

The Board of Zoning Appeals of the City of North Royalton
met on **February 25, 2015** to hold a Public Hearing in
the Council Chambers at 14600 State Road.

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

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

Moved and seconded to approve the November 25, 2014 and the January 5, 2015 meeting minutes as submitted. Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Minutes approved.**

Public Hearing / Open Meeting

New Business:

1. **(BZA15-03) Bradley Hoffman** – the Public Hearing will be heard on the question of granting several variances to the City of North Royalton Zoning code for a proposed accessory building to be located at **8033 Edgerton Road**, in a RRZ district, also known as **PPN:487-19-016**. The variances being requested are as follows:

Variance #1: Codified Ordinance 1270.04 – “Area, Yard and Height Regulations”, Paragraph (g). A variance of **3 feet** to allow for relief from the maximum 15 foot height restriction for an accessory building.

Variance #2: Codified Ordinance 1270.12(a)(1)B. – “Yards for Accessory Buildings and Uses”. A variance of **299 sq. ft.** to allow for relief from the 1,238 sq. ft. maximum footage permitted for an accessory structure.

Variance #3: Codified Ordinance 1270.05 – A variance of **5 ft.** less than the minimum 10 ft. side yard setback requirement for an accessory structure.

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

After being sworn in, the property owner Bradley Hoffman addressed the Board. He stated he was here for a variance for a building he would like to construct in his back yard. He said the garage he has now is not sufficient for his vehicles, this includes a pickup truck with a snow plow that he would like to keep under a roof. He currently houses many of his vehicles offsite at friends or relatives. He addressed the elevation and the natural drainage swale that begins at the corner of Ridge Road and drains through his and his neighbors' backyards and dumps into a creek in the woods. (Reference Exhibit A). He stated that the grade change from the top of the slope to the bottom is approximately 9 feet. This makes any construction further back almost impossible due to the grade change. The location where the proposed structure will be located is the furthest back he can make it without serious excavation work taking place and without causing disturbance to the natural waterway. He added that the water doesn't actually flow freely; the area is just consistently wet. He stated for aesthetic reasons he would like to match the peaks on the roof line of his house. He also stated that one of his trucks would not fit through a standard 8 ft. garage door; he said he therefore needs taller side walls.

Mr. Kasaris asked the Applicant if there any way to construct the structure so he would not need a side yard setback variance. The Applicant responded yes, but that would move the building towards the more useable part of the yard, in the middle. He stated he is limited to where the building could go because the back portion of his land is unbuildable due to drainage issues.

Mr. Bull questioned the Applicant as to whether he would be using the building for any commercial purposes. The Applicant responded, “No, none whatsoever.” Mr. Bull followed up with a question regarding complaints from the neighbors regarding being so close to the property lines. The Applicant responded, “Not that he is aware of.” He added that his neighbor to the west at 8043 Edgerton Road whose property line would be affected is present at the meeting. The neighbor said he does not wish to speak. The Clerk stated that no input or complaints have been received regarding this application for a variance.

Mr. Kasaris summarized for the Board that from the testimony and evidence presented it shows that the variance is not substantial; it is the minimum necessary to make possible the reasonable use of the land. He added that it is not a subdivision and is more rural therefore the essential character of the neighborhood will not be substantially altered; adjoining property owners would not suffer a substantial detriment as a result of the first variance and the delivery of governmental services will not be affected. Regarding Variance #3, Mr. Kasaris said there is peculiarity to the land being that it is not a flat piece of land. The property owner cannot feasibility obviate the problem he has with the drainage and swale in the backyard by any other means. Hearing no further discussion, Mr. Kasaris finished by saying he is in support of the requested variances and that he adopts his findings as the findings for the Board.

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #1: a variance of 3 feet** to allow for relief from the maximum 15 foot height restriction for an accessory building. Roll call: **Yeas: Five.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Rohloff, Mr. Gauman). **Nays: None. Variance granted.**

Mr. Rohloff excused himself from the remainder of the meeting.

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #2: a variance of 299 sq. ft.** to allow for relief from the 1,238 sq. ft. maximum footage permitted for an accessory structure. Roll call: **Yeas: Four.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Variance granted.**

Moved by Mr. Jankovsky, seconded by Mr. Bull **to approve Variance #3: a variance of 5 feet less than the minimum 10-ft side yard setback requirement for an accessory structure.** Roll call: **Yeas: Four.** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Variance granted.**

Mr. Bull questioned the need for Variance #3 and whether it is for convenience rather than practical difficulty. Ms. Vozar responded that practical difficulty is required to be established in order to grant the variance. She went on to say that practical difficulty is a very easy burden for the applicant to make. Have they established one of the factors in our code and if so does it establish that minimal threshold they have to meet under practical difficulty. Ms. Vozar felt that the Board had spoken on that issue.

Adjournment:

Moved by Mr. Bull, seconded by Mr. Jankovsky **to adjourn the BZA meeting for February 25, 2015.** Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Motion carried.**

Meeting adjourned at 7:18 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: March 25, 2015

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