

The **Board of Zoning Appeals** of the City of North Royalton met on **June 26, 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, Anthony Rohloff, Robert Jankovsky, Victor Bull, Dale Gauman, Prosecutor Donna Vozar, Building Commissioner Dan Kulchytsky, Secretary Lynn Brinkman.

Mr. Kasaris: May I have a motion to excuse Mr. Rohloff from voting on the Minutes.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **excuse Mr. Rohloff from voting on the Minutes of April 24th**.

Mr. Kasaris: Clerk, please call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). Mr. Rohloff is excused.

Mr. Kasaris: May we have a motion to approve the April 24, 2013 Minutes as submitted.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **approve the Minutes from April 24, 2013**.

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

Mr. Bull: Yes.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (4-0). **Minutes are approved.**

Public Hearing / Open Meeting

Old Business:

(BZA13-06) Walter and Stella Krusinski request a variance to **Chapter 1270 “Residential Districts”, Section 1270.24 “Camping and Recreational Equipment”, paragraph (b)(3)**, of the City of North Royalton Zoning Code, to allow relief from the requirement relating to **the storage of recreational equipment in the front yard of a property** so as to allow the owners of this property located at **9308 Vista Drive, also known as PPN: 489-24-012, to temporarily store their existing motorhome in the front yard, for a period not to exceed five years.**

Mr. Kasaris: I understand that the applicants have **withdrawn** this item from the agenda so we will not be considering this item. Donna, I do not think that we need to do anything further.

Ms. Vozar: No action is required.

New Business:

(BZA13-07) Terence M. Polzin requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.24 “Camping and Recreational Equipment”, paragraph (b)(3)**, of the City of North Royalton Zoning Code, to allow relief from the requirement relating to **the storage of recreational equipment in the front yard of a property** so as to allow the owners of this property located at **3343 Sprague Road, also known as PPN: 489-26-014, to continue storing their existing motorhome in the front yard.**

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: I have a question for the Building Commissioner before we move forward. What is the law with respect to camping and recreational equipment that is parked on a property?

Mr. Kulchytsky: Camping and recreational equipment is to be parked at the rear of the property. Should an applicant not be able to park it in the rear, and they are also unable to park it on the side, they would need to apply to the Building Commissioner to park it in the front. They would need permission or a permit to have extended periods of time which would allow the camper to be located in the front of the yard.

Mr. Kasaris: As the Building Commissioner, how does that licensing process work and how long can you permit the camper to be parked there?

Mr. Kulchytsky: The Code is silent as to any stipulation as to how long the camper is permitted to be located in the front yard. Using as an example the previous applicant who has since withdrawn his application, they made an application with a reasonable schedule attached which kept the camper off of the front of their property primarily during the summer months when people are enjoying the outdoors. They are located in a relatively dense residential district so it was reasonable to issue a permit based on that schedule.

Mr. Kasaris: So what we actually have then is two processes for campers. We have a process in which a person can go to you to request a permit or a person can appeal to this Board and apply for a variance from the law which requires that the camper be parked at the rear of the property.

Mr. Kulchytsky: That is correct.

Mr. Kasaris: Thank you.

Mr. Jankovsky: Mr. Chairman. Mr. Kulchytsky, I understand that the present ordinance, Section 1270.24, was amended and passed on June 22, 2011. Do you have any idea what the restriction was for such a vehicle prior to that time with regard to parking in the front yard?

Mr. Kulchytsky: I am sorry but I do not have that information with me.

Mr. Kasaris: I think that we extended the time.

Ms. Vozar: I think that it is more liberal now than it was before. There is now a permitting process that allows it to be a longer period of time.

Mr. Kasaris: I remember people coming to council meetings and indicating that three (3) days was not long enough for them to bring the camper home, unload it and properly clean it and then move it out. So the time period was extended.

Mr. Jankovsky: The preceding ordinance had then been that a camper could be left in the front yard pretty much indefinitely.

Mr. Kulchytsky: That would be my understanding from the discussion. I do not have the previous ordinance available to confirm that. To the Secretary, do you have a copy of that ordinance?

Ms. Brinkman: Yes.

Mr. Kasaris: Could you pass that down to the Building Commissioner.

