

**The Board of Zoning Appeals of the City of North Royalton  
met on October 27, 2016 to hold a Public Hearing in  
the Council Chambers at 14600 State Road.**

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

**Present:** Board Members: Chair Dan Kasaris, Anthony Rohloff, Victor Bull, Christine Ragone, Janice Sadowski, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, Assistant Law Director Donna Vozar.

**PUBLIC HEARING/ OPEN MEETING**

For the benefit of those in the audience, Mr. Kasaris provided an overview of the Board of Zoning Appeals Committee and BZA meeting process.

**NEW BUSINESS:**

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

- A. **BZA16-34 – Michael Kandra of Edgewood Homes Inc.** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed covered deck at **5101 Brookhaven Drive**, also known as PPN:486-23-042, in a R1-A district. The variance being requested is as follows:

**Variance:** Codified Ordinance **Section 1270.05** “Schedule of area, yard and height regulations”. Request is for a variance of 12 ft. to allow for relief from the minimum 50 ft. rear yard setback in order to construct a covered deck.

Michael Kandra, owner of the property, stated that the foundation of the back wall is on the build line. It has a slider door that is five feet above ground level. There needs to be an access out of the back of the house. He stated the lots are shallow; they have a 44 foot building envelope. He stated they are looking to build a 12 ft. x 15 ft. covered deck on the rear of the home. They are seeking a 12 ft. variance. The Building Commissioner stated this request is similar to the other requests which have been before the Board because of the small buildable area on the Brookhaven lots.

The Chair stated the lots are configured in such a way that a variance is needed in order to build a deck. The essential character of the neighborhood will not be altered; adjoin properties will not suffer a substantial detriment as a result of the variance; it will not affect the delivery of governmental services; special conditions and circumstances exist which are particular to the land; the Applicant’s predicament cannot be obviated through any other means other than a variance. He stated for those reasons he supports the variance request. With no further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve a 12 ft. variance to C.O. Section 1270.05 to allow for relief from the 50 foot rear yard setback** in order to construct a 12 ft. x 15 ft. covered deck. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- B. **BZA16-35 – Ron Dzedziak** is requesting 2 variances to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed dwelling on **S/L 2 Brookhaven Drive**, also known as PPN: 486-23-033 in a R1-A district. The variances being requested are as follows:

**Variance #1:** Codified Ordinance **Section 1270.05** “Schedule of area, yard and height regulations”. Request is for a variance of 5 ft. to allow for relief from the minimum 50 ft. front yard setback in order to construct a dwelling.

**Variance #2:** Codified Ordinance **Section 1270.05** “Schedule of area, yard and height regulations”. Request is for a variance of 10 ft. to allow for relief from the minimum 50 ft. rear yard setback in order to construct a dwelling.

Ron Dzedziak stated he is requesting a 5 ft. front yard variance and a 10 ft. rear yard variance to allow for a dwelling with a covered patio off the rear of the house and a side loaded garage. He said the lots are wide but shallow.

The Chair stated the lots are configured in such a way that the variances are needed in order to construct a dwelling. The essential character of the neighborhood will not be altered; adjoin properties will not suffer a substantial detriment as a result of the variance; it will not affect the delivery of governmental services; special conditions and circumstances exist which are particular to the land; the Applicant's predicament cannot be obviated through any other means other than a variance. He stated for those reasons he supports both variance request. With no further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve a 5 ft. variance to C.O. Section 1270.05 to allow for relief from the 50 foot front yard setback** in order to construct a dwelling. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve a 10 ft. variance to C.O. Section 1270.05 to allow for relief from the 50 foot rear yard setback** in order to construct a dwelling. Roll call: Yeas: Five. (Bull, Rohloff, Ragone, Kasaris, Sadowski). Nays: None. **Variance granted.**

- C. **BZA16-36 – Ellet Neon Sales & Service on behalf of Discount Drug Mart, Inc.** is requesting 5 variances to Chapter 1284 "Signs", of the City of North Royalton Zoning Code for a commercial establishment located at **5500 Wallings Road** also known as PPN: 489-11-004 in a Local Business district. The variances being requested are as follows:

**Variance #1: Section 1284.04 (a) (6) (A)** allows one building wall sign per street frontage on each of the Wallings Road and State Road elevations. The request is for 3 signs more than permitted on each of the Wallings Road and State Road elevations totaling 4 signs per elevation.

