

The Board of Zoning Appeals of the City of North Royalton
met on **January 5, 2015** to hold a Public Hearing in
the Council Chambers at 14600 State Road.

The meeting was called to order by Chairman Dan Kasaris at 7:00 p.m.

Present: Chairman Dan Kasaris, Robert Jankovsky, Dale Gauman, Anthony Rohloff, Victor Bull,
Law Director Tom Kelly, Secretary Diane Veverka.

Public Hearing / Open Meeting

New Business:

1. **(BZA15-01) Lud and Tawny Zajc / Zajc Enterprises, LLC (Line-X of Greater Cleveland)** – the Public Hearing will be heard on the question of granting several variances to **Chapter 1278 “Industrial Districts”, Section 1278.06** “Schedule of Yard Regulations for Research-Office, Commercial Service and General Industrial Districts”, of the City of North Royalton Zoning Code **for a proposed commercial building at PPN:483-13-008 located on Royalton Road**, in a General Industrial district. The variances being requested are as follows:

- Variance #1:** a variance of **38 feet** less than the minimum required 100-ft front building setback from the street right-of-way.
- Variance #2:** a variance of **30 feet** less than the minimum required 40-ft side building setback from lot line.
- Variance #3:** a variance of **30 feet** less than the minimum required 40-ft rear building setback from lot line.
- Variance #4:** a variance of **39 feet** less than the minimum required 50-ft front parking setback from the street right-of-way.
- Variance #5:** a variance of ~~(39)~~ **40 feet** less than the minimum required 50-ft wide landscaped area.

The Clerk stated that the Public Legal notice was sent out to the required properties.

After being sworn in, the property owners Tawny and Lud Zajc stated they operate a Line-X franchise business on Rt. 18 in Medina, and they have recently purchased a second franchise. She added that they have outgrown their current building and are looking at building a 10,000 square foot building. They would like to build on their recently acquired property located on Route 82 which would be conducive for a building with retail presence as well as an industrial backside. The Applicant said that they worked with the City’s Engineering Department to see if this location would be a viable candidate for them. She added that since the feedback seemed favorable, they went ahead and made the land purchase and put together a preliminary building footprint.

Exhibit “A” shows a Google aerial image of their lot. Exhibit “B” shows the same view with the engineering drawing of building site plan. Exhibit “C” is their Engineer’s preliminary layout. Also on Exhibit “C” is a drawing by the Building Commissioner of a long narrow red triangle showing the size of a building that would be able to be built on this lot without requesting any variances. The applicant said the frontage will line up with the other properties and the rear of the building will be compatible with neighboring properties, all backing up to the turnpike. She said their extremely steep terrain impacts the position of the proposed building. The building needs to be located in the rear westerly corner. The only way to enter the lot is from the front eastern corner which is at street level. She said their building would not interfere with the site line of the neighboring property on the west since it is a wooded lot and at a different elevation. Mr. Jankovsky asked the applicant when did they acquire the property and is the purchase pending on the approval of these variances. The applicant responded that they purchased the property October 1, 2014. Mr. Jankovsky followed up by asking if they were aware of the variance challenges they would have. The Applicant said yes she was aware of it; they had met several times prior to making the purchase. She said if it doesn’t get approved, they may have to sell the land. Mr. Jankovsky expressed his feeling that the variances being requested are extreme.

Mr. Kulchytsky said the applicants have met both with the Engineering and Building Departments prior to their submission to the Planning Commission and the Board of Zoning Appeals. They realized that a significant amount of variances would be necessary given the circumstances of its location: the conditions of the site, the steep topography, the unique placement backing up to the Ohio Turnpike and its rather odd shaped configuration. He added that in their review of the plans, they found that if someone were to build on this parcel without variances using the current setbacks, they would essentially be building a building that is

approximately 6 ft. wide at one end and 21 ft. wide at the other end and is 155 ft. long. He added that given the way our ordinances are written, it is almost designed to be an unusable and unbuildable site. Mr. Kulchytsky said regarding setting precedence, each proposal before this Board is on its own merit. In this particular instance, these variances may seem significant, but given the size of the building in relationship to the adjacent buildings and given the unique conditions of the site, he felt it would not create some sort of precedence. Mr. Kulchytsky clarified that Exhibit "B" which was provided by the Applicant may have some inaccuracies in terms of its scaling and also explained that a substantial right-of-way across the front of the property is included for the future expansion of Rt. 82. He added that the Building and Engineering Departments are comfortable with the variances being requested.

Mr. Kasaris summarized for the Board that from the testimony and evidence presented it shows there is not much beneficial use for this property without a variance. He said while the variances are large, there are special conditions that exist which are peculiar to this land that are not generally applicable to other properties in the zoning district. He added that the character of the neighborhood will not be substantially altered, the adjoining structures will not suffer substantial detriment, and the delivery of governmental services will not be affected. Regarding Variance #3, he added that the rear setback backs up to the turnpike and could not affect anyone living behind the property. In regards to Variance #4, Mr. Kasaris reiterated that the building set back will be even with or further back than neighboring properties. He finished by saying he is in support of the requested variances and that he adopts his findings as the findings for the Board.

