

The **Board of Zoning Appeals** of the City of North Royalton met on **April 18, 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 7:30 p.m.

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

Chairman Price: I need a motion to excuse Mrs. Mastronicolas and Mr. Kasaris for cause.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **excuse Diane Mastronicolas and Dan Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

PUBLIC HEARING

(BZA11-05) John Trunzo requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.19 “ Dwelling Unit Area Requirements”, paragraph (d) “Area of Garage”,** of the City of North Royalton Zoning Code, for relief from the **maximum square footage** requirement for a **detached garage / accessory structure** he wishes to construct on his property located at **10168 State Road, also known as PPN: 489-07-008.**

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.

The applicant, John Trunzo, approached the microphone.

Mr. Price: Would you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Trunzo: I do.

Mr. Price: Your name and address please.

Mr. Trunzo: My name is John Trunzo and I live at 17636 State Road in North Royalton. I have been a resident of North Royalton since 1969.

Mr. Price: You are here tonight because ...

Mr. Trunzo: I am wanting to re-do a structure that has been in our family since 1969 when my father and mother moved out here. My mother is still alive. My father has since passed away. He farmed that property since the time we moved there. He loved that property. It is a large property. It is over 3 acres. The reason that I am asking for the variance is that the structure itself could be re-built, we could repair what is there, but the cost factor to make the necessary repairs to what is there would not make sense. I am requesting a 24' x 36' garage. I know that it sounds like it is large but when you have that much property you need to have the equipment to maintain it. We need tractors. We need to be able to park cars, store equipment and so forth. The other portion of the structure is a 24' x 24' pavilion. My parents moved to North Royalton in 1969. In 1970 my father started a tradition of having a family picnic. In the old country in Italy they would celebrate a Devotion to the Blessed Mother. That tradition has been going on in our family and this will be our 41st year. We have friends and family that actually come from all over the world, not just the United States. We have people who will come from another country to attend this. So my intention is to attach a 24' x 24' pavilion-type structure which would be tied into the garage for this tradition to carry on. That is in a nutshell what we are looking to do.

Mr. Price: Anything else?

Mr. Trunzo: I think that pretty much covers it. That property has been in our family since 1969 and we just want to keep it up and replace the structure that is there with one that would improve the appearance of the City.

Mr. Price: Thank you. Anybody else? 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?

Mrs. MacKay: I do.

Mr. Price: Please state your name and address.

Mrs. MacKay: My name is Donna MacKay and I live at 9255 Abbey Road in North Royalton. I have lived out here since 1976. John Trunzo is my brother. I get very emotional when I speak of this because this tradition is very important to us.

Mr. Price: It is okay. You are just talking to friends.

Mrs. MacKay: We just hope that you will give us this variance and that you understand what I am saying. It means a lot to the family. My brother has children and I have children who look forward to this. It is something that my father started and the children and grandchildren want to carry this tradition on for years to come. My brother has taken over the house. This is what it is all about. I am hoping that you find it in your heart to give us that variance because it means a lot to us as a family. That is about it. Our mother is still alive and I know that she would be thrilled. I take care of her. She lives with me. We are looking forward to bringing her there to see the new building and the improvements that my brother is making to the property. She will be thrilled, and when her day comes, she is going to leave happy. Thank you.

Mr. Price: Anybody else? May I have a motion to move BZA11-05 to the open meeting.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **move BZA11-05 to the open meeting.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Price: May I have a motion to adjourn the public hearing.

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

Mr. Price: Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Public Hearing adjourned at 7:36 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **April 18, 2011** to hold an Open Meeting in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:36 p.m.

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

Mr. Price: May I have a motion to excuse Diane Mastronicolas and Dan Kasaris for cause.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **excuse Ms. Mastronicolas and Mr. Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Price: May I have a motion to approve the Minutes for the March 28, 2011 meeting.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **approve the Minutes for March 28, 2011.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0). Minutes approved.

OPEN MEETING

Old Business:

(BZA11-03) Jerry Koch / Royalton Supply requests a variance to **Chapter 1278 “Industrial Districts”, Section 1278.04 “Use Regulations for General Industrial Districts”, paragraph (a)(2), to allow the applicant to locate and operate a topsoil shredding / screening machine outside of an enclosed building** on his property located at **11528 Royalton Road, also known as PPN: 483-11-007 & 483-11-014.**

Mr. Price: This item had been tabled so we need a motion to remove this item from the table.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **remove this item from the table.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Item removed from the table.

