

The **Board of Zoning Appeals** of the City of North Royalton met on **January 25, 2012** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Vice-Chairman John Ranucci at 7:35 p.m.

Present: Vice-Chairman John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Victor Bull, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Public Hearing

(BZA12-01) James K. Emrick requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)**, of the City of North Royalton Zoning Code, to allow relief from the **maximum square footage** requirement for an **accessory structure** he wishes to construct on his property located at **4600 Lisa Lane, also known as PPN: 488-09-027**.

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

Ms. Brinkman: I received a letter yesterday, on January 24, 2012, from Joseph A. Gambino, Attorney-at-Law. The letter reads as follows.

“This letter is intended to serve as a response on behalf of my client, Susan Matney, concerning the recent zoning issue located at 4600 Lisa Lane, North Royalton, Ohio, also known as PPN: 488-09-027.

My client maintains there have been many issues concerning the applicant, James Emrick, in the past such as ignoring permit requirements when adding on to the existing structure and installing a fence. My client asks that the existing laws be upheld. Due to many perceived violations and the past actions of James Emrick, he has demonstrated an unwillingness to follow the laws set forth by the City of North Royalton and cannot now be presumed to abide by future restrictions.

My client and the Emrick family have somewhat of a history in that there have been many reports to local law enforcement concerning noise violations, harassment, verbal abuse and animal control. It appeared that Mr. Emrick has chosen to ignore all legal issues until I, Joseph A. Gambino, Esq., at the behest of my client, submitted a “cease and desist” letter to both James Emrick and his son, James Emrick, whereby failure to comply would result in litigation. My client has further advised me that others have also expressed such concerns over past conduct of this resident.

It is believed that James Emrick is an auto mechanic by trade and repairs many vehicles on his property including cars, trucks and 4-wheelers. This work has created noise violations including loud music emanating from what is believed to be an illegal (non-conforming) structure on the premises.

I would request, on behalf of my client, that the request of James Emrick be denied, that the existing Ordinances be upheld and enforced for the reasons above stated as well as the preservation of property values of surrounding properties. The subdivision is properly zoned residential and not zoned commercial or agricultural. The aesthetics of the neighborhood have already been affected and it is requested that the Board of Zoning Appeals not further aggravate the situation by creating an eyesore and allow this request.

It is respectfully requested that the existing laws and ordinances of the City of North Royalton be upheld and adjustments / inspections be made to bring current structures up to code primarily to prevent further neighborhood property devaluation and nuisance.

I am attaching a copy of the cease and desist letter for private review and the numerous police reports and animal control reports may be obtained if deemed necessary.”

(BZA12-01) James K. Emrick continued ...

Letter was signed by Susan Matney and Joseph A. Gambino.

The Chairman recognized anyone wishing to be heard.

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

Mr. Emrick: I do.

Mr. Ranucci: Please state your name and address.

Mr. Emrick: James Emrick, 4600 Lisa Lane. My neighbor and I go way back. This woman lives next to me. She lives in a house that is the same as mine. She lives by herself. She never has garbage. I have no idea what goes on inside of her house. We have a swimming pool in the back yard. My neighbor, sitting over there, we sit and play cards in the back yard. When you are playing cards you cannot have the music blaring as you are playing. Here come the police. Anything we do in our yard has this woman calling the police. I think that someone has looked at my house and the structure and it is by no means degrading our neighborhood. My property is probably worth more than any other house on that street due to what I have done to the house both inside and out. Everything that I have built has been built beyond code. When the structure started I put in a permit. I spoke to one of the fellows in the Building Department and he said that he was not sure if I could put the whole building up but I could put a lean-to up. I had already bought the lumber. That was my fault. I should not have gone ahead and done that but the weather has been so bad this year that I went ahead and put it up because you can't have the lumber out in the weather. I thought that I would take my chances. Now I am here. As far as my neighbor, it is very frustrating. She takes pictures. My son works afternoons. He has a 4-wheeler. That is the only 4-wheeler. There are not any being repaired or anything else. My son is 24 years old and has never been in any trouble. He lives with us. He is the best son that I could ever ask for. He comes home from work. I am working on a car in the garage – a 1965 Coronet that I am trying to restore. I have been working on it for eight years. Money is a big object. I just put in a new driveway. I do not let anything deteriorate. For anyone who came and looked at my yard I am sure that they found that it is upholding the neighborhood and not degrading in any way. This is very upsetting. I do not know what else I can say. The structure is there. When the structure was not there I had a slab that had been there from when I had poured the driveway previously. I had tractors in the back, a snow blower with tarps over it - it looks better now than it did before. I do not know what she is even trying to say there. That is all that I have to say.

Mr. Ranucci: Thank you. Does anybody else want to be heard? May I then have a motion to move BZA12-01 to the Open Meeting?

Moved by Mr. Jankovsky, seconded by Ms. Mastronicolas to **move BZA12-01 to the Open Meeting.**

Mr. Ranucci: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Abstain.

Mr. Bull: Yes.

Mr. Ranucci: Yes.

Ayes – Four. Nays – None.

Motion carried (4-0).

(BZA12-02) Richard Fleischman & Partners Architects / Cuyahoga County Public Library request a variance to **Chapter 1276 “Business Districts”, Section 1276.10 “Height Regulations”,** of the City of North Royalton Zoning Code, to allow relief from the **maximum height** requirement for the construction of the new Cuyahoga County Public Library to be located on this vacant property on **Wallings Road, also known as PPN: 488-08-003.**

Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

(BZA12-02) Richard Fleischman & Partners Arch. / Cuyahoga County Public Library continued...

The Chairman recognized anyone wishing to be heard.