Mr. Rohloff: I believe that it is five (5) days. My Homeowner's Association has been reviewing that and it is supposed to be in conjunction with the City code which is five days.

Ms. Vozar: If I may Mr. Chairman. Whether or not the previous ordinance permitted or did not permit the storage of these campers in the front yard is not really relevant to this Board. What is relevant is that we do have an ordinance now and it does have specific time limitations. That is what the applicants and all of the residents are bound to comply with.

Mr. Jankovsky: To our legal representative, what is relevant to me though is that if the preceding ordinance in fact did allow more leniency than the current ordinance does and the vehicle had been stored for years under the old ordinance - that does have an influence on my decision.

Ms. Vozar: Are you saying that you are under the impression that the camper would be grandfathered? It would not be.

Mr. Kasaris: I think that the new ordinance is actually more liberal than the old one. I think that the new ordinance allows you to store it longer than the old ordinance did.

Ms. Vozar: I also think that it always required it to be enclosed if it were to be stored in the front yard. If it was not enclosed then it was to be stored on the side of your house. Is that how it previously read? It has been a while since we have looked at it.

Mr. Kulchytsky: The document that I have here shows the proposed ordinance so it does not clarify the questions at hand.

Ms. Vozar: What was stricken?

Mr. Kulchytsky: It shows one item that was stricken and then shows what was fully amended and changed. It does not clarify the issue or give any answers to the questions that you have at the moment.

Mr. Kasaris: Will the applicant please approach the microphone. Could you please raise your right hand. Do you solemnly swear that the testimony that you are about to offer here tonight will be the truth, the whole truth and nothing but the truth?

Mr. Polzin: Yes. My name is Terence M. Polzin.

Mr. Kasaris: Please state your cause.

Mr. Polzin: I have had my RV of one type or another there for 19 years. It has been there since I moved in. I bought the property. It was a perfect location. The driveway, at that time, was set up for three vehicles wide. There was a perfect place to store an RV properly on tarmac so you would not damage it from the elements coming up from underneath such as water. It is set back from the road. We are located on a county highway. I understand Sprague Road to be a county highway. I have never had a complaint about it. If I were to have to move the camper I would have a problem. My home sits in a hole, more or less. It sits two feet below the road grade and about two feet below the grade of my neighbor. To locate the camper in the back I would have to remove a birch tree. I would definitely need to have some major excavation done, including engineering to secure proper drainage from the neighbor's property. It would require paving. It would be cost prohibitive for me to place it in a storage facility at approximately one thousand dollars a year, considering the monthly expense for storage and the anticipated increase in the expense for insurance.

Ms. Vozar: Mr. Chairman, can I just clarify something. As it turns out my book is so old that I actually have the old ordinance in there. As it turns out you were not allowed to park your vehicle in the front at all without first having obtained a permit. So it was not a longer period of time. It actually states that if it was necessitated for you to park it in the front you had to have a permit from the Building Commissioner. The new ordinance actually permits a homeowner to **not** have a permit, I believe, as long as they do it for a limited period of time. I believe it is for five (5) days within a thirty day period. It does allow the residents to avoid the permit process but only for a limited period of time; otherwise, to locate it in the front, the owner would need to go through the permitting process. Does that help to clarify this?

Mr. Kasaris: Is this the same camper that you have had there?

Mr. Polzin: I have had a total of three (3) campers. I have had this one located there since 2005-2006.

Mr. Kasaris: It has been parked in the same location?

Mr. Polzin: It has been parked in the same location.

Mr. Kasaris: Were you aware that there was a problem?

Mr. Polzin: No. It had never been brought to my attention. My neighbors have never complained. I have some photographs that I would like to submit.

Mr. Kasaris: Are they different from the ones that you previously submitted?

Mr. Polzin: Yes. I have two photographs taken from the west. (Four photographs were submitted into the record.)

Mr. Kasaris: Is your house for sale?

Mr. Polzin: No. That is a neighbors' house. The small white "for sale" sign is for a bike that they have for sale. The view of the motorhome is totally blocked by a row of hedges. If you look at the picture with the car at the end of the driveway – that is my driveway and my car.

