasaris: Who will benefit from the storage building?

Mr. Asimes: The occupants in this complex.

Mr. Kasaris: So anybody could use it?

Mr. Asimes: Just the occupants in this complex. We have occupants who are in need of additional storage space. They are using a part of the space right now as outside storage. It has a fenced-in yard. That is what we are going to eliminate. They will then utilize a part of this building for dry storage of that material. We have other occupants who have continued to expand and are starting to outgrow their space in the complex and are in need of additional storage space.

Mr. Kasaris: Do you own the entire complex?

Mr. Asimes: We developed the entire complex and “condominiumized” the western half of the two buildings. We started this project back in 1999. I still maintain ownership of the eastern half of the project. We will obviously own that building as well.

Mr. Kasaris: (Addressing the Building Commissioner) What are your thoughts?

Mr. Kulchytsky: This proposal has received Planning Commission approval as well as Architectural Review Board approval for the exterior appearance. To the applicant, it is beneficial to their site and it is beneficial to the City. He does currently have outdoor storage which he is allowed to maintain. This would eliminate that outdoor storage and move it indoors which would benefit the tenants. It is completely out of the site lines of the street. It would be compliant with the General Industrial District to have the secondary or ancillary structures be metal.

Mr. Kasaris: Any other questions?

Mr. Jankovsky: (Addressing the Building Commissioner) What is the purpose of the ordinance which mandates the masonry facing if something like this is acceptable?

Mr. Kulchytsky: I believe that the initial intent, and I was not here for the drafting of that, was to maintain a good appearance from the street and have a high quality product. In this particular instance, if you had taken a look at the site as well as the neighboring site, the all-masonry structures achieve that. Both this development and the adjacent development look very nice from the street. The ordinance may not have taken into account the extreme depth of industrial lots and the fact that there may be multiple tenants. It is cost prohibitive to provide incidental storage. It defeats the purpose for the Industrial District in having ancillary structures.