**Variance #2: Section 1284.04(a)(6)(A)** allows for 36 sq. ft. of signage. Request is for a variance of 64 sq. ft. more than code allows totaling 100 sq. ft.

**Variance #3: Section 1284.09(b)(1)** allows for 181 sq. ft. of signage. Request is for a variance of 98 sq. ft. more than code allows totaling 279 sq. ft.

**Variance #4: Section 1284.04(b)(6)** a variance to allow for relief of the height of a ground sign. Request is for a variance of 1 ft. 2 in. more than the permitted height of 7 ft. 10 in. as approved by the Board of Zoning Appeals in October of 2013.

**Variance #5: Section 1284.09(b)(1)** allows for 181 sq. ft. of signage. Request is for a variance of 178 sq. ft. more than the code allows totaling 359 sq. ft.

The clerk stated the sign variance requests are based on the updated C.O. for signage. The Chair stated we have merged BZA16-36 and BZA16-37 into one item which for the record is BZA16-36.

Jim Doerr with Ellet Sign Company spoke on behalf of Discount Drug Mart. He stated they are seeking several variances for MetroHealth. They would like to add new signage on the façade of the building facing Wallings Road and also the State Road side. Each of the wall signs are 23.4 sq. ft. He said with the changing face of medical care and insurance coverage, it has become a popular thing for hospitals to partner with pharmacies by opening mini-clinics. He said the variances being requested for MetroHealth are to allow them to identify themselves and communicate to the public they are there, but also to lessen traffic hazard due to inability of traffic not knowing where they are located. Mr. Doerr said the property has a deep setback from the intersections. When you are traveling at 35 mph you are traveling at 51 feet per second. This affects viewer reaction time. The address will be located on the new ground sign at State and Wallings. They are also seeking to replace the current antiquated monument sign with a new electronic message board. The MetroHealth letters will be non-illuminated. The masonry base will match that of the building. He said the proposed monument sign is approximately 20 square feet more than the current sign; this does not include the decorative top and the pedestals. The Building Commissioner stated that given the site and its configuration, he believes there are already too many signs located on the building. Typically we allow for one building sign with a certain amount of square footage. In this particular instance, there are going to be up to four signs on each façade

which seems excessive. He said the same goal can be achieved by merely granting the second variance for the monument sign which provides the visibility for the MetroHealth Clinic directly on the corner which would be visible from both Wallings and State Road. Mr. Doerr referenced other business in the area such as Giant Eagle which has multiple wall signs. Ms. Ragone asked the Applicant if they would be willing to remove the one-hour photo sign on one or both sides of the building in order to add the MetroHealth sign. David Boodjeh, Chief Administrative Officer for Discount Drug Mart, addressed the question regarding the one hour photo sign. He said the sign has since then been replaced with a sign "digital photo" for the photo kiosk located in the store. He would not eliminate it, but they would update the blue portion to say digital. Dan Langshaw, Ward 3 City Councilman, spoke in favor of the variance request. He felt the current monument sign is dated and leaning and needs to be replaced.

The Chair stated he agrees with Mr. Rohloff regarding the visibility of the monument sign. He said he felt the signs are needed and not obnoxious. He added that the placement of the signs will not adversely affect the delivery of governmental services; it is not out of character for the neighborhood. He added that special conditions and circumstances exist which are peculiar to the structure since the building is set back from the intersection. He said for safety reasons and those stated he supports the variance request. Mr. Rohloff stated this is a needed service in the community and he welcomes it. He agreed that the monument sign needs to be replaced. Since this is a busy intersection, he felt the signs on the building are needed more than the monument sign. With no further discussion, the Chair adopted his findings for that of the Board in addition to Mr. Rohloff's findings regarding safety and his beliefs that the signs are needed. He adopted his findings for Variance #1, #2, #4, #5.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #1 Section 1284.04(a) (6)(A) to allow relief from the signage requirements relative to one wall sign per street frontage/elevation. The variance is for 3 signs more than permitted on each of the Wallings Road and State Road elevations, totaling 4 signs per elevation.** Roll call: Yeas: Five. (Sadowski, Ragone, Rohloff, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #2 Section 1284.04(a) (6)(A) which allows for 36 sq. ft. of signage. Variance granted for 64 sq. ft. more than code allows totaling 100 sq. ft.** Roll call: Yeas: Five. (Sadowski, Ragone, Rohloff, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #4 Section 1284.04(b) (6) to allow for relief from the signage requirement relative to height of a ground sign. Variance granted for 1 ft. 2 in. more than the permitted height of 7 ft. 10 in. as approved by the Board of Zoning Appeals in October of 2003.** Roll call: Yeas: Five. (Sadowski, Ragone, Rohloff, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #5 Section 1284.09(b) (1) which allows for 181 sq. ft. of signage. Variance granted for 178 sq. ft. more than the code allows totaling 359 sq. ft.** Roll call: Yeas: Five. (Sadowski, Ragone, Rohloff, Bull, Kasaris). Nays: None. **Variance granted.**