Mr. Rohloff: (Referring to Exhibit B) Your home is the one with the fire hydrant in the front of it?

Mr. Polzin: The fire hydrant is to the west of my driveway.

Mr. Kasaris: The camper appears to be located pretty far back from the street.

Mr. Polzin: I paced it off last night. It is approximately 100 feet from the shoulder of the road.

Mr. Kasaris: Does anyone else have any questions or comments? (No response.) I will then entertain a motion with regard to this variance request, namely BZA13-07.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant relief from Section 1270.24 (b)(3) of the Zoning Code so as to allow the applicant to continue storing his existing motorhome in the driveway of his front yard.**

Mr. Kasaris: Any further discussion?

Mr. Jankovsky: Mr. Chairman. I do not know whether or not parking a motor vehicle, a recreational vehicle or a bus in the front yard is right or wrong but I know that the Code states that the City does not want it to be located there for a prolonged period of time. If the Code is wrong then I think that Council should change the Code and allow it. There are a lot of privileged people in the City that own this type of vehicle and I think that this would set a precedent across the City. What the view is from 100 feet west or 100 feet east is not the intent of the Code. At this point in time the Code mandates that this type of vehicle be located in the front yard for only a limited period of time. I do not feel that any reason has been offered here to justify that this be allowed and to set a precedent for all of those other residents in the City that might also have such a vehicle parked in their front yard and want the same thing. If the Code is not justified then it should be reviewed and changed by Council. I cannot support this request at this time.

Mr. Kasaris: Our legal advisor has advised us that our standard for review for this type of variance is not "practical difficulty" but rather "unnecessary hardship". There are several factors that we must consider such as the following.

1. *Where the literal application of the provisions of this Zoning Code would result in no economically viable use of the property for any purpose for which the property is zoned and thereby creating unnecessary hardship(s) unique to the property...*
2. *Where other exceptional circumstances or conditions (such as topographical or geological conditions, or type of adjoining development) are unique to the property involved and do not apply to other properties within the same zone...*
For example, if there was a river or hills or something like that which would not allow for the storage of this vehicle in the front.
3. *Where granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located...*

4. *Where the granting of a variance will not be contrary to the general purpose, intent and objectives of this Zoning Code and the Master Plan of the City of North Royalton...*

5. *The variance sought is the minimum which will afford relief to the applicant.*

I think that we would have to find all factors present before the Board can grant a variance. All of these criteria would have to be met. In reviewing these five factors – they have not been met. You have an economically viable use of your property for the purpose for which it is zoned. The granting of the variance will be contrary to the general purpose, intent and objectives of the Zoning Code and the Master Plan of the City. So there are at least two, in my opinion, factors that are set forth in our Zoning Code which mandate that we deny this request for a variance. Based on the Code and these five factors I will be voting “no” with regard to this request for a variance.

Ms. Vozar: Mr. Chairman. If I could just add something to clarify this for the record. Under our Code it states that *“no variance shall be granted to allow a use not permissible under the terms of this Zoning Code in the zoning district in which the property is located...”* It goes on to indicate the factors that the Board should consider. In this case the applicant is seeking a front yard storage facility which use is permitted in other zoning districts but not within a residential district. As such this “storage facility use” needs to seek a **“use variance”**. Thank you.

Mr. Kasaris: Anybody else? I find that we have had testimony offered to us by the applicant who has presented to us several exhibits stating his cause. I find, however, that the applicable factors that I have stated, and as Mr. Jankovsky has stated, have not been met, particularly Section 1264.08, paragraph (e)(2)A and D. There was no opposition present tonight against this particular application.

Mr. Polzin: Excuse me. I would also like to add that under the current economic conditions the increased expense of approximately one thousand dollars a year to store this vehicle off site as well as the ongoing expense to pay for it and complete this loan will probably force me to sell it. That will be a loss and I am going to need to seek some kind of relief from that loss.

Mr. Kasaris: That is one of the reasons that I had the Building Commissioner, before we heard any evidence, explain what the law is. In the event that this Board would vote “no” tonight you still have another process which you can follow. You can still go to the Building Commissioner and ask for a permit to allow you to store your recreational vehicle on your property for a period of time that the Building Commissioner would designate. In the event that the Board does not grant you this variance you still have an option provided to you by the City. Do you understand that?