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

Mr. Nolde: I do. My name is Jason Nolde and I am with Richard Fleischman & Partners Architects. As part of the library improvement project we are requesting relief from the height restriction which is due to a couple of different factors. Our parcel is zoned Local Business and as we are neighboring a residential zone we do have a height restriction of 30 feet. Our use is actually a library function so we would really fall under a Public Facilities use group. From that standpoint we are still within the height restrictions of Public Facilities – we would still be meeting the intent of that Zoning Code. To respect the fact that we are neighboring a residential zone we have laid out the building, to the best of our ability, in terms of pushing all of the surface parking away from the residentially zoned property to the east, as you can see on the drawing here. We have used the building as one means of a buffer from the parking and also maintaining all of this dense, existing vegetation that is located on the site. Again, we want to buffer this library project from the residential property to the east as much as we can. With that, as you can see from the model that we have brought here today, we are attempting to create a single, sloping structure. We are locating a lot of the new air handling units towards the rear of the property. In order to achieve the height that we need to get we are going to be exceeding the 30 feet height limitation that would be associated with the current zoning of this parcel. Thank you.

Mr. Ranucci: Is there anybody else wishing to be heard? May I then have a motion to move BZA12-02 to the Open Meeting?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA12-02 to the Open Meeting.**

Mr. Ranucci: Call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

(BZA12-03) David and Visar Duane / Newland Developments, LLC request a variance to Chapter 1273 “Rural Residential Districts”, Section 1273.02 “Permitted Buildings and Uses”, paragraph (a) and Section 1273.03 “Accessory Structures and Uses”, paragraph (a), of the City of North Royalton Zoning Code, to allow the applicants to construct two accessory structures, per a site plan that has been submitted to develop a Bed and Breakfast and Organic Farming Vision on this property located at 18802 State Road, also known as PPN: 486-14-007 & 486-14-008.

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.

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

Mr. Duane: I do.

Mr. Ranucci: Please state your name and address.

Mr. Duane: My name is David Duane and I live at 4980 Corkwood Drive in North Royalton. I have been a resident in North Royalton for 20 years. I have two children. One graduated from North Royalton High School about two years ago. I also have a daughter who is in the eighth grade. North Royalton is our home. We think that it is a great place to live. (Continued on next page...)

(BZA12-03) David and Visar Duane / Newland Developments, LLC continued...

Mr. Duane: My wife and I have a vision in terms of wanting to develop a farm. We have this farm vision. It is a little bit of a lengthy story in terms of our looking for a particular piece of property but we eventually ended up with a property that is located at 18802 State Road. I think that most of the long-time residents call it Casee Corners – it is at the curve between Cady Road and Wiltshire Road. It is on the west side of it. It is a beautiful piece of property. We named it Purple Skies Farm because in the evening there is this beautiful purple and pink sky which is wonderful to look at. We intend to build our home on the property. The former owner razed all of the buildings that were on the property. I brought some photographs to show you what it looked like before. This is a barn facing State Road. This would be the back of that barn. Next to it was a pole barn. There was at one time a roadside stand where they would sell fruits and vegetables and maybe some other things as well. That is what these two side pictures are from, courtesy of Google Maps. The internet has helped me in terms of understanding what it was. My wife and I and the architect, Eric Newland, have developed a vision and put together a plan. And although this is not the final product we wanted to give you a sense of what we are looking at in terms of what we want to do with the property. Our first step in the process is to build a cold storage facility because right now, since all of these buildings have been razed, and I am not sure that I would really want to use those buildings had they been left on the property, we need a place to store a tractor, tools and supplies. Right now I live down by Wallings and State Road and I need to pack all of my tools up and drive them down here to do any work. It is one of those things that you need to think way ahead in terms of what you will be needing and to account for anything that you might want to do on the property. So we first want to build a structure. The reason that I chose these particular photographs is because they come up with a color scheme that we intend to use on the property and to give you a sense of where we are going in terms of what the property was and where we want to go. The second building is what we are calling a utility building. It has mixed uses as far as what we intend to use it for. Again, we want to use the same kind of colors. I do not believe that this is part of what you are to consider in terms of what it will look like and how it is to be laid out but what I think that we are really trying to achieve is a certain type of quality and a handsome type of structures on the property. We want to first and foremost develop an organic farm on the property. The ultimate goal is to benefit North Royalton in terms of producing healthy foods and making them available. Part of the mixed uses is that there would likely be a store where we can sell the organic products of fruits and vegetables. Our first goal is to establish berries – blueberries, strawberries, raspberries – and have a “you pick them” type of approach initially. We would then branch out from there into other vegetables such as pumpkins, watermelons, radishes, various types of lettuce and numerous other vegetables as well. I am hoping, and I have had discussions, that we will be able to connect with the schools because there is an initiative that the state has put forth that the schools should try to tie into local farmers. I would like to be one of those farmers who ties in and provides fruits and vegetables to our school system. In addition to that we would also like to sell to other individuals and organizations in the area. One of the aspects that we would like to do, and this gets into the use of the property, is to have an educational function as well. We would also like to help educate people in terms of environmental elements. Things like a cooking school and educational types of programs that would benefit people from an agricultural perspective. We would like to make those types of things available. Also, in terms of that, if you can get started with your planting early you generally will have a much longer and fruitful season. A part of that building would be for using a large room to initiate those plantings so that those early seedlings could be started to get ready to plant them early on. These last pictures at the bottom indicate different crops, different fruits and vegetables, and we intend to grow lavender and we hope to have a lavender field similar to this. One of the vegetables which I really enjoy and I would encourage you to try is an edible soybean. It is a fantastic vegetable which is 40% protein. That is one of the things that we intend to grow on the property and make available to our customers. Thank you.

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

Mr. Newland: I do.

Mr. Ranucci: Please state your name and address.

Mr. Newland: My name is Eric Newland and I live at 5252 Hickory Drive in Lyndhurst. I am the architect representing Mr. Duane on this project. Thank you for the recap of the project David. Just to kind of give you a sense of what the master plan is doing here – we have State Road along the eastern boundary and the primary use is going to be a main residence and a bed and breakfast suite. There will also be two accessory buildings. (Continued on next page...)

(BZA12-03) David and Visar Duane / Newland Developments, LLC continued...

Mr. Newland: One will be a cold storage building and the other a second accessory building full of different uses that we are planning to present to you in the future. Before I move forward I must state that the issue is that we are trying to build accessory buildings but they are accessory to nothing right now. The primary residence is not built. It will be built in a sequence but the issue is to get this farm operational and moving forward to generate income. The first step is to build this cold storage barn followed by the second accessory structure. The primary residence will follow. We do have a time line based on our master plan but what we need today from you is confirmation that building two accessory structures will be permissible so that we can then go back to the Planning Commission for their approval. This second graphic is just a more fun, colorful representation of the two buildings that we are intending to erect on this site. Thank you.