The Building Commissioner stated variance #3 will not be needed since variance #5 is a cumulative variance that includes all of the quantities. The Chair stated the recommendation is to vote no.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #3 Section 1284.09(b) (1) which allows for 181 sq. ft. of signage. Request for a variance of 98 sq. ft. more than code allows totaling 279 sq. ft.** Roll call: Yeas: None. Nays: Five. (Sadowski, Ragone, Rohloff, Bull, Kasaris). **Variance denied.**

- D. **BZA16-38 – Speedway LLC / NR4C Ventures LTD** is requesting 6 variances to Chapter 1276 "Business Districts" and Chapter 1284 "Signs" of the City of North Royalton Zoning Code for a commercial establishment to be located on **PPN: 484-18-003 & PPN: 484-18-023 located on the NE corner of W. 130<sup>th</sup> Street and Boston Road** in a Local Business district. The variances being requested are as follows:

**Variance #1: Section 1284.04 (b) (6)** a variance to allow for relief of the height of a ground sign. Request is for a variance of 3 ft. more than the permitted height of 7 ft.

**Variance #2: Section 1284.05 (k) (1)** a variance to allow one 40 sq. ft. changeable copy sign on the proposed Speedway store. Request is for a variance of

28 sq. ft. more changeable copy than the 12 sq. ft. permitted totaling 40 sq. ft. of changeable copy on a wall sign.

**Variance #3: Section 1284.09 (b) (1)** allows for 142 sq. ft. of signage. Request is for a variance of 27 sq. ft. more than code allows totaling 169 sq. ft.

**Variance #4: Section 1284.10 (c)** a variance to allow two 11 sq. ft. internally illuminated signs on the North and South end of the fueling canopy. Request is for a variance of 6 sq. ft. more per sign than is permitted totaling 11 sq. ft. of signage per side. The applicant is also requesting that the signage be illuminated and located on the gas station service island which is not permitted.

**Variance #5: Section 1276.09(a)** a variance of 9.5 ft. less than the minimum required 20 ft. rear yard setback abutting nonresidential district for a commercial building.

**Variance #6: Section 1276.09 (a)** a variance of 14.5 ft. less than the minimum required 20 ft. rear yard setback abutting nonresidential district for a dumpster enclosure.

The Clerk stated the sign variance requests are based on the updated C.O. for signage. The Chair stated we have merged BZA16-38 and BZA16-39 into one item which for the record is BZA16-38.

Ms. Vozar stated that a conditional use was granted to the Applicant by the PC. She stated that type of service station is a permitted use of a conditional use in that zoning. There are criteria that the code sets forth and there may be specific conditions that the PC would want to impose. It still needs to go before City Council for them to confirm the recommendation from PC. She recommended that the Board grant the variances conditional on City Council's confirmation of the Conditional Use.