Mr. Polzin: Yes.

Mr. Kasaris: Anyone else? Will the clerk please call the roll.

Mr. Gauman: Yes.

Mr. Kasaris: No.

Mr. Rohloff: No.

Mr. Jankovsky: No.

Mr. Bull: No.

Ayes – one. Nays – four.

Variance denied.

Mr. Kasaris: I would suggest that you see the Building Commissioner tomorrow and talk to him about obtaining a permit.

(BZA13-08) William and Laurine Sperry 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, to allow relief from the requirement so as to allow this proposed accessory building to be located in the side yard of this property at 19620 Lytle Road, also known as PPN: 484-19-009.

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: 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. Sperry: Yes.

Mr. Kasaris: Please state your name and cause.

Mr. Sperry: My name is William Sperry. I have lived in my house for 28 years. When I purchased the house the two accessory buildings were already there. That makes those buildings approximately 30 years old. In the last 30 years conditions have made the foundations shift on them. They actually do not have any kind of footers. They have become in disrepair. Rather than repair those existing buildings, one of which encroaches on the lot next door which I happen to own but is none-the-less an encroachment, I would like to raze those buildings and construct one that is up to date and by code.

Mr. Kasaris: You own the lot next to you. If you were to build would you have to come before this Board because it is actually two separate lots?

Mr. Sperry: Are you asking if I want to attach these two lots?

Mr. Kasaris: Yes.

Mr. Sperry: I should not have to consolidate these two lots.

Mr. Kasaris: How far back is your house from the street?

Mr. Sperry: It is approximately 145 feet from the street.

Mr. Kasaris: Do you know what the setback requirement is on Lytle Road?

Mr. Sperry: Do you mean from the street? No, I do not.

Mr. Kasaris: Is it set back further than the other houses on Lytle Road?

Mr. Sperry: It is set back much further than the other houses.

Mr. Kasaris: How visible would the new shed be from the street?

Mr. Sperry: It would not be any more visible than the existing buildings. It would probably be less visible because there are trees. One of the reasons that I am asking for this variance to locate this building in the side yard is because we would have to take down some mature trees should we have to locate it elsewhere on the property. We feel that would be a hardship and not aesthetically pleasing to the neighborhood or the property.

Mr. Kasaris: Does anyone have any questions for the applicant? (To the Building Commissioner) Anything that would be constructed would have to be on a concrete foundation with footers?

Mr. Kulchytsky: That is correct. Any structure of this size would be held to a higher standard of construction by the Ohio Building Code.

Mr. Sperry: We are going to have 42 inch footers.

Mr. Kasaris: Are you aware of any other requirements that might be a little bit different?

Mr. Kulchytsky: The depth of the footers is the primary change that would occur.

Mr. Kasaris: Anybody else have any questions or comments? Thank you. May I then have a motion with respect to BZA13-08.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance from Section 1270.12 (b) of the Zoning Code so as to allow the applicants to construct their proposed accessory structure in the side yard of their property relative to an addition to the existing residence, which would amount to an encroachment into the side yard of approximately 30 feet. This is to be based on the condition that the two existing sheds are to be removed.**

Mr. Kasaris: Any discussion? I am very familiar with the area. I live by it. I find that the shed that the applicants want to construct is not really out of character for the neighborhood. It is set back a good distance from the road. Other houses on the street are actually set closer to the street than this one. If this house was located as close to the street as the other homes the applicant would not even have to be here. There will be no detrimental effect on governmental services. I do not think that the variance is substantial.

Mr. Jankovsky: I agree with you Mr. Chairman. I think that the property that we are referring to is a beautiful property and certainly what we like to see here in North Royalton. I think that all of the criteria that we have to consider has certainly been complied with. I think that the change would be an improvement. I will be voting to approve this variance request.

Mr. Kasaris: Anyone else? I will issue the following findings on behalf of the Board. Based on the evidence, the photographs presented by the applicants and the testimony of the applicant, the improvements that the applicants are seeking would actually make the neighborhood look better. They are not seeking a substantial variance. They will not be altering the character of the neighborhood or causing any detriment to the neighborhood. The variance being requested would not affect the delivery of any governmental services. Anything else? (No response.) Will the clerk please call the roll.