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #1: a variance of 38 feet less than the minimum required 100-ft front building setback from the street right-of-way.** Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #2: a variance of 30 feet less than the minimum required 40-ft side building setback from lot line.** Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #3: a variance of 30 feet less than the minimum required 40-ft rear building setback from lot line.** Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #4: a variance of 39 feet less than the minimum required 50-ft front parking setback from the street right-of-way.** Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

Regarding Variance #5 – the requested variance of 39 ft. has been amended to read 40-ft. less than the minimum 50-ft wide landscaped area. Moved and seconded.

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve the amended motion for Variance #5: a variance of 40 feet less than the minimum required 50-ft wide landscaped area as per Section 1278.06 of the Zoning Code.** Roll call: **Yeas: Five.** (Mr. Jankovsky, Mr. Kasaris, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

2. **(BZA15-02) Charles & Carol Hetman** are requesting two variances of the City of North Royalton Zoning Code for a proposed **two-story accessory building** at **10315 Edgerton Road**, in a RRZ district, also known as **PPN:485-01-007**. The variances being requested are as follows:

Variance #1: a variance of 8 ft. more than the maximum 15 ft. height allowed for an accessory structure as per **Chapter 1270 "Residential Districts", Section 1270.04 "Area, Yard and Height Regulations", Paragraph (g).**

Variance #2: a variance of 202 sq. ft. more than the 800 sq. ft. maximum allowed for an accessory structure as per **Chapter 1270.19 (d) "Area of Garage"**. Applicant is proposing to erect a two-story 1,002 sq. ft. accessory structure.

The Applicant, Chuck Hetman was sworn in. He stated that they are looking to rebuild a garage due to the amount of flooding they have experienced. The flooding has necessitated the demolition of the existing garage. Because they are in a flood zone, there is minimal amount of buildable land; they want to reconstruct the building in the area of the property that has not

experienced flooding, which is the extreme northwest portion of the property. When the major reconstruction of the residence took place, they transformed the home into a turn of the century farm house. They designed the garage as a barn-like structure to mimic the character of the home. The Applicant stated there are other barn-like structures in the area. He said without a variance, he could build a narrower garage which would then prevent him from building a garage with the height needed. He added that he would like a storage area above the garage to be accessible by stairs. He said instead of having both a garage and accessory building, he would like to combine the two into one building. The driveway was relocated to the west side of the house where the grade level was higher and less prone to flooding.

Mr. Kulchytsky said that if the variances were approved, the Applicant would be able to build an additional accessory structure but they would still be limited to the area requirements of our ordinances. Furthermore, the Board may choose to make this variance contingent on the removal of the garage and also have a stipulation that states the variance is granted with the requirement that no further accessory structures be erected. The applicant said he plans on removing the existing structure. Mr. Kasaris asked the Applicant if he would agree to the Board placing the two restrictions onto his variance request. The Applicant responded yes he would agree to it but that even though he does not intend to construct any additional structure on the property, he would prefer not to have the restrictions. The Applicant responded to Mr. Bull's question and stated that he does not plan to have any commercial activity in this structure. Regarding Variance #1, Mr. Kulchytsky stated that the Building Division is not opposed to the variance proposed due to the flood plain issues that were described and for the applicant's desire to keep his materials dry and safe. He added that he appreciates the design of the structure to appear like a barn which is in character with the Rural Residential District.

In regards to Variance #1 and Variance #2, Mr. Kasaris stated that from the testimony he has heard and the pictures presented, he feels the character of the neighborhood will not be substantially altered and the variances requested will not affect delivery of governmental services. He also re-stated that the applicant has agreed to remove the existing structure and has no desire to build a second structure, even though the terrain and flooding issues would make it impractical to build a second structure. Mr. Kasaris finished by saying he supports the variance request. He adopted his findings and the statements of the Building Commissioner as findings for the Board.

Moved by Mr. Jankovsky, seconded by Mr. Bull to approve Variance #1: a variance of 8 feet more than the maximum height allowed for an accessory structure per Section 1270.04 (g) of the Zoning Code be approved with the stipulation that the existing garage be removed. Roll call: Yeas: Five. (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff, Mr. Gauman, Mr. Bull). Nays: None. Variance granted.

Moved by Mr. Jankovsky, seconded by Mr. Bull to approve Variance #2: a variance of 202 sq. ft. more than the maximum square footage allowed as prescribed in Section 1270.19 (d) of the Zoning Code with regard to the size of the proposed detached garage with the stipulation that the existing garage be removed. Roll call: Yeas: Five. (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). Nays: None. Variance granted.

Adjournment:

Moved by Mr. Bull, seconded by Mr. Rohloff to adjourn the BZA meeting for January 5, 2015. Roll call: Yeas: Five (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). Nays: None. Motion carried.

Meeting adjourned at 7:47 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: February 25, 2015

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