Jeffery DeZort with CESO on behalf of Speedway LLC and Bill Baumann. Mr. DeZort stated the PC approved the conditional use permit. He said they are looking to construct a Speedway gas station at the corner of West 130<sup>th</sup> and Boston Road. The variances they are requesting is for the height of the ground mount sign. He said he worked with the City Administration and PC and together they designed a sign that would be pleasing to the public as they entered into the City. He said the proposed sign is a 72 sq. ft. ground mount sign which would be located at the corner of West 130<sup>th</sup> and Boston Road which directly faces the intersection. He added the allowable square footage of 7 ft. is the Speedway portion and the actual variance request is for an additional 3 ft. height which encompasses the "Welcome to the City of North Royalton" on the top portion. He said the sign will also have an architectural landscape feature, including wing walls, rod iron fencing and quick brick helpers. Mr. DeZort said the 40 ft. changeable sign is a reader board which will be located on the building itself. The intent of the sign is to communicate advertisements of specials to internal customers who are fueling their automobile. It is not meant to attract people from the street or distract them in any way. Variance #3 is for accumulative signage. The variance to allow for two 11 sq. ft. internally illuminated signs are canopy signs located on the short ends of the auto canopy. The signs are facing north and south. The ground mount sign at the corner faces only the intersection so any traffic travelling south bound on W.130<sup>th</sup> or west bound on Boston would not be able to identify that the Speedway is there unless they have the badge sign on the canopy. There is no signage on the back of the building or on the back of the canopies. The Building Commissioner stated that the ordinance limits the amount of signage and also does not allow it to be illuminated. He said the reason may be to reduce light pollution or distraction since it is high up in the air. He said he is not concerned about the square footage; however, he had concerns regarding the illumination. He added citizens were present at the PC meeting and expressed concerns about the illumination level and increased light pollution on that corner due to another gas station. He said that corner faces a number of cities and there are pre-developed sites across the street from it. Mr. Rohloff asked the Building Commissioner if the residential area is far enough away to not be affected by the illumination. Mr. Kulchytsky stated it is surrounded by local business. He said he believes they would not be affected. The PC requested the Applicant submit to the Building Department a photometric analysis showing their light drop off being minimized towards the property line. He stated the Board can put a contingency on variance #4 that a study for the canopy be submitted so that illumination for the signage shall be designed to minimize light pollution.

Regarding variance #5, Mr. DeZort stated that the property is unique; it is a created parcel, however, a 50 ft. Buckeye Pipeline easement exists along Boston Road. He explained it is a

utility easement with a high pressure gas line which does not give them the ability to put pavement, landscaping or any type of structure on it. Everything needs to be outside of that with the exception of the driveway which provides access to the site. He said in addition to the pipeline easement, there is a right of way easement along W.130<sup>th</sup> which crunches in the site. In order to maintain maneuverability of the delivery truck and customer cars, the building needed to be pushed back toward the property line. He added the adjacent property is being developed in coordination with Mr. Baumann. They may be putting a detention pond in that area so it would not adversely affect the neighbor; it would be screened. Mr. DeZort said they would be sharing the detention pond to try and minimize the impact and also be able to utilize the best management practices for storm water.

Regarding variance #6, Mr. DeZort stated in order to keep the dumpster as far back as possible and tucked away from view and still accessible for a garbage truck to come in and pick up the dumpster, we are requesting a rear yard setback variance of 14.5 ft. less than the minimum required.

James Moroney, 16213 Waterford Drive, stated the rear of his home faces the development. He expressed his concern regarding the 40 sq. ft. ground sign that typically advertises cigarettes and pop. He stated we all know it's available there and does not see a need for it. He added that he would like to see the building be as clean as possible. He said he appreciates the attention to the design of the building. He questioned why an elevated illuminated canopy sign is necessary and stated he was not in favor of it. He also expressed his concern regarding the proximity of the dumpster and the possibility of dumpster fires. The Building Commissioner stated that the dumpster complies with the Ohio Building Code. Robert Varju, 16243 Waterford Drive, stated he is opposed to the illuminated canopy sign on the north end. He said the canopy sign would be unnecessary since the future to-be-built commercial building would block the sign and it would only be spilling more light pollution toward the homes. Mr. DeZort responded that the sign on the north end of the canopy would be to identify the Speedway to southbound travelers on West 130<sup>th</sup>. The Building Commissioner stated based on the location of the proposed building on the adjoining lot, it would be located further back as is the Speedway and it will not block the canopy signage.

**Moved** by Mr. Kasaris, seconded by Mr. Rohloff to make **all six variances, if approved, contingent on City Council's approval of the Conditional Use application.** Roll call: Yeas: Five (Sadowski, Ragone, Rohloff, Bull, Kasaris). Nays: None. **Motion approved.**

The Building Commissioner clarified variance #3 which is 1284.09 (b) (1) is a cumulative number and should be heard last and modified as necessary.