Mr. Kasaris: Yes.

Mr. Rohloff: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Gauman: Yes.

Ayes – five. Nays – none.

Variance granted.

Mr. Sperry: Thank you.

(BZA13-09) AutoZone Development Corp. request a variance to **Chapter 1281 “Traditional Town Center / Main Street District (TCD)”**, **Section 1281.07 “Schedule of Yards and Setbacks”**, paragraphs **(a)(A)(1)**, **(a)(B)(1)** and **Chapter 1284 “Signs”**, **Section 1284.17 “Prohibited Signs”**, paragraph **(s)**, of the City of North Royalton Zoning Code, for relief from the **maximum front setback requirement for a building from the street right-of-way**, relief from the **minimum setback requirement for parking from the street right-of-way** and relief from the **signage requirement relative to ground signs in a TCD-2 zoning district**, for this **proposed new building, parking area and monument sign** they wish to locate on these properties they plan to consolidate at **5895 and 5913 Royalton Road**, zoned TCD-2, also known as **PPN: 487-06-006** and **PPN: 487-06-007**.

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: Is anyone here on behalf of the applicant? Could 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?

Mr. Didiano: Yes. My name is Carmen Didiano. I am with MDM Engineers and I am here representing AutoZone.

Mr. Kasaris: Are you here with the consent of the current property owner?

Mr. Didiano: Yes. AutoZone is the largest retailer of auto parts in the nation. They are proposing to consolidate two lots to allow the construction of a new free-standing building on Royalton Road.

Mr. Kasaris: What structures are currently on those lots?

Mr. Didiano: There are currently two separate structures housing a couple of different tenants. There is a psychic reader on the one property and a residential structure which also has a commercial business operating out of it. Those two lots, although narrow in width, will be combined into one lot via a lot consolidation process through the City. The lot will then be about 126 feet in width.

Mr. Kasaris: How long will it be in length?

Mr. Didiano: It is about 600 feet in length.

Mr. Kasaris: You will not be affecting the length then - just the width of the lot.

Mr. Didiano: That is correct. AutoZone has two basic building footprints that they utilize when they build. Taking the narrowest building that AutoZone has for this site, the narrow width of the property still precludes AutoZone from providing the required number of parking stalls they would like for their customer convenience. So as a result we are here before the Board tonight for basically three variances. The first two variances need to address a building setback and parking setback. The third variance is related to a monument sign. With me here tonight is Mr. Brian Siddall, from AutoZone. He has come all the way from Memphis, Tennessee, to talk to you tonight about the sign. I would like to now address the first two variances. The first variance request is to allow the setback of the building to be located 54'-7" from the street right-of-way. You can see the building in the red footprint. We have tried to move the building so that it is in line with the adjacent buildings on both sides. There is a large commercial building here to the west and then a smaller building here on the east side. We are asking to locate this proposed building approximately 54'-7" from the street right-of-way. The Code requires that the maximum front setback of a building be 25 feet; therefore, we are requesting a variance of 30 feet.

Mr. Kasaris: There are currently properties already there that have about the same setback.

Mr. Didiano: Yes. When we did that with the building it allowed us to put some parking in the front of the building. That then moved the parking closer to the right-of-way line. The Code requires that the minimum setback for parking from the street right-of-way be 20 feet. Thus the request for the second variance. To lessen the impact of the relief, should this Board grant it, AutoZone is proposing to construct a masonry wall with wrought iron decorative fencing and some extensive landscaping along the front to try to offset or mitigate some of that impact of having the parking so close to the right-of-way line. We are providing pedestrian access from the main street to the front of the building. There will be extensive landscaping throughout the property. This project has already been before the Planning Commission and before the Architectural Review Board. We now need to get approval from the Board of Zoning Appeals.

Mr. Kasaris: What happened when you went before the Planning Commission?

Mr. Didiano: The Planning Commission gave us a favorable recommendation for approval pending the outcome from B.Z.A. and the A.R.B. approved both the building and landscaping plans.

Mr. Kasaris: What is the square footage of the building?

Mr. Didiano: The building is about 7,147 square feet.