Mr. Ranucci: Thank you. Is there anyone else wishing to be heard? May I then have a motion to move BZA12-03 to the Open Meeting?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA12-03 to the Open Meeting.**

Mr. Ranucci: Call the roll.

- Mr. Bull: Yes.
- Mr. Kasaris: Yes.
- Mr. Ranucci: Yes.
- Mr. Jankovsky: Yes.
- Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.
Motion carried (5-0).

Mr. Ranucci: May I have a motion to adjourn the Public Hearing?

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

Mr. Ranucci: Call the roll.

- Mr. Kasaris: Yes.
- Mr. Ranucci: Yes.
- Mr. Jankovsky: Yes.
- Ms. Mastronicolas: Yes.
- Mr. Bull: Yes.

Ayes – all. Nays – none.
Motion carried (5-0).
Public Hearing adjourned at 8:00 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **January 25, 2012** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Vice-Chairman John Ranucci at 8:00 p.m.

Present: Vice-Chairman John Ranucci, Diane Mastronicolas, Robert Jankovsky, Victor Bull, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Ranucci: Before we have a motion to approve the Minutes for November 28, 2011 I would like to make a motion to excuse Mr. Bull for cause from voting on these Minutes.

Motion seconded by Mr. Jankovsky.

Mr. Ranucci: May I have a motion to approve the Minutes for November 28, 2011.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **approve the Minutes for November 28, 2011.**

Mr. Ranucci: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Minutes approved.

Mr. Ranucci: I need a motion to excuse for cause Diane Mastronicolas, Dan Kasaris and Victor Bull from voting on the Minutes for December 19, 2011.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci.

Mr. Ranucci: May I have a motion to approve the Minutes for December 19, 2011 as submitted.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **approve the Minutes for December 19, 2011 as submitted.**

OPEN MEETING

Old Business:

(BZA11-19) Jeff Budzowski / Christopher Homes, Inc. / Sal's Heating & Cooling, Inc. request a variance to **Chapter 1278 "Industrial Districts", Section 1278.06 "Yard Regulations"**, to allow relief from the **minimum side yard setback** requirement for a proposed **addition** they wish to construct to the existing building located on this property at **11701 Royalton Road**, zoned as **General Industrial, also known as PPN: 483-18-005.**

Mr. Ranucci: I would like to make a motion to **remove BZA11-19 from the table.**

Mr. Kasaris: Second.

Mr. Ranucci: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (5-0). Item removed from the table.

Ms. Brinkman: Before we move forward I would like to mention two things. First of all, I did receive a Power of Attorney form from Elaine Sidoti, owner of the property in question, whereby she appoints Salvatore Sidoti as her true and lawful attorney in fact (copy attached to these Minutes). Secondly, I would like to read a Public Hearing Form that had been submitted by Mr. Peter Bruckner on January 9, 2012 in which he states his disapproval of the granting of this variance and he references the remarks that he previously submitted on December 19, 2011. The attached letter reads as follows.

“Without owners consent no variance.

All violations should be corrected first before thinking of a variance, 10 feet or 2 times the building height, that is what Sal said, current zoning creates a hardship for his business. The current building height is 29 feet, thus the setback should be 58 feet.

Mr. Neil Price said there is a standing water puddle between the two properties caused by 3 downspouts that are not connected to the sewer system. Mr. Sal Sidoti said that this is easy to fix – the sewer is right there. It has not been fixed for many years. It is unlikely that the applicant will comply with any conditions. Putting his building this close to my building creates a fire hazard and my property value goes down.

I asked many times for the right 1278.06 yard regulations and never received them.

On York, Abbey and Royalton Road there are no buildings that close together. It also would look very cheap and look like garbage.”

Mr. Ranucci: If the applicant is here he may address the Board once again to bring everyone up to date. Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Budzowski: I do.

Mr. Ranucci: Would you please state your name and address.

Mr. Budzowski: Jeff Budzowski, 7330 Firewood Circle, Independence. I am representing Salvatore Sidoti. If you have not seen a plan I have a copy here. Mr. Sidoti's business, Sal's Heating & Cooling, which is a pretty prominent business on Royalton Road, near Abbey Road, is growing rapidly. Mr. Sidoti does a lot of advertising on radio, in newspapers and different local magazines. His business has grown quite a bit. He currently has 25 employees working out of the building that really can handle about half that many. His office is very crowded right now. His shop area, where they fabricate duct work and store heating and cooling equipment, is always overloaded. So he really needs to expand his business. The only logical way to expand it is eastward because there is a setback from Royalton Road which would not allow him to move forward and his parking and his vehicle storage parking is all around the west and the south sides. He really has no other direction to go but to the east. Along the east property line we are asking for a setback of 5 feet off of the property line rather than the 10 feet which is required so that we can expand the office space and expand the shop space. Mr. Sidoti does not have much of a choice to allow for this expansion of his business. If he is not able to expand his business he would obviously have to find another building or property. This might force him to have to locate his business outside of the City of North Royalton. As another side note here, and I brought this up last time, Mr. Sidoti is right now building a new house here in North Royalton in the Indian Trails Subdivision. He is moving from Walton Hills to North Royalton. He would not only be running his business in North Royalton but would also be living here. He is asking that he be granted this variance to allow his business to grow. Thank you.

Mr. Ranucci: Is there anyone else wishing to be heard on this item? Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Kunzi: I do.

Mr. Ranucci: Please state your name and address.

Mr. Kunzi: My name is Werner Kunzi and I reside at 3548 Fox Hollow, in Broadview Heights. I travel Route 82 twice a day, between the borderline of West 130th Street and the borderline for Broadview Heights which is around Broadview Road. There is not one commercial property that does not conform with the Ordinance. I am saying “commercial” property. If you grant a variance here that brings the value of Mr. Bruckner's property down tremendously. His fire insurance will go sky high because he would not have the required distance there anymore. Sal's Heating got cited from the City of North Royalton for his violation on drainage. It was supposed to be corrected by January 20th. Today is January 25th. (Continued on next page...)