Ms. Brinkman: We received a letter on April 12, 2011 from Royalton Supply, the applicant, which states as follows. (A copy is attached to these Minutes.)

“Dear Ms. Brinkman:

As a follow-up to your phone conversation with Mr. Robert Ahrens on Monday, April 11, I would like to inform you that I am withdrawing my request before the Board of Zoning Appeals to install a new topsoil shredding / screening machine at our landscape supply business (Royalton Supply) located at 11528 Royalton Road...

Reading of letter continued ...

I plan to re-apply when I have gathered together the information necessary for a proper presentation of our request. I wish to bring to your attention at the time I initially applied to the Board of Zoning Appeals I was not given the correct questions to complete prior to the meeting and therefore was not prepared for the presentation. I feel you should give this situation special consideration in regards to the fee involved when I re-apply.

Thank you for your assistance in this matter.

*Sincerely,
Jerry Koch*

Mr. Price: Based on the letter, and at the applicant's request, this application is **withdrawn**.

New Business:

(BZA11-05) John Trunzo requests a variance to **Chapter 1270 "Residential Districts", Section 1270.19 "Dwelling Unit Area Requirements", paragraph (d) "Area of Garage"**, for relief from the **maximum square footage** requirement for a **detached garage / accessory structure** he wishes to construct on his property located at **10168 State Road, also known as PPN: 489-07-008**.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 640 square feet more than the maximum square footage allowed as prescribed in Section 1270.19 (d) of the Zoning Code with regard to the size of this proposed detached garage / accessory building**.

A woman in the audience asked if anyone in attendance would be permitted to address this applicant's request. She said that she had not received a notice of this.

Mr. Price: That time has passed. People were able to speak during the first half of this meeting.

Ms. Vozar: If I could address this Mr. Chairman. The meeting is tonight. What the Chair had referred to is that at the earlier meeting tonight, when we started at 7:30, is when he had requested people to come forward. This is the only meeting where this matter has been heard. You arrived later and after the meeting had been open to the public for discussion. The Chairman has permitted people to speak in the past but it is purely discretionary and up to the Chairman and the Board.

Mr. Price: Okay. Come up to the microphone and you can speak. Please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Suchocki: So help me God.

Mr. Price: Your name and address please.

Ms. Suchocki: Judith A. Suchocki, 6128 Castle Drive in North Royalton. I received a notice and I would like to understand where the garage is going to be located on the property and how big it will be.

Mr. Price: According to the application it is going to be at the same location and the size will total 1,440 square feet.

Ms. Suchocki: What are the dimensions?

Mr. Price: The request is for an 864 square foot garage and a 576 square foot covered patio.

Ms. Vozar: Mr. Chairman, if I could. Just so you understand, when the notices go out regarding what is being heard you have an opportunity from that time until the meeting to go down to the Building Department and actually look at the application so that you can review it. Did you get a chance to look at it?

Ms. Suchocki: I called the Building Department. I sent e-mails to the Chairman of this Board. I sent e-mails to my councilman. I sent e-mails to the Mayor. Nobody responded back to me.

Mr. Price: You did not send any e-mails to the Chairman of this Board. I did not get one single e-mail.

Ms. Suchocki: I sent it on the web site. Perhaps there was some error in the way that I handled it. I really do not have a big problem with it. I would just like to understand because you sent me the notice.

Ms. Vozar: I understand. That is why I just wanted to make sure that you understand that normally the process is that it goes through the Building Department. The only people who would actually have this record would be the Building Department.

Ms. Suchocki: When I called the Building Department they told me that they had no record of it.

Ms. Vozar: I am going to hand you what has been submitted by the applicant so that you can actually look at it.

Ms. Suchocki: I really do not have a problem with this. I just would like to understand.

Ms. Vozar: I understand and I want to make sure that you have an opportunity to look at it.

Ms. Suchocki: If I understand correctly from my research on the Internet this property is south of Castle Drive and north of Wallings Road.

Mr. Price: That is correct.

Ms. Suchocki: Thank you.

Mr. Price: We are in the discussion phase. I have a couple of questions. Would the applicant please come to the microphone just to clarify a couple of things. Are you living in the house now?

Mr. Trunzo: I do not live at this home. My nephew lives in the home. (Addressing the previous speaker, Ms. Suchocki...) She sounds very concerned about what is going up. The actual structure is smaller than what is there now.

