

The **Board of Zoning Appeals** of the City of North Royalton met on **November 22, 2010** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:30 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Secretary Lynn Brinkman.

PUBLIC HEARING

(BZA10-14) Michael Cantrell / New Creation Builders / Kevin Paszt request a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b)**, of the City of North Royalton Zoning Code, for relief from the requirement **that does not allow an accessory building to be located less than twenty feet from any dwelling**, for this **accessory structure** they wish to construct on this property located at **9927 Abbey Road, also known as PPN: 481-13-002**.

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.

Kevin Paszt approached the microphone.

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

Mr. Paszt: So help me God.

Mr. Price: The reason that you are requesting this variance is ...?

Mr. Paszt: We really do not want to put the structure 20 feet away from the house. We would like to place the building closer than allowed.

Mr. Price: What is the address?

Mr. Paszt: The address is 9927 Abbey Road.

Mr. Price: Is that your address?

Mr. Paszt: Yes. I am the homeowner. This is my builder, Michael Cantrell.

Mr. Price: That is basically it.

Mr. Paszt: Yes. That is basically it.

Mr. Price: Would you like to add anything else?

Mr. Cantrell: No, not unless you have some questions for me.

Mr. Price: Not at this time but perhaps later.

Mr. Price: Anybody else? Can I have a motion to move BZA10-14 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA10-14 to the open meeting**.

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

(BZA10-14) Michael Cantrell / New Creation Builders / Kevin Paszt continued...

Ayes – all. Nays – none.

Motion carried (5-0).

Mr. Price: May I have a motion to adjourn the public hearing.

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

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Public Hearing adjourned at 7:34 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **November 22, 2010** to hold an Open Meeting in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:34 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to approve the Minutes for the October 25, 2010 meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **approve the Minutes of October 25, 2010.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Minutes approved.

OPEN MEETING

Old Business:

(BZA10-13) Southwest Unitarian Universalist Church requests a variance to **Chapter 1284 “Signs”, Section 1284.08 “Signs in Public Facilities Districts”, paragraph (a)**, for relief from the **minimum setback** requirement for this proposed **sign** from the edge of the street pavement, to be located on their property at **6320 Royalton Road, also known as PPN: 488-06-032.**

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **remove BZA10-13 from the table.**

Ayes – all. Nays – none.

Motion carried (5-0).

Item removed from table.

Ms. Brinkman: I received a memo from Ted Macosko, the architect for this project and also a member of Southwest Unitarian Universalist Church, on November 12, 2010. It reads as follows (a copy is attached to these Minutes).

Dear Members of the Board:

Do to unforeseen circumstances we would like to please withdraw our request for a variance. We still intend to go forward with this request and hopefully we will be able to do so in the very near future.

Thank you for your understanding and consideration.

Ms. Vozar: Now that the matter has been removed from the table and the applicant has withdrawn his request for a variance there is no further action required by the Board at this time. It has been withdrawn from your agenda and your docket.

Mr. Price: Thank you.

New Business:

(BZA10-14) Michael Cantrell / New Creation Builders / Kevin Paszt request a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b)**, for relief from the requirement that **does not allow an accessory building to be located less than twenty feet from any dwelling**, for this **accessory structure** they wish to construct on this property located at **9927 Abbey Road, also known as PPN: 481-13-002.**

(BZA10-14) Michael Cantrell / New Creation Builders / Kevin Paszt continued...

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **approve a variance of 17 feet less than required per Section 1270.12 (b) of the Zoning Code so as to allow the applicants to locate this structure 3 feet from the existing attached garage of this residence.**

Mr. Price: Any discussion?

Mr. Ranucci: I was out to the property earlier this afternoon and I met with the applicant to review his application. While I was out there we discussed if he would consider attaching this garage to his current residence. The applicant had mentioned that he did not think that he would be allowed to because of the square footage requirement. Is that something, if that was made available through a variance, that you would consider?

Mr. Paszt: I would consider attaching it to the existing structure.

Mr. Ranucci: There would be other requirements that you would have to review with the Building Department because the structure would be attached to the garage. I am not sure that we have quite figured out what that square footage variance would be. I do not know if we are ready so that we could review that tonight, if you would like us to.

Michael Cantrell came forward.

Mr. Price: State your name and address please.

Mr. Cantrell: Michael Cantrell, 6556 Queens Way, Brecksville.

