

The **Board of Zoning Appeals** of the City of North Royalton met on **October 24, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:32 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovksy, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

### **Public Hearing**

**(BZA11-15) William Schwartz** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B**, of the City of North Royalton Zoning Code, for relief from the **maximum square footage** requirement for a **lean-to / extension to his existing accessory building** he wishes to construct on his property located at **11118 Albion Road, also known as PPN: 481-13-016**.

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. Price: 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. Pawluk: I do. My name is John Pawluk and I reside at 11070 Albion Road. I am a neighbor of Bill (the applicant) on the east side of his property. I have no issue at all with his request to add onto his building.

Mr. Price: You are an immediate neighbor?

Mr. Pawluk: There is a neighbor in between for about 400 feet. We are immediate neighbors beyond that 400 feet. Again, I have no issue with his request.

Mr. Price: Would you raise your right hand please. Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Schwartz: Yes. My name is William A. Schwartz, 11118 Albion Road, North Royalton. To answer the question that was brought up during the caucus as far as why the issue had not been addressed at the time the building was constructed, the pad that was poured was poured 4 inches lower than I wanted the contractor to pour it. He talked me out of pouring it higher. Secondly, it always was an issue. I always had a problem. It was just that at this point I was going to try to alleviate it because I am using the building more. So I always had an issue with water coming into that garage. Plus I have water coming in from another area also which I am trying to address in another way. This will not require any variances or anything. I have also acquired, through my retirement, a couple of antique tractors that I would like to keep out of the elements. It is going to be open. It is only going to be a roof, almost like an awning. It is going to be open. It will help shift the water away from the rear garage door. That is basically what it is all about.

Mr. Price: Thank you. Anyone else? May I have a motion to move BZA11-15 to the Open Meeting?

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA11-15 to the Open Meeting**.

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0).**

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

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

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0).**

**Public Hearing adjourned at 7:36 p.m.**

The **Board of Zoning Appeals** of the City of North Royalton met on **October 24, 2011** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:36 p.m.

Present: Chairman Neil Price, John Ranucci, Diane Mastronicolas, Robert Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to approve the Minutes for September 26, 2011.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **approve the Minutes for September 26, 2011.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

**Motion carried (5-0). Minutes approved.**

## **OPEN MEETING**

### **New Business:**

**(BZA11-15) William Schwartz** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B**, for relief from the **maximum square footage** requirement for a **lean-to / extension to his existing accessory building** he wishes to construct on his property located at **11118 Albion Road, also known as PPN: 481-13-016.**

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **grant a variance of 1,548 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1)B of the Zoning Code with regard to this proposed lean-to which is to be attached to his existing accessory building.**

Mr. Price: I am going to be voting for this. It is a unique situation. He has standing water from the west. He has water flowing from two to three directions across his yard. I noted the sandbag at the pedestrian door as a way to keep water from entering his structure. The garden area is raised a couple of feet to keep it more or less dry. An awning would prevent the rain water from collecting at the rear door. The surface water will then be diverted or pooled at least 20 feet from the door and allowed to drain off to the west. That will keep the entrance to the rear door dryer and water from running in. There are special conditions peculiar to the property because of its location. There have been no objections by the neighbors. It is not going to be visible from the street. No governmental services will be affected. The general character of the neighborhood will not be changed. I do not know of any other way to obviate the situation that this gentleman is stuck with because of where the lot is located. So I will then be voting in favor of this variance request.

Mr. Kasaris: Mr. Chairman, for the reasons that you have already indicated I will also support it.

Mr. Ranucci: Mr. Chairman, I am also in agreement. The lean-to is to be located in back of the structure so it will not be visible from the road. It will give the applicant some relief from the water collecting around his building. Unfortunately I am not sure that it is going to help the situation much based on the 4 inches and the fact that that end of town has the high water table. I will also then be approving of this request.

Ms. Mastronicolas: I have no objection to this request so I will be approving of this variance as well.

Mr. Jankovsky: Mr. Chairman. I guess that I will acquiesce to the comments of my colleagues here. In the applicant's paperwork he said that it would not be aesthetically detrimental to the area. I do not see that. I think that the entire building right now is huge and does not contribute to the aesthetics of the neighborhood but the building is there and there is a problem that has to be corrected so I will go along with this variance.

Ms. Vozar: Mr. Chairman. The proposed findings of fact and conclusions of law are submitted as follows. The applicant appeared tonight requesting a variance for an accessory building on his property at 11118 Albion Road. He is seeking a variance of 1,548 square feet more than the maximum square footage allowed so that he can construct a lean-to which is to be attached to his existing accessory building. The property owner testified as to his need to have this additional variance as a result of the water problems that he has been experiencing for some time. There was a neighbor who appeared and stated no objection to this request. The Board finds that this is a unique situation due to the topography of the land. They feel that the water issues would be best addressed through this proposal. The variance would not be detrimental to the neighborhood or the character of the neighborhood. It will not affect governmental services. It will not be visible from the roadway so it will not have much of an impact on the neighborhood. The Board finds that practical difficulties has been established. Is there anything else Mr. Chairman?

Mr. Price: Does anybody have anything additional to add? Any corrections? Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – five. Nays – none.

**Variance granted (5-0).**

Mr. Price: Anything under Miscellaneous? May I then have a motion to adjourn.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for October 24, 2011.**

Ayes – all. Nays – none.

**Motion carried (5-0).**

The Board of Zoning Appeals Meeting **adjourned** at 7:45 p.m.

Approved: Neil E. Price  
Chairman

Date: Nov. 28, 2011

Attest: Lynn M. Brickman  
B.Z.A. Secretary