

The Board of Zoning Appeals of the City of North Royalton
met on **October 28, 2014** to hold a Public Hearing in
the Council Chambers at 13834 Ridge Road.

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

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

Moved by Mr. Rohloff, seconded by Mr. Jankovsky **to excuse Mr. Bull for cause. Motion unanimously carried.**

Moved and seconded **to approve the Minutes from July 22, 2014 as submitted.**

Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Gauman, Mr. Rohloff). **Nays: None. Minutes approved.**

Public Hearing / Open Meeting

Old Business:

(BZA14-19) Andrew Fabris et al. is requesting a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code to allow for relief from the **minimum 20,000 sq. ft. lot requirement for PPN:489-15-064 located on State Road** in a R1-A district.

Mr. Kasaris stated that Andrew Fabris submitted a letter dated 10/21/14 asking to withdraw his application for a zoning request.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff **to withdraw BZA14-19 from today’s order of business.**

Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff, Mr. Gauman). **Nays: None.**

New Business:

(BZA14-25) Tania Anochin is requesting a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area Yard and Height Regulations”,** of the City of North Royalton Zoning Code for **relief from the minimum 50 ft. front yard setback for a variance of 12 ft. 6 in.** The applicant would like to put a garage addition 37.5 ft. from the right-of-way at her property located at **12621 Pinebrook Drive**, also known as **PPN:481-02-046** in a R1-A zoning district.

After being sworn in, the applicant, Tania Anochin, said she would like to add on to her garage. She stated she needs a garage large enough to house five cars. She added that she would like to install one or two lifts. She said she is also planning to remodel the house and add a 2nd level to the existing garage.

Mr. Kulchytsky clarified that the applicant has a 2,000 sq. ft. floor plan that will be increased by 1,500 sq. ft. He clarified that the expansion of the garage is in code with the size of the house. He also clarified that the variance is not only for the set back of the garage but a corner of the proposed expansion of the house will also project 11 ft. beyond the face of the front building set back. He added the the granting of this variance will affect both the garage, the front covered porch and a portion of the glass screen porch. The additions to the garage and house that would extend beyond the front yard setback would be a higher single story space. The applicant responded, “That is correct”.

Joe Vantaggi, 12620 Pinebrook Drive, expressed his concern that the house would be an eyesore sticking out beyond the rest of the houses that all have at least a 50 ft. frontage. Holli Milsap, 12600 Pinebrook Drive, also expressed her concern regarding changing the look of the neighborhood by having the applicant’s home extending beyond the natural flow of the other homes on the street. Mr. Kulchytsky offered several other options which would not necessitate a variance: adding lifts to the existing garage after a second level has been added; or a two-story addition can be constructed on the west side of the garage which would add a third bay. The Applicant can also expand the living room to the east if necessary. He reminded the Board that it is not only the garage that is an issue but the variance also affects the front porch and extension on the front living room. He added that if the variance were granted she would be able to construct a two-story garage without

requesting a variance. He noted that the Board has the ability to add a stipulation to the variance which would permit only the living room expansion and not the garage.

Bonnie Friedrich, 12541 Hunters Lane, disagreed with the applicant's statement that every property has cars parked in their driveways. Brian Hastings, 12611 Pinebrook Drive, felt there was confusion with the Public Legal Notice regarding how much of the structure was included in the variance; it was not only for the garage.

Mr. Kulchytsky clarified the actual physical location of the house and the requirement to vary from the front setback. He added that in this instance the front setback is not at the face of the house. Though the variance is only for the 12 ft., the addition in front of the garage is approximately 24 ft. Mr. Kulchytsky clarified that the Board is only looking at a variance for the front yard setback.

Mr. Kasaris looked to Ms. Vozar for some direction to the procedures necessary to amend the variance. Ms. Vozar explained in order to amend the variance, the Applicant would have to agree to amend her application, withdraw the garage and move forward on the application for a variance on the living room.

John Burke, 12531 Hunters Lane, questioned the size of the garage after the addition. Mr. Kulchytsky provided the numbers of total square footage. Mr. Kulchytsky marked on one of the pictures a rough approximation of how far the garage would extend (Exhibit A).

Mr. Kasaris stated that looking at the factors which were presented it shows that the essential character of the neighborhood would be substantially altered. He added that the Applicant has another way to achieve what she wants to do without the need for a variance. He stated that he was not in support of the variance request. Mr. Jankovsky and Mr. Rohloff also stated they were not in support of the variance.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff **to approve a variance of 12 ft. 6 in. less than the minimum required front yard setback to construct a two story garage and addition no more than 37.5 ft from the right-of-way.**

Roll call: **Yeas: None. Nays: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff, Mr. Gauman).

