

**The Board of Zoning Appeals of the City of North Royalton
met on December 17, 2015 to hold a Public Hearing in
the Council Chambers at 14600 State Road.**

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

Present: Board Members: Chair Dan Kasaris, Victor Bull, Christine Ragone, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, Law Director Tom Kelly.

Moved and seconded to excuse Anthony Rohloff and Janice Sadowski. **Motion carried.**

Public Hearing / Open Meeting

New Business:

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 Applicants were given the choice to move forward today or come back next month when a full panel of Board members would be present. All Applicants wished to proceed at this meeting.

- A. **BZA15-27** – **James & Karen Roberts.** The applicant, residing at 16914 Ridge Road, is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code in regards to the property located at **16874 Ridge Road**, also known as PPN: 485-16-008, in a RRZ district. The variance being requested is as follows:

Variance: Codified Ordinance **Section 1270.02** “Schedule of Permitted Buildings and Uses.” Request is for a variance to allow an “Accessory Building and Use” without a “Main Building and Use” on Permanent Parcel number 485-16-008.

(Note: This parcel is zoned Rural Residential, however, C.O. Section 1273.01(d), which reads, “Rural Residential zoning does not apply to minor subdivision or single lots. Minor subdivisions are not more than five lots, as defined in Section 1244.04 of this Planning and Zoning Code. R1-A zoning shall apply for minor subdivisions and single lots.” which would require that this parcel be reviewed under the R1-A zoning guidelines.)

James Roberts stated that he bought the property at 16874 Ridge Road, which is located next to his property, with the intention of tearing the house down because it was in need of major costly repairs; it has been vacant for two years. He said there is a very sound brick room addition, approximately 18 ft. x 20 ft., on the back of the home which was added in the 70’s. Instead of tearing it down, he said he would like to use that as a shed or garage for storing mowers and tractors. He stated that he plans to replace the window in the back with an overhead garage door and he plans on replacing the patio doors on the side that faces the south with a window as well as adding a window on the front side that faces Ridge Road. He said it is not for cars; he plans on removing the current driveway and then have it graded and seeded. He wants it to remain rural. He also said he plans on removing the existing nonworking septic tank. He said his property is three acres, the property in question is three acres and his father’s property on the other side is also three acres. He stated that the existing storage shed on the property is a pole building with a dirt floor that is in extremely poor condition and beyond repair. He stated that he has hired a contractor who already pulled permits to take the buildings down. Mr. Bull asked if this issue could be resolved with a lot consolidation rather than a variance. Mr. Kulchytsky responded that yes, if he consolidated the properties this accessory structure would then have a primary use. He said he spoke with the applicant and expressed that we typically pursue accessory structures on properties without main uses and require that they be taken down. The Chair asked the Applicant how many accessory structures he has on his lot. The Applicant responded, one. Mr. Kulchytsky said since the Applicant already has one accessory structure, they would still require a variance for a 2nd accessory structure but the primary use would be there. Mr. Bull asked the Applicant if he would consider consolidating the lots. The Applicant responded that he would prefer not to consolidate; it would create a problem later on if he would want to sell. The Building Commissioner informed the Board that if they choose to entertain the appeal, the Building Division would like a stipulation to be placed on the variance that the variance would not go with the land; should the property be sold to another entity, the structure would need to be removed within one year. The Chair asked the Applicant if he would agree with that. The Applicant responded he has no problem with that.

The Chair stated that even though the Applicant's request is in contrary to the intent of the zoning code, it seems that this is a different matter since the house is dilapidated and the owner is willing to tear it down at his expense; the variance will improve the character of the neighborhood; it will not adversely affect delivery of governmental services, the neighbors are not going to suffer any detriment as a result of the variance and the Applicant has agreed to the amendment. With no further discussion, the Chair stated he will adopt his findings of fact as that of the Board.

Moved by Mr. Kasaris, seconded by Ms. Bull to **approve the Variance to Section 1270.02 "Schedule of Permitted Buildings and Uses" to allow for an "Accessory Building and Use" without a "Main Building and Use" on PPN: 485-16-008 with the condition that should the Applicant sell this parcel, any remaining structures have to be removed within one year of the sale; such condition would have to be placed in the purchase agreement.** Roll call: Yeas: Three. (Ragone, Bull, Kasaris). Nays: None. **Variance approved.**

- B. **BZA15-28 – Paul & Pam Voigt.** The applicant is requesting a variance to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for **3776 Royalton Road**, also known as PPN:488-21-006, in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance **Section 1270.03 (e) (2)** "Minimum lot size for one horse is two acres and one additional acre for each horse." The Applicant is requesting to vary by 1.12 acres from the required 3 acres to have 1 miniature horse and 1 pony.

(Note: The Applicant owns three contiguous parcels 3776 Royalton Road, 3806 Royalton Road and 4231 Sir Richard Avenue which total 82,202 square feet (1.887 acres). The issuance of a horse permit by the Building Commissioner allows for the use of contiguously owned or leased land to count when securing such a permit.)