Mr. Kasaris: How does that compare to Malley's which is, I think, next door to it.

Mr. Didiano: It is larger than the building that is to the east but smaller than the building to the west. The actual development of the AutoZone reduces the amount of impervious surface on these two lots. We will actually be putting in less pavement and building than what currently exists on these lots. At the request of the Planning Commission there was a large gravel parking lot at the rear that AutoZone has agreed to remove and turn it into grass. With the removal of that existing gravel and the removal of the existing buildings and pavement we will actually reduce the amount of storm water flow off of this site. We will have storm management controls on this site as well.

Mr. Kasaris: What are those controls?

Mr. Didiano: We have a collection system whereby instead of the water draining onto the right-of-way as it currently does we will collect the storm water on site and pipe it into the system.

Mr. Kasaris: What have you now placed before us on the trifold?

Mr. Didiano: Recognizing that the City has some requirements architecturally speaking, AutoZone took their standard building footprint and provided a decorative building that has a brick veneer. Their normal building is basically painted split-faced block but here in North Royalton the building will be all brick veneer with an EIFS (Exterior Insulation Finish System) overhang across the front, decorative brick piers, a decorative cornice treatment across the front of the building and some spandrel glass on two of the sides to present a much more appealing look for the building on all four sides of the building.

Mr. Kasaris: Will either variance request have any effect on any type of governmental services?

Mr. Didiano: Absolutely not. The trash corral will be a masonry structure. It will be a self-contained corral at the rear of the site. All utilities are adequate and available for the building. Emergency vehicles would still have full access around the building to attend to emergencies or fire protection.

Mr. Kasaris: How many people will be employed there?

Mr. Didiano: I think that the total employment of people at an AutoZone is between 20 – 25 people.

Mr. Kasaris: Anyone have any further questions regarding the first two variance requests?

Mr. Kulchytsky: Mr. Chairman. The applicant has worked very closely with the City to make sure that he complies with every variance possible. One thing that Mr. Didiano failed to mention was that we had previously discussed that pushing the building up further to meet the requirement of the ordinance would cover up the adjacent properties by bringing this building out of line with them. He did fail to mention that that additional hardship exists involving the adjacent neighbors should they follow that building setback line.

Mr. Kasaris: Could the individual who will be addressing the sign variance approach the microphone. Could you please state your name.

Mr. Siddall: My name is Brian Siddall.

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

Mr. Siddall: Yes sir. I am here on behalf of AutoZone to propose having a monument sign within the Town Center District. The current ordinance does not allow monument signs in a TCD District. I believe that the language in the ordinance actually states that these signs are “prohibited”. I am basically here to ask for relief from that requirement so that we can have a monument sign that actually complies with the regulations set forth by an ordinance for another zoning district in the area. We are asking for a 32 square foot monument sign with an overall height of 7 feet.

Mr. Kasaris: Will this be an electric sign?

Mr. Siddall: Yes. It will be internally illuminated.

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

Mr. Siddall: Yes, I believe so. I just came into town today but from Google Image Shots there appear to be monument signs throughout the area.

Mr. Kasaris: What will the monument sign look like?

Mr. Siddall: The design that I proposed for the variance was submitted with the application. I believe that Mr. Kulchytsky took a few more options to the Architectural Review Board. There was no decision made as to the look of the sign but I have agreed to work with the Building Department and the A.R.B. to get something aesthetically pleasing should this variance be approved tonight.

Mr. Kasaris: When would construction begin?

Mr. Siddall: Construction on the sign would begin later down the road.

Mr. Kasaris: When would construction begin on the structure itself?

Mr. Siddall: (Referring to Mr. Didiano) Construction should begin in about 90 days.

Mr. Kasaris: Does anyone else have any questions for this gentleman regarding the sign?

Mr. Kulchytsky: Should the variance be approved the A.R.B. has requested that the signage re-appear before that board for the final approval of the sign. I do not believe that the design provided to you as part of this application will be the final design. Several options were presented that bring it more into character with the Town Center District.

Mr. Kasaris: So what the A.R.B. reviewed the first time will be different the second time.

Mr. Kulchytsky: They have several schemes before them. He is seeking a variance from you so as to allow AutoZone to even have a monument sign and for the height and area that is associated with it.