The Chair stated that this sign will not adversely affect the delivery of governmental services; it is not out of character for the neighborhood; the adjoining properties will not suffer substantial detriment. He stated for these reasons, he supports Variance #1, #2, #3 and #4. With no further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #1 Section 1284.04(b) (6) to allow for relief from the signage requirement relative to height of a ground sign. Variance granted for 3 ft. more than the permitted height of 7 ft.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve variance #2 Section 1284.05(k) (1) for 28 sq. ft. more changeable copy than the 12 sq. ft. permitted totaling 40 sq. ft. of changeable copy on a wall sign.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #4 Section 1284.10(c) with the condition that the Applicant minimizes light pollution and submits an illumination study for the signage on the canopy. Variance granted to allow two 11 sq. ft. internally illuminated signs on the North and South end of the fueling canopy on the gas station service island. Variance is for 6 sq. ft. more per sign than is permitted.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #3 Section 1284.09(b) (1) which allows for 142 sq. ft. of signage. Variance granted for 27 sq. ft. more than code allows totaling 169 sq. ft.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

The Chair stated that special conditions and circumstances exist which are particular to the land which is the high pressure gas line easement under the property. He said the predicament cannot be obviated in any way other than with the variance request. The

essential character of the neighborhood will not be altered; adjoining property owners will not suffer substantial detriment; delivery of governmental services will not be adversely affected. He said for those reasons and based on the testimony of the Applicant he supports Variance #5 and #6. With no further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to approve **Variance #5 Section 1276.09(a) for a variance of 9.5 ft. less than the minimum required 20 ft. rear yard setback abutting nonresidential district for a commercial building.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to approve **Variance #6 Section 1276.09(a) for a variance of 14.5 ft. less than the minimum required 20 ft. rear yard setback abutting nonresidential district for a dumpster enclosure.** Roll call: Yeas: Five (Rohloff, Sadowski, Ragone, Bull, Kasaris). Nays: None. **Variance granted.**

- E. **BZA16-40 – David Borowske of Borowske Builders Inc.** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed dwelling at **12283 Albion Road**, also known as PPN: 481-20-004 in a R1-A district. The variances being requested are as follows:

**Variance #1: Section 1270.05** “Schedule of area, yard and height regulations” requires a minimum lot width of 100 feet. Request is for a variance of 20 feet less than what is permitted.

**Variance #2: Section 1270.05** requires a minimum front yard setback of 50 feet. Request is for a variance of 46 feet less than what is permitted.

**Variance #3: Section 1270.08** requires a front yard setback of 65 feet due to the existing residences at either side. Request is for a variance of 488 feet more than what is required.

Ms. Vozar recommended that the Board grant the 3 variances conditional on approval of consolidation of the two lots. The Applicant David Borowske stated the Lot Split/Consolidation application has been submitted to the Engineering Department; it is pending the approval of the Board. Mr. Borowske stated that the lot is unique; it is almost three acres. However, the parcel off of Albion is only 80 ft. wide and a 10 ft. side setback on each side would only allow building a 60 ft. wide structure. He explained that he purchased the rear property PPN: 481-20-014 and is consolidating it into one larger lot. He said the proposed dwelling would be just behind the long narrow lot. He said the lot is currently vacant. He would like to build toward the back of the lot for privacy; it is a heavily wooded lot. He said a variance is required to provide a 50 ft. setback because his proposed residence is wider than the 80 ft. lot. A discussion regarding fire safety ensued. In the past, the Fire Department made recommendations on the need for installation of a sprinkler system or a fire waterline to the residence. The Applicant stated that a new residence on the other side of Albion with a similar distance of 500 ft. from the road was recently built without those restrictions. The Building Commissioner stated it is considered a rural lot that does not have access to fire service or a fire hydrant. He suggested if the Board chooses to entertain the variance, it do so with the contingency that the Fire Services review and have the system installed to their satisfaction. He added that he would discuss this further with the Fire Department. He also said the house which the Applicant is proposing is larger than what would be able to be built on the narrow parcel. He stated it is a unique lot and has a couple setback issues. He stated the building would need to have a 50 ft. setback. The Applicant explained that even though he has a large frontage, the areas of the building which overflow on both sides is technically considered frontage. He added that he has provided affidavits from both neighbors supporting the variance request. He said if he tries to rotate the building, it would still need a variance for a rear yard setback. The Building Commissioner stated the second item is for a C.O. pertaining to infill lots not in a subdivision; it requires the building to be the average setback distance of the other two existing houses from the street. He explained one house is 70 ft. and the other is 60 ft. He is required to have the house build 65 ft. from the right-of-way. So is requesting to vary from that requirement in order to have his house in the back.

