

The **Board of Zoning Appeals** of the City of North Royalton met on **December 27, 2010** 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 Jankovsky, Dan Kasaris, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

**RE-ORGANIZATION OF BOARD OF ZONING APPEALS FOR
"2011" CALENDAR YEAR**

ELECTION OF CHAIRPERSON

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **nominate Neil Price as Chairperson for 2011.**

Mr. Price: Are there any other nominations for Chairperson?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **close the nominations.**
Ayes – all. Nays – none. **Motion carried.**

Roll call:

Ayes – all (Ranucci, Mastronicolas, Jankovsky, Kasaris, Price).

Nays – none.

Motion carried (5-0).

Neil Price elected Chairperson for 2011.

ELECTION OF VICE-CHAIRPERSON

Moved by Mr. Kasaris, seconded by Mr. Price to **nominate John Ranucci as Vice-Chairperson for 2011.**

Mr. Price: Are there any other nominations for Vice-Chairperson?

Moved by Mr. Kasaris, seconded by Mr. Price to **close the nominations.**
Ayes – all. Nays – none. **Motion carried.**

Roll call:

Ayes – all (Mastronicolas, Jankovsky, Kasaris, Price, Ranucci).

Nays – none.

Motion carried (5-0).

John Ranucci elected Vice-Chairperson for 2011.

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

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **close the re-organizational meeting of the Board of Zoning Appeals for the 2011 calendar year and recess the meeting for the public hearing.**

Ayes – all. Nays – none. **Motion carried.**

The meeting was recessed for the public hearing at 7:37 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **December 27, 2010** to hold a **Public Hearing** in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:37 p.m.

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

PUBLIC HEARING

(BZA10-16) ML Warner Architects / Peter Gherghel request a variance to **Chapter 1270 “Residential Districts”, Section 1270.19 “ Dwelling Unit Area Requirements”, paragraph (d) “Area of Garage” and Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, of the City of North Royalton Zoning Code, for relief from the **maximum square footage** requirement and relief from the **maximum height** requirement for a **detached garage** they wish to construct on this property located at **8300 Ridgedale Drive, also known as PPN: 489-01-027**.

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.

Michele Warner approached the microphone.

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

Ms. Warner: I do.

Mr. Price: Your name and address please.

Ms. Warner: Michele Warner, ML Warner Architects, 561 Edinborough Drive, Bay Village. We are requesting two separate variances tonight, one for height and one for area. The two-car garage that was attached to the home was blocked in at the front. My client would like a place to store his personal vehicles. He also owns his own business so he ends up with a lot of things that need to be stored; therefore, he would like the second floor for storage. His business is a home improvement business so it is not run from the property. He instead goes to homes of other people. He is requesting a four-car, detached garage. I am not sure if you are familiar with the property but it does slope back from the house. The top of this garage, even though it is a relatively high garage, will not interfere with the view of any of the neighbors due to the grade. It is a rather large lot and this garage is to be located a distance from the rear property line and 14 feet from the side property line. Mr. Gherghel wants to have a concrete driveway leading to the detached garage. It is two-story but it is actually like a story and a half because the office and storage space would be the second floor underneath the eaves. That is why we are requesting the 25 feet – to be able to have that height in there. It is relatively difficult to have a second floor in a garage without having a pretty tall peak. That is why we are here. We are asking for a four-car garage, one and one-half stories high. I do not know if anyone has any questions...

Mr. Price: We will get to that in the open meeting.

Ms. Warner: Okay.

Mr. Price: Would the applicant like to say anything?

Mr. Gherghel (the applicant) approached the microphone.

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

Mr. Gherghel: I do. My name is Peter Gherghel and I live at 8300 Ridgedale Drive. We bought the property and there was no garage. We are asking you for permission to build a garage that is shown on the plans. Thank you.

Mr. Price: Since there is no one else left in the audience I would then ask for a motion to move this item to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA10-16 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. Jankovsky 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 7:41 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **December 27, 2010** to hold an Open Meeting in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:41 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 the meeting of November 22, 2010.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **approve the Minutes of November 22, 2010.**

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).

Minutes approved.