Pam and Paul Voigt were present. The Chair asked the Applicant about the legitimacy of the notarized statement from Scott Shantery indicating that he was in favor of the variance request. Scott Shantery indicated that he was unaware the paper he signed would be notarized and that he was not present when the paper was notarized. The Chair said the paper was copied onto a full sheet of paper and then notarized at a later time and then presented to the City. Ms. Voigt claimed that she told Mr. Shantery that she had a Notary at her house and that she was going to have it notarized. Mr. Kelly said the fact that the person who served as the notary in this matter may not have done her job correctly. He added that if she wasn't actually present and in the presence of the individual(s) who were alleged to have signed these instruments and taken their oath at the time and known them to be whom they claimed to be, then the notarizations are false and illegal; this person may lose her notary commission as a result. Mr. Kelly recommended that Mr. Shantery's sworn signed statement that was allegedly signed in front of a notary, but we have reason to believe it was not, be dismissed. The Chair asked if any of the other four statements were notarized in the same manner. The Applicant stated they were not signed in the Notary's presence but they were aware it would be notarized. The Chair stated since they were notarized in the same manner, they cannot be considered and will be removed from the submittal packet. The Chair stated that the Board meets again next January and at that time the Applicant can resubmit the documents properly notarized in the person's presence. Ms. Voigt said she was fine with continuing with the meeting without the statements from the neighbors. She questioned whether a conditional use permit could be granted that would allow her to have the pony until she sold the land. The Chair suggested to the Applicant that they consider tabling or continuing the variance request until next month. He suggested she speak to the Planning Commissioner regarding a conditional use permit or other possible options and also to speak to the neighbors who are in support of the variance request and obtain a properly notarized document. Mr. Kulchytsky responded to the question regarding can a permit be granted to have an animal on the property until the next meeting; he said he cannot. Mr. Bull suggested the Applicant address the mitigation of the rodent/vermin issue prior to the next meeting. The Applicant responded she has no rodent issues and is shocked at the comments from the neighboring property.

Moved by Mr. Kasaris, seconded by Mr. Bull to **continue BA15-28 until January 27, 2016 January 28, 2016.** Seconded by Mr. Bull. Roll call: Yeas: Three. (Ragone, Bull, Kasaris). Nays: None. **Request for Variance continued.**

- C. **BZA15-29 – Sal’s Heating & Cooling, Inc. / Convergence Technologies.** Request is being made by Convergence Technologies on behalf of Sal’s Heating & Cooling, Inc. located at **11725 Royalton Road**, also known as PPN:483-18-004, in a General Industrial District. The variance being requested is as follows:

Variance: Codified Ordinance **Section 1284.05 (k) (1)** “Design and Construction Standards.” Request is to allow for relief from the signage requirements relative to the changeable copy area of a ground sign in a General Industrial District. The code requires that the changeable copy portion of a ground sign shall be 30 percent or less of the total sign area. The Applicant is requesting that the changeable copy be 49 percent which is a variance of 19 percent more than the code allows.

Dan Hopkins with Convergence Technologies spoke on behalf of the Sal’s Heating & Cooling. He stated they are looking for a variance to avoid having to make a bigger sign. He said they do have enough square footage necessary to go to a bigger size, but both the Building Division and Sal’s Heating & Cooling do not want a large sign. The compromise would be to go to a smaller sign which would have changeable copy / reader board on one side of the sign and the other side would be an aluminum box with backlit signage. Mr. Kulchysky stated that Mr. Hopkins has worked with the Building Division and we would recommend approval of this solution as it doesn’t require a larger sign to achieve their goal. The code requires that the changeable copy portion of a ground sign be 30 percent or less of the total sign area. Furthermore the Building & Building Codes has taken this topic under review and have a consultant working with us to make changes in our ordinance.

The Chair stated that changes will be made to the signage ordinance next year. He added that this variance will not alter the essential character of the neighborhood; adjoin property owners will not suffer substantial detriment and this will not adversely affect governmental services. Mr. Kasaris said he supports the variance.

Moved by Mr. Kasaris, seconded by Mr. Bull **to approve the signage variance to C.O. Section 1284.05 (k) (1) “Design and Construction” relative to the changeable copy area the ground sign in a General Industrial district. The Applicant is requesting a changeable copy area of 49 percent which is a variance of 19 percent more than the code allows for PPN:483-18-004.** Roll call: Yeas: Three. (Ragone, Bull, Kasaris). Nays: None. **Variance approved.**

- D. **BZA15-30 – LX Properties / Brilliant Electric Sign Co.** Request is being made by Brilliant Electric Sign Co. on behalf of LX Properties located at **10167 Royalton Road / 10197 Royalton Road** in a General Industrial District. The variance being requested is as follows:

Variance: Codified Ordinance **Section 1284.11 (c) (3)** “General Industrial District.” Request is to allow for relief from the signage requirement that the maximum area of a permanent identification sign shall be seventy-five square feet on the lot occupied by the building to which the sign is accessory. The Applicant is requesting 115 square feet which is a variance of 40 square feet more than the code allows.

Major Harrison from Brilliant Electric Sign Co. spoke on behalf of LX Properties. He stated that they are seeking a variance to install a double sided multi-tenant interior illuminated ground sign for a multi-tenant plaza. He said the strict interpretation of the C.O. doesn’t allow for adequate signage. He stated that any additional wall signs would also require a variance. He said a ground sign is advantageous to the building as it seeks to notify transient visitors of where a business is located. The Building Commissioner stated that this issue with the signage code will be addressed by the same individual that will be handling the review of the changeable type. The code currently grants an insignificant amount of square footage for such a large multi-tenant establishment. The Chair said the character of the neighborhood will not be altered; adjoining property owners will not suffer any detriment as a result of the variance; this property is by a state highway and government services will not be adversely affected. As the Building Commissioner stated, the code is the problem, not the applicant. The Chair adopted his findings as that of the Board.

Moved by Mr. Kasaris, seconded by Mr. Bull **to approve the signage variance to C.O. Section 1284.11 (c) (3) for relief of the signage requirement. The business address at that location may have a 115 sq. ft. permanent identification sign which is 40 square feet more than the current code allows.** Roll call: Yeas: Three. (Ragone, Bull, Kasaris). Nays: None. **Variance approved.**

Adjournment:

Moved by Mr. Kasaris, seconded by Mr. Bull to **adjourn the BZA meeting of December 17, 2015.**
Motion carried.

Meeting adjourned at 8:00 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: 1/28/16

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