(BZA11-19) Jeff Budzowski / Christopher Homes, Inc. / Sal's Heating & Cooling continued...

Mr. Kunzi: The water is running down and is standing on the property line. The reason that the water is coming on to Mr. Bruckner's property is because Mr. Sidoti's property is approximately 3 inches higher at the property line. Mr. Bruckner's property, from the property line to his building, is level. So the water that is running has no place to go but to find its way onto Mr. Bruckner's property. If Sal's Heating would come to you and say that he wanted to expand his building on the other side of the property everyone here would say that he could not do that because it is against the ordinance. Am I correct? When he bought the building he knew that there was no place to expand. When he bought the building it was very reasonably priced. That was the reason that he bought the building. I hope that you vote against this variance. I would say that it is a nice neighborhood the way that it looks now. But if you allow him to move closer – no. Thank you.

Mr. Ranucci: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Bruckner: I do. My name is Walter Bruckner and I live at 9580 Covington Avenue in Cleveland, Ohio. I would just like to attest to everything that Mr. Kunzi had said. I also have some photographs of the side drainage issue dated December 16th, 2011. May I approach? (Mr. Bruckner submitted 4 photographs to be hereby designated as Exhibits 1-4. Copies attached). I recall that Mr. Budzowski spoke to the fact that Sal's Heating & Cooling was doing a large amount of business but that does not really square to what I heard in the lobby whereby he seemed to be rather happy to be working a full day recently. I do not really know where the need for expansion exists right now if he is having trouble getting a full day of work now. That is really all that I have to say right now.

Ms. Vozar: Mr. Chairman, if I could so that we can clarify before you step away from the stand. You just testified that you are a resident of Cleveland.

Mr. Bruckner: Yes.

Ms. Vozar: Do you have a business here in North Royalton?

Mr. Bruckner: No, I do not.

Ms. Vozar: Can you advise the Board as to how you have information regarding what you are testifying about tonight?

Mr. Bruckner: I am Peter Bruckner's son.

Ms. Vozar: Okay. Thank you.

Mr. Ranucci: Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Sidoti: Absolutely.

Mr. Ranucci: Your name and address please.

Mr. Sidoti: Sal Sidoti, 18646 Alexander Road, Walton Hills, Ohio. First of all, to explain why we do not have a full day of work, is because it is January and most people do not spend a lot of money after the Christmas holiday. It is traditionally slow at this time. The business has expanded. We will have a full day of work tomorrow where most companies in this field do not. Why this had anything to do with my business expanding is beyond me. This swale was previously approved between Mr. Bruckner's building and my building. The roof was added on my mother's building. It is not my building. It was approved for that. They have open downspouts. Mr. Bruckner's building has downspouts going into the ground – I am not sure where they go. There is no storm sewer hookup in that area according to the City Engineer's plans. I would like to know where those are tied in so that maybe I could tie into that also. If we do get approved for this expansion we will abide by all permits. We will gladly add a drain, a storm drain, for Mr. Bruckner. I will even pay for it if that is what it takes. There does not appear to be any storm tie-in. I need to have some help from the City's Engineering Department. I have been down to see Lynn and I have asked the City Engineer to show me where the easiest tie-in is for the storm sewer. They may or may not realize that we were granted an extension on that January 20th deadline to this variance hearing. (Continued on next page...)

(BZA11-19) Jeff Budzowski / Christopher Homes / Sal's Heating & Cooling continued...

Mr. Sidoti: Maybe they did not get a copy of that letter. I am not sure. We were granted an extension. We did not have to do anything until we figure out what is going on here. We will abide by all rules, all permits. It will not be cheap and garbage. It will be a beautiful structure. I will assure you of that. His building seems to have been added on quite a bit over the years. It is not exactly aesthetically pleasing. It looks like a bunch of add-ons. I am trying to do the right thing here.

Mr. Bruckner has never brought up this flooding problem but he says that he has. At the last meeting we had they specifically asked him if he had brought it up and he did not bring it up. Right after the variance hearing he went down to City Hall and complained. I did file a complaint asking where his storm drains tie into on his building because they do appear to be tied into something. They are going underground. My belief is that they go to the swale and that is why there is a water problem between the two buildings. I will be happy to abide by all permits. I do things right or I do not do it. That is how I run my business and that is why we are growing rapidly. I do want to stay here. Unfortunately this is the situation. I do not own the building. My mother owns the building. I will eventually buy the building. One thing is clear and has to happen. The building has to be expanded upon or I will have to move to another building. Where that building would be I am not sure. So I hope that you will consider allowing us to have the variance. I will take care of any issues that they may have. I am not quite sure about fire insurance - it is a brick building. I would not think that that would be a problem. I am also not so sure that all buildings in North Royalton meet the Code. I do not know how he can make that statement. I would not know that either just by driving down the street twice a day. I am done. Thank you.

Mr. Kasaris: Mr. Chairman. My view on this is that we are here for a variance for a minimum setback. We are not here to discuss flooding. That is for the Engineering Department and the Building Department to consider. We are not here to discuss any other issues other than whether or not a 5 foot variance should be granted. All the other issues can be handled by Mr. Jordan and Mr. Alvarez and possibly Mr. Schmitzer. In looking at the proposed variance request it is for only 5 feet. It does not affect any governmental services. It does not alter the character of the neighborhood. In my mind it is warranted and I support this variance.

Mr. Ranucci: Thank you. Anyone else?

Ms. Mastronicolas: I do have some questions. Do you know if there are any underground utilities on that property?

Mr. Sidoti: I am not aware of any. We would make sure that we get approved for this before we do that. It is a simple phone call and they will come out and mark everything for us before any digging takes place.

Ms. Mastronicolas: The concern would be if there were and there needed to be repairs. Then you would be encroaching on the neighbor's property. That was just a question that I had. You also have some overhangs on the other side. Do you plan on putting them on this side as well and would that be part of the 5 feet or would that extend further into the neighbor's property?

Mr. Sidoti: The building would be below those overhangs. You are asking if the overhangs would go over the 5 foot variance?