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

Mr. Cantrell: So help me God. When you attach a structure to the house, no matter how big it is, you have to dig a full foundation. There is a difference between a pole building, which is just poles set 36" to 42" in the ground, and other types of structures. The price of the building then changes quite a bit. I am okay with it because I do not care if we build a shed or a castle. It does not matter to me as long as we are building something and as long as it is within his price range. I would need to be able to tell him (Mr. Paszt) the difference in price to see if he would be able to afford it. If he can't afford it then the whole project would end. The ideal would be attaching the garage because of the wiring and a firewall. The firewall would be required because when a structure is attached at least one wall would have to have a fire rating of an hour and a half. You are kind of building an addition then. It is not really a pole building anymore but an addition to the house. The whole foundation structure changes. There would be a price difference. The price that I quoted was about \$11,000.00 for his 32' x 24' pole building. To do that with a regular foundation would probably bring it to about \$16,000 or \$17,000.

Ms. Vojar: Mr. Chairman, I do not mean to interrupt but I feel bad about having you quote numbers when you have not had a chance to look at these changes. If in fact the applicant wants a little bit of time to consider this and meet with his builder to go over all of this they could then come back before the Board and amend their application or leave it the way that it is. You could do that at our next meeting. So you have the option to have this item tabled to allow you to reflect on this rather than going forward with a change that you were not prepared for.

Mr. Cantrell: If it was August or September we probably would do that. The problem is that we are really running out of time for doing any kind of work. The good thing about a pole building is that it could be done at any time. If we did decide to do an attached structure we would need an answer right away. We might only have one more good week for pouring concrete – maybe more.

Mr. Paszt: I would probably have to decline then as far as attaching the structure to the existing garage. I would prefer going with the current plan before the Board.

Mr. Price: Okay. I, for one, have no problem with the request as it stands. It is not going to affect any government services. It is going to be barely visible from the road. It is not going to change the aesthetics of the neighborhood. It is the most logical place to put the building because of the drainage and the big pine trees. I will be voting for it.

Mr. Kasaris: Mr. Chairman, I share your sentiments.

Ms. Mastronicolas: I do have one question though. Will you be paving that or will you still have just the gravel there in front of that building?

Mr. Paszt: I would not be able to pour concrete yet this year due to the weather but I would pour concrete next year.

Ms. Mastronicolas: Thank you. I will also be voting in favor of this variance. I think that it will be a nice addition for you and serve your needs.

Mr. Paszt: I appreciate that. Thank you.

Mr. Ranucci: I will be voting for it also. I do not really see many options due to the lay of the land. I do understand the hardship.

Mr. Jankovsky: I agree. I do not see any conflict with any of the criteria that we need to review so I will be voting for it.

Ms. Vozar: Mr. Chairman, based on the evidence submitted the proposed findings of fact and conclusions of law regarding this request are as follows. The applicant, who is the owner of the property, as well as his builder, Mr. Cantrell, were both present tonight. They testified in support of the granting of the variance at 9927 Abbey Road. They are requesting a variance of 17 feet less than required per Section 1270.12 (b) of the Zoning Code. No neighbors were here tonight to object to this variance. The Board concludes, based on the findings of fact, that the structure will not have any affect on governmental services. This is the logical location due to the topography of the land. There is no conflict pursuant to any of the specific criteria as established under Section 1264.08. The applicant has met his burden of proving practical difficulty as far as his request for this area variance. Is there anything else that the Board would like to add?

Mr. Price: Any additions? Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

Ms. Brinkman: I have one question for you. The plans that had initially been submitted to the Building Department – those are the ones that you are following through with. Is that correct?

Mr. Cantrell: Yes.

Ms. Brinkman: I will resubmit those plans tomorrow then.

Mr. Price: May I have a motion for adjournment?

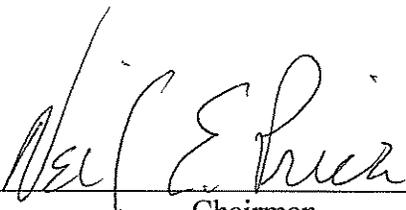
Moved by Mr. Kasaris, seconded by Mr. Ranucci to **adjourn the B.Z.A. meeting of November 22, 2010.**

Ayes – all. Nays – none.

Motion carried.

Mr. Price: Just remember that we have a special meeting on December 6th and a regular meeting on December 27th.

The Board of Zoning Appeals Meeting **adjourned** at 7:45 p.m.

Approved: 
Chairman

Date: Dec 27, 2010

Attest: 
B.Z.A. Secretary