Salvatore Sidoti, 10769 Shawnee Circle, spoke against the approval of the variance request. He stated it will affect him and his neighbors who live in the Indian Trails development which is south of the applicant's parcel. He stated he has purchased several properties around him to obtain privacy which is important to him. He was concerned when the area on that property was being cleared of trees and brush on a Saturday and Sunday to conceal an attempt to justify their actions to the City. He felt he should build a size of home that would fit on the lot without need for a variance. He said he was concerned there could be non-conforming uses

of the property since it is hidden from the street. Mr. Borowske stated he cut down some of the trees in order to gain access to the back. The Building Commissioner is not aware of a violation of a clearing permit. He clarified that Mr. Sidoti's house has more than 550 ft. distance to the property line of the Applicant. He added that the Applicant is not requesting a rear yard setback variance and that the Engineering Department will review the application and ensures the water flow is handled in the appropriate fashion. Paul Behal, 12039 Albion Road, stated he lives 5 houses away from the Applicant. He expressed his concern regarding safety for police and fire and the ability to be able to get to the home.

The Clerk read into record affidavits from Debra Kozak property owner at 12317 Albion Road and from Elizabeth Ann Weiner (Phelan) the property owner at 12247 Albion Road. Both affidavits stated they approve of the location of the proposed dwelling at 12283 Albion Road. Ms. Weiner spoke and said she welcomes the new addition.

The Chair stated that as long as the Fire Department is satisfied, it will not adversely affect the delivery of Governmental services. However, if they are not satisfied then that will be a problem. He said it will not affect the essential character of the neighborhood and the adjoining properties will not suffer substantial detriment as a result of the variance. He said this is a unique lot and special circumstances and conditions exist that are peculiar to the land. He said because of these reasons, he supports the variance request. Mr. Rohloff asked if the width of the driveway can be addressed. Ms. Vozar stated the contingency put on the variance addresses that the Fire Chief has to approve of the location and consider the factors. The applicant would need to comply with any recommendations or requirements that he would impose. The Fire Department will determine what needs to happen, if at all, on this property to make sure those governmental services can get back there. If we are not going to table this in order to get a report from them, then we need to defer to the Fire Department and let them make that call. After further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Kasaris, seconded by Ms. Ragone **a condition be placed on all three variance requests that the Fire Department be satisfied that adequate fire services can be rendered by the City given that the home is located far back from the street.** Roll call: Yeas: Five. (Ragone, Bull, Kasaris, Sadowski, Rohloff). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #1 for a 20 ft. variance to C.O. Section 1270.05 to allow for relief from the 100 foot minimum lot width requirement in order to construct a dwelling. Approval contingent on approval of consolidation of PPN: 481-20-004 and PPN: 481-20-014.** Roll call: Yeas: Five (Rohloff, Ragone, Kasaris, Sadowski, Bull). Nays: None. **Variance granted.**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #2 for a 46 ft. variance to C.O. Section 1270.05 to allow for relief from the 50 foot minimum front yard setback requirement in order to construct a dwelling. Approval contingent on approval of consolidation of two lots.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

The Chair stated this is a substantial variance, when weighing the other factors to consider including the type of lot, the requirement of the Fire Department being satisfied with where the home is being placed with regards to fire services; it is not out of character for the neighborhood. The other factors outweigh the fact that this is a large variance request. The Chair stated he supports the variance request. With no further discussion, the Chair adopted his findings for that of the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #3 for a 488 ft. variance to C.O. Section 1270.08 to allow for relief from the 65 foot minimum front yard setback requirement in order to construct a dwelling. Approval contingent on approval of consolidation of two lots.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

## MISCELLANEOUS

### BZA meeting schedule for 2017 Calendar year.

**Moved** by Mr. Kasaris, seconded by Ms. Ragone to approve the proposed meeting dates and time of 7:00 for 2017. Roll call: Yeas: Five. Nays: None. **Variance granted.**

## ADJOURNMENT:

**Moved** by Mr. Bull, seconded by Ms. Sadowski to **adjourn the BZA meeting of October 27, 2016.** Motion carried.

**Meeting adjourned at 9:20 p.m.**

APPROVED: /s/ Dan Kasaris  
Chairman

DATE APPROVED: November 29, 2016

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