Mr. Budzowski: On the existing gable roof the overhangs will be over top of the new additions which will essentially have flat roofs. That would be collected through roof drains and downspouts going into an underground storm sewer.

Ms. Mastronicolas: They would extend beyond the variance that you are requesting?

Mr. Budzowski: I did some drawings of it. If you look at the front and side elevations of that addition you can see how the roof on the addition ...

Ms. Mastronicolas: Right. Are you going to be putting this on there so that it would be over even further?

Mr. Budzowski: This is the existing roof. This has gutters and downspouts which would be collected. This flat roof would also be collecting that and it would be bring it all down and tie into ...

Ms. Mastronicolas: It will be a flat roof. I understand. Thank you.

(BZA11-19) Jeff Budzowski / Christopher Homes / Sal's Heating & Cooling continued...

Mr. Jankovsky: I agree with the remarks made by Mr. Kasaris. We are looking at a 5 foot variance here and I will be approving this.

Mr. Ranucci: In looking at the property and the concerns that were brought up at the last meeting, and also today, I feel that there are valid concerns from the adjoining property as far as the runoff. I am going to accept your word and I know that the Building Department will keep you to your word and make sure that those downspouts are taken care of because right now they do appear to run onto that property. There is a slope there. That swale kind of leans to the left. Whatever can be done to address that problem because we are only adding to that situation. If that is taken care of I would agree with Dan and Bob. The request is minimal. It is not excessive. It will not alter the character of the neighborhood. It will not affect the delivery of governmental services. It is not creating a nonconforming lot. I think that the spirit and intent of the Zoning Code is being followed or observed. I can see a hardship being there. You want to expand which is good for you and the City. Based on those comments I will also be voting in favor of this request.

Ms. Vozar: Mr. Chairman. I would like to submit the proposed findings of fact and conclusions of law. The applicant was here tonight as well as his representative. They are seeking a variance at 11701 Royalton Road, Permanent Parcel Number 483-18-005. They are seeking a variance for a 5 foot setback. There was a neighbor present here tonight as well as a relative. At the last meeting there was also a business owner who objected. The objections were brought forward regarding the closeness to the building and the water drainage aspects. The Board heard the evidence and has determined that practical difficulties has been established. The Board specifically finds that this is the minimum variance necessary to make use of the land. The adjoining property will not suffer substantial detriment as a result of the variance being granted. Governmental services will not be affected. It is within the spirit and intent of the Zoning Code. It will not create a nonconforming lot. The Board finds that practical difficulties has been established. Is there anything else that the Board wants to add?

Mr. Ranucci: Any comments? The motion on the floor is **to grant a variance of 5 feet less than the requirement as prescribed in Section 1278.06 of the Zoning Code with regard to the side yard setback for this addition which is to be constructed along the east property line which abuts a non-residential property.**

Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

New Business:

(BZA12-01) James K. Emrick requests a variance to Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1), to allow relief from the maximum square footage requirement for an accessory structure he wishes to construct on his property located at 4600 Lisa Lane, also known as PPN: 488-09-027.

Moved by Ms. Mastronicolas, seconded by Mr. Jankovsky to **grant a variance of 320 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1) of the Zoning Code with regard to the total square footage of these accessory structures / detached garage.**

Mr. Jankovsky: Mr. Chairman. I would like to ask the applicant to come back to the microphone. Could you just address some of the allegations that were brought forth in the letter as far as the 4-wheelers and the vehicle repairs.

(BZA12-01) James K. Emrick continued...

Mr. Emrick: I had lost my train of thought earlier. My son works from 3:00 to 11:00 at night. I have never worked on a 4-wheeler besides his. I work on my 1965 vehicle in the garage. In order to not get any dust on his 4-wheeler I put it in the yard. This lady next door – when he came home from work he merely started the 4-wheeler and backed it into the garage. It stays in the garage. She is in the window taking pictures of it and calls the police complaining that he is riding his 4-wheeler around the neighborhood. These are some of the things that I have to put up with.

Mr. Jankovsky: What is your profession sir?

Mr. Emrick: I work for the Post Office - in the garage. I have been a mechanic all of my life. I have never worked on a truck besides my own in my yard. I have fixed her lawnmower several times years ago. She has forgotten this. I had helped her husband cut trees down in the back yard.

Mr. Jankovsky: You are aware that any kind of commercial work is prohibited in a residential area.

Mr. Emrick: I am aware of this. The only work that I do is repairing a neighbor's lawnmower or snow blower, a brake job for a neighbor – I do not make any money from this.

Mr. Jankovsky: Thank you. I fully understand that some of the allegations that had been made in the letter by the neighbor, such as noise violations, verbal abuse and so forth, have nothing to do with this application for a variance.

Ms. Mastronicolas: I was at the property and looked at the property. It is unfortunate that it had to come to this point with the neighbor because we certainly all want to get along. I think that it is done tastefully. I am not quite sure if I understand the use for it – it is to store equipment or tractors or what?

Mr. Emrick: I have a tractor for snow removal and a tractor for the lawn. One was picked out of the garbage and I put it back together and use it during the summer. These were previously stored behind the garage under tarps.

Ms. Mastronicolas: The issue is the structure itself. It looks like you have a lot going on there. I was there myself and I did see the cars and the extension cords. My question is did you pull a permit, did you have it inspected and does it meet the code? All of that stuff needs to be addressed.

Mr. Emrick: The Building Commissioner and I have spoken several times. He has been there. The other structure that was put up is beyond code. The extension cords that you see are from my son's truck and my truck – we put triple charges on the batteries so that the batteries do not go dead in the winter. They are also on ground faults.

Ms. Mastronicolas: That was just my concern. From the street it has curb appeal and it was done very tastefully. The issue, again, is that it needs to be up to code and the Building Department needs to approve it. With that being said, I would be approving this variance request.

Mr. Ranucci: When I went to look at the property I think that I had some of the same concern that Diane had noted. You have several cars along side of the garage. There was no miscellaneous equipment laying around. I do understand the need for additional space. I cannot say too much about cars because I have kids and I have had numerous cars in my driveway. I understand that. I think that the request is minimal. Based on what was there it has improved the character of the neighborhood. It does not affect the delivery of governmental services. It does not create a nonconforming lot. I think that the intent of the code is being followed. I will probably be voting in favor of this variance.