OPEN MEETING

Old Business:

Ms. Brinkman: Before we move on to New Business I wish to make mention that I neglected to indicate an item on tonight's agenda for Old Business, that being the request made by **Thomas Unik**, otherwise known as BZA10-15. I apologize for this oversight. This item will remain on the table until the next meeting in January.

New Business:

(BZA10-16) ML Warner Architects / Peter Gherghel request a variance to **Chapter 1270 "Residential Districts", Section 1270.19 " Dwelling Unit Area Requirements", paragraph (d) "Area of Garage"** and **Section 1270.04 "Area, Yard and Height Regulations", paragraph (g)**, for relief from the **maximum square footage** requirement and relief from the **maximum height** requirement for a **detached garage** they wish to construct on this property located at **8300 Ridgedale Drive, also known as PPN: 489-01-027.**

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **approve a variance of 842 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.**

Mr. Price: Any discussion?

Mr. Kasaris: I have a question that I wish to address to the applicant first. What type of business do you run?

Mr. Gherghel: A home improvement business – roofing repairs, siding and stuff like that.

Mr. Kasaris: How many employees do you have?

Mr. Gherghel: Four employees.

Mr. Kasaris: Do the employees meet at your house?

Mr. Gherghel: Sometimes at my house and sometimes at the job.

Mr. Kasaris: What do they do at your house or at your property when they are there?

Mr. Gherghel: They park their cars and we go by trucks to the job.

Mr. Kasaris: This proposed garage is larger than my first house. Why does this have to be so large?

Mr. Gherghel: To be honest, this is what I was thinking. I have tools to put in the garage. My wife has a car to put in the garage. I bought this property and I do not want to move anywhere else. If I am going to build a garage I want to build it large enough for future use. My son is growing up and later on if he wants to have a car I will need a garage large enough for him too. These are the reasons why I want this.

Mr. Kasaris: What will be stored on the second floor of the garage.

Mr. Gherghel: I put everything in my attic right now – the Christmas Tree, all kinds of boxes and stuff. It is hard to get a ladder every time to get into the attic of the house. It is in a hallway between four rooms. It is like a split level and the lower level is like a cathedral ceiling.

Mr. Kasaris: Do you know what the square footage of your house is?

Mr. Gherghel: It is about 2,000 square feet and then there is an unfinished basement. The garage was closed when I bought the house.

Mr. Kasaris: The square footage of your house would be...?

Mr. Gherghel: It would be about 2,350 square feet or something like that.

Mr. Kasaris: Would it be fair to say that the size of your house is about 2,300 square feet?

Mr. Gherghel: Something like that.

Mr. Kasaris: What business items would be stored in the garage?

Mr. Gherghel: Inside of the garage?

Mr. Kasaris: In the garage. I thought that the second floor of the garage was going to be used to store business items.

Mr. Gherghel: It will be used for storage. In the garage – cars, a compressor, a nail gun and some hoses.

Mr. Kasaris: Rito (the Building Commissioner), what is the zoning in that area with regards to this type of activity?

Mr. Alvarez: This is within a R1-A zoning district which is for residential, single-family use.

Mr. Kasaris: Would this type of activity be permitted in a R1-A zoning district?

Mr. Alvarez: It sounds like he is walking a very fine line here. Will it be used for the storage of materials for his own personal use or will it be used as a part of the business? It is not uncommon to keep air compressors or extra cars. People tend to accumulate things. What we are concerned with though is that this becomes a business where he might decide to advertise and have trucks stored on the property. This could grow into the storage of items that do not belong in a residential district.

Mr. Kasaris: Do you have vehicles, business trucks or business cars, that come and go from the property?

Mr. Gherghel: We carry a letter on every truck. We have commercial license plates on the snowplow. We do not have huge equipment. The lady was over there today and saw what we have.

Mr. Kasaris: What is the name of your company?

Mr. Gherghel: Peter's Home Improvement.

Mr. Kasaris: Do you have any vehicles in the company name?

Mr. Gherghel: Yes.

Mr. Kasaris: How many?

Mr. Gherghel: Two.

Mr. Kasaris: What type of vehicles are those?

Mr. Gherghel: A Ford 150 and an Isuzu.

Mr. Kasaris: I have nothing further at this time.

Mr. Jankovsky: Where are these vehicles currently stored – the vehicles which are in the company name.