Mr. Kasaris: So there is an actual need for him to go back to A.R.B. for this sign.

Mr. Kulchytsky: That is correct. I am trying to clarify that the sign before you is not the final design. My other recommendation as the Building Commissioner is that being in that it is located in the Town Center District, and it is up to this Board to entertain whether or not a monument sign should be permitted, that the sign perhaps be reduced in height and area. This is the same recommendation that I shall have when the Master Plan is completed and the Town Center District signage is re-visited after the completion of the Master Plan Commission.

Mr. Kasaris: What dimensions would you seek?

Mr. Kulchytsky: A permitted ground sign cannot exceed seven (7) feet in height. This would be rather substantial for the TCD District. The intention of the TCD District is to have a smaller scale, walkable character. Our initial recommendation is that it be limited to five (5) feet and that the signage panel be reduced by approximately thirty (30) percent.

Mr. Kasaris: To what?

Mr. Kulchytsky: It is currently permitted to be 32 square feet. Perhaps a reduction to 20 – 22 square feet should be recommended. In other words, proportionately reduce the height and the area of the sign to fit more into the TCD character.

Mr. Kasaris: So your suggestion, when we consider the third variance regarding signage, is that we should amend the variance request and put a condition on it that the sign be no more than 5 feet in height and not to exceed 22 square feet.

Mr. Kulchytsky: That is my recommendation. You could actually make it 24 square feet - that would be easier for a sign panel system. A common sign panel size would be 24 square feet.

Ms. Vozar: Mr. Chairman, is the applicant in agreement with that amendment?

Mr. Didiano: I will agree to that.

Mr. Kasaris: Does anybody else have any questions or comments? I will then entertain a motion with respect to Variance #1.

Variance #1:

Moved by Mr. Jankovsky, seconded by Mr. Bull **to grant a variance to Section 1281.07 (a)(A)(1) of the Zoning Code to allow this proposed new building to be located 30 feet more than the required maximum front setback from the street right-of-way in a TCD-2 district, thereby locating this new building approximately 54'-7" from the right-of-way.**

Mr. Kasaris: I would first like to state that we have a Code that we have to follow with regard to this type of variance. It deals with “practical difficulties”. One of the factors we must look at is whether or not the essential character of the neighborhood would be substantially altered. I do not believe that it would be. Would the granting of this variance adversely affect the delivery of governmental services? I do not believe that it would. Is the variance substantial or the minimum necessary to make possible the reasonable use of the land? I do not believe that it is substantial. The fact that it brings the building into character and alignment with the surrounding buildings is also a factor to consider. I also believe, as my one colleague has stated many times, that North Royalton is often known as the “dark” town which sits between Broadview Heights and Strongsville. We need to welcome businesses. We need to have lights on our main street - which is what Royalton Road is. Does anyone else have any other comments? Will the clerk please call the roll.

Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.

Ayes – five. Nays – none.
Variance #1 granted (5-0).

Mr. Kasaris: I will now entertain a motion for Variance #2.

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 14 feet from the minimum setback requirement for parking from the street right-of-way in this TCD-2 district, thereby allowing the parking to be set back 6’-1” from the street right-of-way.**

Mr. Kasaris: Any further comments regarding this request? I find the findings of fact for the Board to be the same as for Variance #1. Will the clerk please call the roll.

Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.
Mr. Rohloff: Yes.

Ayes – five. Nays – none.
Variance #2 granted (5-0).

Mr. Kasaris: I will now entertain a motion for Variance #3.

Variance #3:

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 applicant to install a ground / monument sign to advertise this new retail business located in a TCD-2 zoning district. Approval to be based on the condition that the sign not exceed 5 feet in height with a sign panel not to exceed 24 square feet, exclusive of ornamental masonry.**

Mr. Kasaris: Any discussion?

Mr. Rohloff: In relation to the other businesses in that area, how large are those signs?

Mr. Kulchytsky: I have not measured them but my assumption would be that they comply with the current ordinances and meet the height requirement.

Mr. Rohloff: So this would be the first sign that received a variance in that area?

Mr. Kulchytsky: No. There have been other signs in the TCD zoning district that have received a variance.