Mr. Jankovsky: Mr. Chairman. Doing work in advance of getting approval for it has always been a hot issue with me during the many years I have been involved with the City. I do understand that it does happen and it has happened before and will probably happen again. Mr. Emrick has given us his mea culpa and I think, as you pointed out, it is a minimum request. So I think that at this point in time, given that it is done in a very tasteful way, I will be supporting it. I hope that something like this does not happen again.

Mr. Bull: I would like to ask Mr. Emrick a question. You do not operate a "for profit" business or repair vehicles on that site?

(BZA12-01) James K. Emrick continued...

Mr. Emrick: None whatsoever. I help the neighbors out. I have a neighbor back here who could tell you – I have fixed his daughter's car. The noise is in the garage with the door closed at any time that I am working on anything. It is not any noisier than any motorcycle going down the street. There are not any air tools being used. It is all done by hand. It is not done for profit. It is to help people out. I have helped this woman out herself. My son and I went to her door after a tree had fallen on my truck last Easter when the winds were blowing very strong. I told her what happened and I asked her at that time if there was any way that we could get along and she said "no". I do not know what I can do. Then there is the fence issue. I have had my dog for 11 years and all of a sudden she is complaining that my dog is going into her yard. I put the fence up. The fence was put up because my wife was so scared that the animal control people were going to come and take the dog away. She then questions the fence but the fence was put up because of her. I will take the fence down. I would rather have a yard without a fence but because of her I have a new driveway, a new fence and my car is still sitting in the garage waiting to be worked on.

Mr. Bull: Thank you very much.

Mr. Ranucci: One last question just for the record. Were you ever cited due to all of these complaints.

Mr. Emrick: No sir. The officers have told me that the law is that you cannot have a certain amount of noise over the boundary line of the neighbor. We have a swimming pool, we play volleyball in the pool and somebody screams or whatever – I am not like that. It is not a wild place or anything like that. That is not the way that I was raised and I am respectful. You can ask any of my other neighbors.

Mr. Ranucci: Thank you.

Ms. Vozar: Mr. Chairman, I am submitting the following findings of fact and conclusions of law for the Board's review and comment. The applicant was here tonight and testified that he is seeking a variance for the property located at 4600 Lisa Lane, Permanent Parcel No. 488-09-027. He is seeking a variance of 320 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1) of the Zoning Code with regard to the total square footage of these accessory structures. The applicant has requested an accessory structure totaling 1,120 square feet. He is allowed 800 square feet; therefore, he is requesting a variance of 320 square feet. The applicant testified that he is a mechanic and while he occasionally works on vehicles he is not operating a business on the property. He also testified that he needed the extra area to put the vehicles that he has on his property under cover. The Board, after hearing the evidence as well as a letter objecting to the variance from a neighbor, has found that practical difficulties has been established. The Board specifically finds that the variance is the minimum necessary to make possible use of the land. The Board also finds that the essential character of the neighborhood will not be substantially altered. They specifically found that it will actually improve the character of the neighborhood. The Board finds that the variance will not adversely affect the delivery of governmental services and that it is within the spirit and intent of the Zoning Code and that substantial justice will be done by granting the variance. If there is anything else that the Board wants to add to that?

Mr. Ranucci: Any further discussion? Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Abstain.

Mr. Ranucci: Yes.

Ayes – Four. Nays - None.

Variance granted (4-0).

(BZA12-02) Richard Fleischman & Partners Architects / Cuyahoga County Public Library request a variance to **Chapter 1276 "Business Districts", Section 1276.10 "Height Regulations"**, to allow relief from the **maximum height** requirement for the construction of the new Cuyahoga County Public Library to be located on this vacant property on **Wallings Road, also known as PPN: 488-08-003.**

(BZA12-02) Richard Fleischman & Partners Arch. / Cuyahoga County Public Library continued...

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **grant a variance of 6 feet more than the maximum height allowed per Section 1276.10 of the Zoning Code with regard to the new Cuyahoga County Public Library to be constructed in this Local Business District on Wallings Road.**

Mr. Ranucci: Discussion.

Mr. Kasaris: Mr. Chairman. I do not think that the Metro General Helicopter will be hitting this roof. In looking at the Code I do not think that it will impede any governmental function. It is not going to alter the character of the neighborhood. The Avalon is right next to it as well as another office building. I fully support the requested variance.

Mr. Jankovsky: Mr. Chairman. I agree with Mr. Kasaris once again. I will be supporting it.

Mr. Bull: Mr. Chairman. I concur.

Ms. Mastronicolas: Mr. Chairman. I will also be voting for this variance.

Mr. Ranucci: The request is not excessive. The essential character of the neighborhood will not be substantially altered and, along with the current plans for that area, it will actually be a benefit to the area. It will not affect governmental services. It is not creating a nonconforming lot. The spirit and the intent of the Zoning Code is being observed. I will also be voting in favor of this request for a variance.

Ms. Vozar: Mr. Chairman. I propose the following findings of fact and conclusions of law. The applicant was here representing Cuyahoga County Public Library and testified as to the need for a variance for Permanent Parcel No. 488-08-003. They are requesting a variance of 6 feet more than the maximum height allowed per Section 1276.10 of the Zoning Code with regard to the new Cuyahoga County Public Library. There were no neighbors here to object and the Board finds that practical difficulties has been established. This variance being sought is the minimum necessary for the beneficial use of the property. The essential character of the neighborhood will not be substantially altered nor will it adversely affect the delivery of governmental services. It is within the spirit and intent of the Zoning Code and substantial justice will be done by the granting of the variance. If there is anything else that the Board wants to add?

Mr. Ranucci: Any further discussion? Call the roll.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

(BZA12-03) David and Visar Duane / Newland Developments, LLC request a variance to Chapter 1273 “Rural Residential Districts”, Section 1273.02 “Permitted Buildings and Uses”, paragraph (a) and Section 1273.03 “Accessory Structures and Uses”, paragraph (a), to allow the applicants to construct two accessory structures, per a site plan that has been submitted to develop a Bed and Breakfast and Organic Farming Vision on this property located at 18802 State Road, also known as PPN: 486-14-007 & 486-14-008.