Mr. Gherghel: They are on the driveway.

Mr. Jankovsky: How long have you owned this property on Ridgedale Drive?

Mr. Gherghel: Three years.

Mr. Jankovsky: Where have the materials and the company equipment that you want to store in this garage been kept in that interim?

Mr. Gherghel: Everything is inside boxes and stored inside a truck.

Mr. Jankovsky: In the truck and the trucks are in your yard. How long have you been in the home improvement business?

Mr. Gherghel: Almost 10 years.

Mr. Jankovsky: So you have been basically running the business out of your home without the extra storage space.

Mr. Gherghel: Yes.

Mr. Jankovsky: No other questions.

Mr. Price: Anybody else?

Mr. Ranucci: I just have a comment. Looking at the property and the way that it is laid out I think that this request is a bit excessive. The first variance request is for over one hundred percent – from 800 square feet to over 1,600 square feet. I think that that will take away from the residential character of the neighborhood. If everyone would start requesting a four-car garage at a height of one and one-half story – it would definitely change the character of the neighborhood. I understand that he currently does not have an attached garage to the house. I apologize that I did not realize that when looking at the back of the house. I can understand the need for a garage for storage of his vehicles and so forth but I think that this request is a bit excessive.

Ms. Warner: Do you object to the square footage or to the height and the square footage?

Mr. Ranucci: Right now we are just talking about the square footage.

Mr. Kasaris: I share in the concerns of my colleague. It is just so big. It is bigger than some houses. His house is about 2,300 square feet and the garage would be 1,642 square feet. I think that it is too big and it would alter the character of the neighborhood. It is a massive variance request. I would urge you to go back to the drawing board and see if you could come back with something a little smaller.

Ms. Warner: Would you still allow a four-car garage if it was not so deep?

Mr. Kasaris: I cannot comment on anything that is not before us. I echo the opinion of my colleague in that the request before us is just too big.

Ms. Warner: Okay. It is actually bigger than my own home but I do not store cars and trucks in my home.

Mr. Kasaris: I have four cars and they are not in my home either.

Ms. Warner: As you can tell from the ratio of the requested garage to that of the property – it is just a small dot on his property. It is smaller than the footprint of his home.

Mr. Price: Where will the location of this proposed garage fall in regard to the neighbor's house? Will it be side by side or ...?

Ms. Warner: Yes. It would be very close to side by side. I think that this may be slightly in front of the house next door.

Ms. Voza: I think that it is important to clarify for the record, and also for the benefit of the applicant, that the only thing that is being heard here tonight is for variances for the maximum square footage and the height. In no way should the applicant construe this as a permissive use of his property. In fact, I question whether it is. We do allow for certain home occupations to be run out of a residence; however, this business may well exceed that and the Building Commissioner will have to look into it. In reviewing your application you are requesting these variances, according to what was submitted by your representative, and these variances are necessary in order to store materials and vehicles for your home improvement business. That is a business use. This is a residential property. I am not here to argue this. I am just letting this Board know, and the applicant know, that if the variances are granted that does not, by any means, give you the authority to operate a business that is in violation of our Code. That is a separate matter that the Building Commissioner will have to look at. I just wanted you to understand that. Thank you.

Mr. Price: That having been said, I tend to agree with my other colleagues in that this is an excessively large garage. With the notion that it is for commercial vehicles and employees will be coming and going and other activities of a commercial nature will take place – I would have to say that this is to big. I am not in a position to say how big it needs to be. I realize that you do not have a garage. You do need a place to park your personal vehicles but when it comes to the commercial equipment, that is a whole other story. If you are in a home improvement business are these materials shingles, drywall, wood, masonry, plumbing – what types of materials were you thinking about storing? What kind of space are you going to need if you do have to store materials?

Mr. Gherghel: It is not about storing materials. We do not keep materials at my home. If we have a job we measure for it, we order and we go to the job. If I have some material left I use it the next day at a different job. It is not about materials for storage or about a commercial truck being stored because I am not putting a dump truck in the garage. I am asking to store tools. I have one truck which I drive everyday. It is my personal truck. My wife has a car. We have a family so if I have a S.U.V. in my driveway we would have to park it outside. When I bought the house there was a big mess in the back yard - all kinds of leaves and everything. If you would ask the neighbors you will see that I have tried to do things that make the property look better in the neighborhood and not to destroy the neighborhood. I am not fighting with anybody. We are like a family over there. We help each other. I am not asking to store materials. I am asking for a garage to store cars and on top to store boxes which other people store in an attic.