Mr. Price: The application states that the covered patio is attached to the back of the structure.

Mr. Trunzo: That is correct.

Mr. Price: But in the drawings you show the patio in the front or what I would refer to as the front which is that facing State Road.

Mr. Trunzo: (Referring to the submittal) This would be facing State Road. The other is a side view which would be facing the south. The opposite side would be the church parking lot so this side would be looking south.

Mr. Ranucci: We are actually looking at it in reverse.

Mr. Trunzo: Then it is backwards. That is my error.

Mr. Price: That drawing should be reversed.

Mr. Trunzo: Right.

Mr. Price: I just wanted to make that clear.

Mr. Trunzo: This patio would be on the back.

Mr. Price: Okay. That is the only question that I had.

Mr. Trunzo: That was my error.

Mr. Jankovsky: The driveway would be the same driveway you have right now. There will be no change.

Mr. Trunzo: There will be no additional driveway other than what it would take to make an approach to the garage.

Mr. Jankovsky: The requested building will be on the same spot as the old one except it will be 400 square feet smaller.

Mr. Trunzo: Right.

Mr. Ranucci: I looked at the property today and since the proposed structure will be smaller than the existing structure it will not essentially change the character of the neighborhood. It will probably be an improvement to the neighborhood. It will not affect the delivery of government services. It will not create a nonconforming lot. The variance is not substantial since it is actually smaller than the current building. Taking that all into consideration I will be approving this variance.

Mr. Price: The applicant is seeking a variance to the square footage allowed for a garage with an attached covered patio. The current structure is in need of major repair. If the new building is approved the old building will be replaced and the new structure will be smaller. The old building has been there for many years. We have not been aware of any complaints nor have there been any tonight. The character of the neighborhood will be improved with the construction of the new building. Government services will not be affected. It is not an unreasonable request considering the size of the parcel. The lot next door is a parking lot. The proposed structure will be downsized from that which now exists. Justice will be done by the granting of this variance. I will be voting in favor of this request. I might add that a sizeable structure would be needed for taking care of roughly 3.5 acres, the parking of a couple vehicles and the storage of lawn, yard and garden equipment. I do not think that this garage would be excessive in size.

Mr. Trunzo: Thank you.

Mr. Jankovsky: I think that it is a great idea. I cannot see any negatives. It meets all of the criteria that we look for when we screen for a variance. We are replacing a failing structure with a more attractive modern one. I think that it will only add to the City and the ambiance of the neighborhood. The idea of a pavilion there and the annual parties that Mr. Trunzo spoke about takes me back to when I was a little kid coming here from the southeast side of Cleveland for picnics and things like that. Pavilions and larger lots use to exist all around North Royalton. That is North Royalton. I support this variance.

Mr. Trunzo: Thank you.

Mrs. Vozar: The findings of fact and conclusions of law are as follows for the Board's review. The applicant was here and testified regarding his need and the factors under the North Royalton Ordinances for the granting of an area variance. The variance being sought is located at the property of 10168 State Road. The applicant is seeking a variance of 640 square feet more than the maximum square footage allowed as prescribed in Section 1270.19 (d) of the Zoning Code with the regard to the size of this proposed garage / accessory structure. After hearing the testimony presented tonight the Board finds that the current structure, as a condition of the granting of this variance, will be razed and the new structure will be a garage with an attached covered patio. The Board finds that it will not change the character of the neighborhood, in fact, it will improve it. Government services will not be affected. The Board further finds that it will not be detrimental to the neighborhood. The variance is within the keeping of the spirit of our Code. The Board also finds that this is not a substantial variance and is in fact less than the size of the current accessory structure. The Board also finds that there will be no change to the driveway. The applicant is seeking to keep it in the same spot as the current structure is but it will be a smaller structure. Based on that the Board finds that practical difficulty has been established and I submit this to the Board for a vote if there are no other changes or suggestions to the findings of fact and conclusions of law.

Mr. Price: Any changes or additions? Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Variance granted (3-0).

Mr. Price: Anything else? May I have a motion to adjourn.

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting of April 18, 2011.**

Ayes – all. Nays – none.

Motion carried.

The Board of Zoning Appeals Meeting adjourned at 7:55 p.m.

Mr. Trunzo: Thank you very much.

Approved: _____

Neil E. Price
Chairman

Date: _____

May 23, 2011

Attest: _____

Lynne M. Brickman
B.Z.A. Secretary