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **grant a variance to Section 1273.02 (a) of the Zoning Code so as to allow the applicants to construct these two accessory structures on this property located at 18802 State Road.**

Mr. Ranucci: Discussion.

Mr. Kasaris: I guess that I have a question for Donna. How many variances are we voting on tonight? Would there be one variance or two?

(BZA12-03) David and Visar Duane / Newland Developments, LLC continued...

Ms. Vozar: The way that it was submitted it appears to be one variance. You may want to break them down for each building and do it as two specific ones for each accessory structure. The way that it was submitted to you though is seeking a variance for both structures. Since they have submitted this project to the Planning Commission as an entire unit I would assume that is why the Building Commissioner submitted it to you as one variance. It is a "take it or leave it". They want both of them together. Again, the applicant may want to speak to that.

Mr. Kasaris: Do we have an issue with regards to notice with respect to the second building being a mixed use building?

Ms. Vozar: I think that I heard the architect speak earlier that they intend on bringing that forward so I was going to have him clarify that as well as the property owner. They need to clarify that they are merely requesting a variance tonight to allow two accessory structures as was submitted, not the actual use of that second structure. That could be addressed by the Planning Commission and if they feel that it needs to come back to us then we can do that at that time. Keep in mind that Planning Commission does have authority to look at the use when they are discussing the **Conditional Use**. They have the authority to look at how those buildings are going to be used. I think that the property owner should come forward as well as the architect just to make sure that we are clear on what is happening tonight. I am hoping that I did not misstate what you had said. Are you requesting that the Board consider only a variance as to the number of buildings and the fact that you are requesting two accessory structures that will be constructed prior to the primary use being constructed. Is that correct?

Mr. Duane: Correct.

Ms. Vozar: And you are withdrawing any aspect as far as the use of Building #2 which you have in your application as a mixed use currently.

Mr. Duane: Yes. We would be happy to submit that at a future date.

Ms. Vozar: Okay. So you are the property owner and the applicant – is that what your understanding is, that you are merely submitting what I had previously indicated? The variance will be to permit two accessory structures to be built on the property prior to the primary building and the "use" of those properties is not before this Board. Do you understand that and agree to that?

Mr. Duane: Yes, I do.

Ms. Vozar: Okay.

Mr. Kasaris: So all that we are looking at is two buildings as accessory uses.

Ms. Vozar: Correct. What those accessory uses are will either have to conform with the Code or come back before this Board unless of course Planning Commission, in considering the Conditional Use, makes a determination as to what is an appropriate use under the circumstances.

Mr. Newland: Understood.

Mr. Kasaris: And the type of variance that we would be looking at is a Use Variance.

Ms. Vozar: I think that is the issue – the Building Commissioner has set it up as a Use Variance. I think that the argument could be made that it is actually an Area Variance because it has to do with the number of buildings. The way that it has been submitted by the Building Commissioner though is as a Use Variance. That is probably because they intend to use it prior to having a permitted use. I think that is why the Building Commissioner did that; therefore, we will proceed with it in that way.

Mr. Kasaris: Thank you. Mr. Chairman. It seems to me that what the applicant wants to do here is use the land as the oldest way to use the land which is for farming. Due to the fact that there are no structures on the property, and as the ward councilman I remember what the house looked like, it is an improvement not to have the house on the property. What the applicant is ultimately trying to do is develop the property by farming. He needs to have a structure there in order to do that. He wants the property to be able to be used in some way, shape or manner so he needs, in my opinion, to have the structures there to house the equipment or whatever he needs to do to make use of the land.

(Continued on next page...)

(BZA12-03) David and Visar Duane / Newland Developments, LLC continued...

Mr. Kasaris: Without the structures, in my opinion, the land cannot be used except for a field or to put political signs up. I do know that the property previously had a stand; however, what was being sold at the stand was not being grown on the land so Mr. Alvarez took the stand down because of the nonconformance code. Although use variances are not favored by the law, in my opinion – and in the four plus years since I have been on this Board this would only be the second one that I supported – I will support this use variance because without it there could be no use of the land. He can't even farm or store anything there. I support the applicant's request.

Ms. Vozar: Mr. Chairman. Before we go any farther I would respectfully request that the Board amend their motion to include that any approval is contingent upon Planning Commission and Council approval of the Conditional Use of this property, whether it be for plant husbandry or a bed and breakfast. Also, it should be contingent on application for the construction of the main use no later than 2018, as submitted in the plan.

Mr. Ranucci: I was just getting to that. So we want it to be contingent upon Planning Commission and Council approval of the Conditional Use and contingent that the main use be constructed by 2018. If the time line is not met what are the ramifications?

Ms. Vozar: Keep in mind that the Planning Commission has the authority, under the Conditional Use, to extend their time. You can put in that it is contingent upon the applicant's construction of the main use no later than 2018 or any further extension that should be granted by Planning Commission. I think that we also need to be clear that when you are granting the Use Variance for these two accessory structures this Board is not making a determination as to what that use is going to be. That Conditional Use is going to be determined by Planning Commission. This Board is merely determining whether or not these two accessory structures can be built on the property prior to a primary structure being constructed. Can the applicants use accessory structures prior to the primary structure being constructed. That "use" will be determined by the Planning Commission.

Mr. Ranucci: If the Planning Commission then disagrees with whatever they are submitting they will then be kicked back to us again should it be a mixed use or whatever.

Ms. Vozar: The Conditional Use is determined by Planning Commission and not this Board.

Mr. Ranucci: Does anybody have any questions in reference to that?

Mr. Kasaris: Mr. Chairman. They would not be here if the house was still up. The only reason that they are here is because the house is not up and they are here to put the structures on the land, for whatever reason, to be able to use the land. In order to use the land they need the structures.

