

The Board of Zoning Appeals of the City of North Royalton
met on **June 24, 2015** 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, Vice-Chair Anthony Rohloff, Victor Bull, Dale Gauman, Christine Ragone, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytzky, Assistant Law Director Donna Vozar.

Public Hearing / Open Meeting

New Business:

The clerk stated that Public Legal notices were sent out as required for the applications before the Board.

1. **(BZA15-10) – Viktor Horokhivskyy** is seeking BZA approval for two variances to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed building structure at **9856 Bentley Drive**, also known as **PPN:481-24-074**, in a R1-B district. The variances being requested are as follows:

Variance #1: Codified Ordinance 1270.12 (b) “Yards for Accessory Buildings and Uses”, request is to allow for relief from the minimum 8 ft. side yard setback for a variance of 3 feet. The applicant would like to put a building structure 5 ft. from the side property line.

Variance #2: Codified Ordinance 1270.12 (b) “Yards for Accessory Buildings and Uses”, request is to allow for relief from the minimum 20 ft. setback of an accessory structure to a residence for a variance of 5 feet. The applicant would like to put an accessory structure 5 ft from the residence.

The Building Commissioner was contacted by the Applicant who requested the application be tabled until the July BZA meeting.

Moved by Mr. Bull, seconded by Mr. Rohloff to **table the request for variance**. Roll call: Yeas: Five. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull, Mr. Kasaris). Nays: None. Item is **tabled** and will be scheduled to be discussed at the July BZA meeting.

2. **(BZA15-11) – Eric Niedermeyer** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed garage addition at **5600 Wiltshire Road**, also known as **PPN: 486-13-003**, in a RR-Z district. The variance being requested is as follows:

Variance #1: Codified Ordinance Section 1270.04 (f) “Area, Yard and Height Regulations”. Request is to allow for relief from the minimum 50 ft. rear yard setback for a variance of 11 feet. The applicant would like to put a garage addition 39 ft. from the rear lot line set back.

Robert Sindyla spoke on behalf of Eric Niedermeyer. He stated that the property is approximately 600 feet off of Wiltshire. He said the back property line is 67.53 feet from where he wants to add on an addition to the garage. Rather than building a free standing building, he would like to add on to the existing garage to serve as storage and a place to park his classic cars. He said the neighborhood is rural. He also said that the garage will go straight out and have the same brick as the existing garage. He stated there are no neighbors to the west and the Applicant also owns the home to the south of his property. The property has a lot of trees in the area and the variance will not astatically demean from the neighborhood. Mr. Kulchytzky stated that given the unique configuration of the lot and the appearance of the building at the front, it would be odd to try for a variance for a shed in other areas of the property. There is a significant drop in topography towards the back that would prohibit a standalone shed. He stated that it appears to the Building Department that the variance request is an appropriate method of solving the storage issue. Mr. Sindyla agreed with the Commissioner’s comments. Mr. Bull asked if there would be any commercial use of the building. The Applicant responded that no there would not be any commercial use.

For the Board, Mr. Kasaris stated that the variance is not substantial, the character of the neighborhood will not be altered, the adjoining properties are not going to suffer any detriment as a result of granting this variance, and governmental services will not be affected. He also said special conditions and circumstances which are peculiar to the land exist on this property. Mr. Kasaris stated that his comments will be adopted as the findings for the Board.

Moved by Mr. Bull, seconded by Mr. Rohloff **to approve a variance to section 1270.04 (f) for 11 ft. less than the minimum 50 ft. rear yard setback requirement** for a garage addition 39 ft. from the rear lot line set back. Roll call: Yeas: Five. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull, Mr. Kasaris). Nays: None. **Variance granted.**

3. **(BZA15-12) – David & Carol Roselli** is requesting a variance to Chapter 1270 “Residential Districts” of the City of North Royalton Zoning Code for a proposed dwelling to be built at **PPN: 487-11-029 on Akins Road**, in a R1-A District. The variance being requested is as follows:

Variance #1: Codified Ordinance Section 1270.04 (e) “Area, Yard and Height Regulations”. Request is for a variance of 3 ft. less than the minimum 10 ft. side yard setback requirement in order to construct a dwelling.

The Applicant David Roselli stated they are seeking a variance request to allow them to downsize and build a ranch on this empty lot. They want a side load garage and therefore need a 3 ft. variance. He added that they will not change the grade to create water runoff onto the neighbor’s property. He also said they do not want to have an outbuilding. Mr. Kulchytsky said if the variance is approved, the Applicant would engage a civil engineer to prepare a topographic layout of the site including the proposed structure. The topographic layout would be reviewed by our Engineering Department making sure the water runoff is managed in an appropriate fashion. Lauri Centorbi spoke on behalf of her mother, Carol Sterlie of 4420 Akins Road which is east of the Applicant’s property. Said she has no problem with the variance; her only concern is about the water runoff and flooding issues in that area. Mr. Kulchytsky stated that it would be appropriate that a side loaded garage adjacent to another property with a garage makes sense. Given the plans that the Applicant submitted, it would be difficult to remove three feet from the plan to make it doable without a variance. The lot being 90 foot is narrower than what is typical in the city of North Royalton. Mr. Kasaris stated that he finds that the variance of three feet is not substantial, the character of the neighborhood will not be altered, the variance itself will not cause a substantial detriment to the neighborhood, there has been presented no evidence that the variance would adversely affect the delivery of governmental services, and this is a unique lot being narrower than the typical lot. He stated that he supports the variance request. With no further discussion, the Chair stated that he adopts his findings for the Board.

Moved by Mr. Bull, seconded by Mr. Rohloff **to approve Variance #1:** A variance of 3 ft. less than the minimum 10 ft. side yard setback requirement in order to construct a dwelling. Roll call: Yeas: Five. (Mr. Rohloff, Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

Adjournment:

Moved by Mr. Bull, seconded by Ms. Ragone **to adjourn the BZA meeting for June 24, 2015.** Roll call: Yeas: Five. Nays: None. **Motion carried.**

Meeting adjourned at 7:25 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: Sept. 23, 2015

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