(BZA14-26) Manojle Bjelicic / Inn Between Bar & Grill is requesting a variance to **Chapter 1276 "Business Districts", Section 1276.09 (a) "Schedule of Yards and Setbacks for Business Uses"**, of the City of North Royalton Zoning Code. **Inn Between Bar & Grill is requesting a variance of 46' ft. more than the minimum required front yard setback requirement** to allow for a proposed patio addition located at **8684 Ridge Road**, also known as **PPN:482-12-015** located in a Local Business district.

Manojle Bjelicic / Inn Between Bar & Grill stated he is asking the Board for a variance to build a seasonal open uncovered patio on the front of his establishment to improve his business.

Mr. Kulchytsky stated that Mr. Bjelicic appeared twice before the Planning Commission on several items. One was for a lot split/consolidation to add more property to the existing property at the Inn Between, as well as, seeking approval for the front patio area site plan. He added that the Planning Commission ruled in favor of both items with the stipulations that the entire length of the west side of the property receive a 6 ft. board-on-board fence to screen the parking and the fence shall continue along the north side of the property until it aligns with the house adjacent to the north to help screen site lines from adjacent residential properties as well as screen any lighting. The patio was contingent on BZA approval of this project. Mr. Kulchytsky clarified that the current conditions are that this is an existing non-conforming use in that the paving and parking go up to the curb of the street. As part of the planning efforts by the Planning Commission in conjunction with the applicant, approximately 30 ft of paving will be removed; this is from the curb to the right-away plus an additional 14 ft. back to the proposed patio. This would bring the applicant more into compliance with city ordinances as opposed to his current non-conforming condition. The applicant is also required to restore the tree lawn, the sidewalk, and then a landscaping bed between the sidewalk and the patio. He added that in the interest of good planning this is a positive move as to moving his parking back behind the right-of-way.

Russ Donda, 7373 Tilby Road, questioned the procedures for notifying the public regarding upcoming meetings. Ms. Vozar explained the procedures which includes an initial notice for either the Planning Commission or the Board of Zoning Appeals meeting. She added that if a meeting is continued the attendees would be aware that the matter would be continued until the next meeting and the date of that meeting. The public can review submitted plans at

the Building Department. The public would have access to upcoming agendas on line on our City website. Chuck Gajewski, Tilby Road resident, stated he was concerned that the patio was so close to the road. Mr.(inaudible) felt the area is congested and questioned why the patio could not be put on the side or in the back. Mr. Bjelicic explained that he would be losing parking, there are coolers and storage in the back and he wanted to use the front unused area for a patio. He said he would not be able to build a patio without the variance. Mr. Kulchytsky commented that the reason the applicant is unable to expand his property further to the north is because that property is already the minimum permitted by code. If he were to build a patio without a variance it would not be of a size that would be of usable function. He stated that the Planning Commission is to ensure that peoples' proposals are appropriate for the districts they fall into. It would be a disservice to build a large patio around the back towards the residences where a variance would not be required.

Mr. Marnecheck, City Councilman, spoke on behalf of Mr. Bjelicic's business practices and stated that he is not an absentee business owner, he is there personally making sure his business is running well. He added that this expansion will allow the Inn Between to remain competitive with the other establishments we have in and around North Royalton that do have visible patios from the road. He said the end result would have a better curb side appeal than what he has now. Mr. Jankovsky also stated that he is in favor of the patio. Mr. Kulchytsky stated that the PC required that the front concrete patio slab have masonry peers with an ornamental picket iron fence and have landscaping added.

Mr. Kasaris recapped by saying the variance is the minimum amount necessary to make reasonable use of the land and the essential character of the neighborhood will not be substantially altered, adjoining properties will not suffer substantial detriment and he is in favor of the request.

Moved by Mr. Kasaris, seconded Mr. Jankovsky **to amend BZA14-26 to incorporate all the requirements the Planning Commission insisted upon in order for the applicant to secure its approval.**

Roll call: **Yeas: Three** (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff). **Nays: One** (Mr. Gauman)

Moved by Mr. Jankovsky, seconded by Mr. Rohloff **to approve a variance of 46 ft. less than the minimum required front yard setback per Section 1276.09 (a) of the Zoning Code with the requirements the PC insisted upon in order for the applicant to secure its approval with regard to the location of this proposed patio addition .**

Roll call: **Yeas: Three** (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff). **Nays: One** (Mr. Gauman)

Adjournment:

Moved by Mr. Jankowski, seconded by Mr. Rohloff **to adjourn the BZA meeting for October 28, 2014.** Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Rohloff, Mr. Jankovsky, Mr. Gauman). **Nays: None.**
Motion carried.

Meeting adjourned at 8:27 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: November 25, 2014

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