Mr. Ranucci: Dan, I agree that if this plan is extended as it is drawn up it will be a benefit to the community. I understand that in this case you might have to put the cart a little bit before the horse in order to get things going. There is a time line being set forth – does everyone understand what was being referenced by Mrs. Vozar? Right now we are just going to be voting on granting a variance to allow the two structures. There will obviously be more discussion later as to what that second structure is going to be. You will have to go back to Planning Commission and Council to get their approval on whatever that will be. We will amend the motion to include those two contingencies. We want to get this project going. Looking at the plan I think that you will be keeping the property within the Rural Residential aspect. It will remain within the character of the neighborhood. Based on what I have seen here I think that I will be voting in favor of this variance.

Ms. Mastronicolas: With all that has been said and understanding our role here tonight being simply to recognize that we are merely agreeing to the structures, and that solely being our position, I will be voting in favor of this variance.

Mr. Bull: In light of the fact that, as was mentioned in caucus, this appears to be a temporary variance based on the fact that the house is currently not there but will eventually be built, I also will be voting in favor of this request.

Mr. Jankovsky: From the standpoint of the Board I think that the criteria from which we measure these approvals shows no conflict. Quite frankly Mr. Duane's presentation excited me. I do not think that we have any prospect of anything like this in the City or any existing property like this in the City right now. It kind of resembles what we would like North Royalton to represent. I will be voting for it.

Ms. Vozar: I do not think that there has been a motion to amend.

Moved by Mr. Kasaris, seconded by Mr. Ranucci **to amend the previous motion and make it contingent upon Planning Commission and Council approval for the Conditional Use Permit and contingent upon the main use being constructed by 2018 or as further determined by Planning Commission.**

Mr. Ranucci: Should we call the roll to have this motion amended?

Ms. Vozar: Yes.

Mr. Ranucci: Please call the roll.

Mr. Bull: Yes.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion amended.

Ms. Vozar: I am submitting the following findings of fact and conclusions of law as presented here tonight. The motion was amended with the condition that the approval is contingent upon Planning Commission and Council approval of the granting of a **conditional use** on the property and contingent on the applicant's construction of the main use no later than 2018 or as further extended by the Planning Commission. The applicant was here requesting a variance for the property located at 18802 State Road, Permanent Parcel No. 486-14-007 and 486-14-008. The variance is to Section 1273.02 (a) of the Zoning Code so as to allow the applicants to construct these two accessory structures on this property prior to the main use building being constructed. There were no neighbors here objecting. The Board finds that the use variance granting the construction of these two accessory structures has established undue hardship pursuant to Section 1264.08 (e)(2). Unnecessary hardship having been found the Board specifically finds that there is no economically viable use of this property should this variance be denied to allow these accessory structures to be built prior to the main use. The Board also found that there were exceptional circumstances or conditions that did not apply to other properties within the same conditions or circumstances. The Board also found that the granting of the variance will not be materially detrimental to the public welfare or injure properties or improvements in the neighborhood. The Board also found that the granting of the variance would not be contrary to the general purpose, intent and objectives of the Zoning Code and Master Plan. Is there anything else that the Board wants to add?

Clarification - amended motion to read as follows.

A variance to Section 1273.02 (a) of the Zoning Code so as to allow the applicants to construct these two accessory structures on this property located at 18802 State Road. Approval is contingent upon Planning Commission and Council approval of a Conditional Use Permit on this property and contingent on the applicant's construction of a main use no later than 2018 or as determined by the Planning Commission.

Mr. Ranucci: Anything else? Call the roll.

Mr. Kasaris: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

Ms. Brinkman: Mr. Newland, you might want to contact the Planning Commission Secretary Julie Broestl to get on the next meeting of the Planning Commission.

Mr. Newland: Thank you.

Mr. Ranucci: Anything else?

Mr. Kasaris: I would like to thank Mr. Price who is in the audience for all of his years of service on the Planning Commission and the Board of Zoning Appeals. You taught me a lot. You are a nice guy and I think that you did a great job as Chairman.

Ms. Mastronicolas: I second that.

Mr. Ranucci: I also wanted to bring that up and thank Neil for his many years of service and for his time spent as Chairman. I think that we worked side by side for the last six years on the Board of Zoning Appeals. You are going to be missed. I think that I can speak for everyone on this side of the table. Thank you.

Mr. Jankovsky: I would also like to thank you, Mr. Ranucci, for chairing your first full meeting. I think that you did a super job for one of the longest meetings I have attended in a long time.

Mr. Ranucci: I would like to thank all of you too because this is my last meeting on the Board. Good luck to you Victor, our newest member. It has been a pleasure to work with all of you. Good luck to you all and to the City. With all of that said I would then like to have a motion to adjourn.

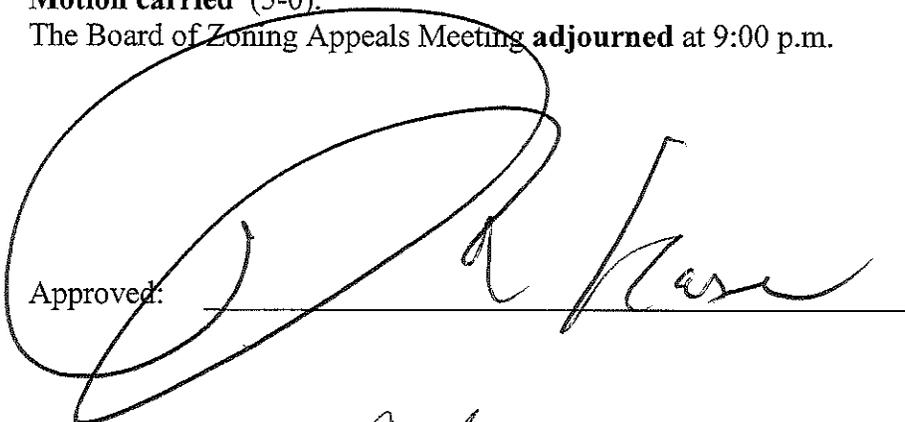
Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for January 25, 2012.**

Ayes – all. Nays – none.

Motion carried (5-0).

The Board of Zoning Appeals Meeting **adjourned** at 9:00 p.m.

Approved: _____



Date: _____

April 25, 2012

Attest: _____

Luz M. Brinkman
B.Z.A. Secretary