Ms. Warner: I should note that most of the ceilings in his home are cathedral-type ceilings. There is little attic space. I live under those conditions also and I do not park my cars in the garage.

Mr. Price: What is the garage space attached to the house used for now?

Mr. Gherghel: It was a two-car garage.

Mr. Price: What is it now?

Mr. Gherghel: It is used for laundry. When I bought the house they had finished everything inside so that it is like a room.

Mr. Price: It is a room. You presently have no garage.

Mr. Gherghel: The garage that is attached to the house is not a real garage. It is a room.

Mr. Price: That is why I said that you really do not have a garage at this time.

Mr. Gherghel: Right. The room is for laundry and for storage of boxes and things.

Mr. Price: It is just a room in the house and is used as a laundry room and for storage.

Mr. Gherghel: Yes.

Ms. Mastronicolas: How long did you say that you have been in the business?

Mr. Gherghel: 10 years.

Ms. Mastronicolas: The business is doing well?

Mr. Gherghel: Okay. It depends.

Ms. Mastronicolas: You indicated that you have a snowplow. Do you do snowplowing as well?

Mr. Gherghel: I was. I have not done any snowplowing right now. I just plow my driveway and sometimes the hill because I live at the middle of the hill.

Ms. Mastronicolas: The four employees that you have, do they drive their vehicles and trucks to your house?

Mr. Gherghel: No. They have small cars. Most of the time we see each other at the job site.

Ms. Mastronicolas: Okay. So they do not ever leave their cars at your house?

Mr. Gherghel: Yes. We leave with one or two vehicles and we go to work.

Ms. Mastronicolas: Thank you.

Mr. Price: Anybody else?

Mr. Kasaris: I cannot support the current variance request. I have an idea that other members cannot support it either. Would it be to the applicant's advantage to draw up a new plan with a smaller garage and come back to us or would it be best for us to just vote on this today? Would they then still be able to come back to us, assuming that we denied the variance today?

Ms. Vozar: They could come back on reconsideration if there was a substantial change in their application. It would obviously be easier for them if this were to be tabled because they would then not need the substantial criteria. They would otherwise have to wait, I believe, six months before they could come back. It may be to their advantage to have it tabled and come back next month unless they plan to make some drastic changes.

Ms. Warner: Could we table it after we hear about the height?

Ms. Vozar: No.

Ms. Warner: Is that cheating?

Ms. Vozar: Kind of.

Mr. Kasaris: This issue has to be decided upon first.

Ms. Mastronicolas: Do you plan on putting plumbing, a bathroom or electricity in this detached garage? I am just curious as to what utilities will be located in this garage.

Ms. Warner: No plumbing. There will be electric.

Mr. Gherghel: There will be a light inside of the garage just like everybody has.

Mr. Price: Will there be a 220 line?

Ms. Warner: No.

Mr. Gherghel: No.

Ms. Mastronicolas: Thank you.

Mr. Price: I would have to agree with Mr. Kasaris in that the building being requested is too large. It would have an impact on the neighborhood. If you would like to reconsider and have it tabled we can do so.

Ms. Warner: We would prefer to have it tabled. I want to ask again if we could hear anything about the height.

Mr. Kasaris: That request is not in front of us as of yet.

Ms. Warner: All right. We would like to have it tabled. I am conscious about my client's budget as well as my own budget. I would like to have a "win-win" situation. I would have preferred to know what you are thinking about as far as the height because I do not think that we would draw it at 25 feet again but we will need that more now in order to get that area. The area below the garage is dependent upon the slope of the roof.

Ms. Vozar: Mr. Chairman, perhaps if the applicant would speak to the Building Commissioner he could give them some assistance in that area.

Ms. Warner: Great. Thank you.

Mr. Price: I have a question for you Donna. If we were to table this variance does that mean we table the application or just the variance?

Ms. Vozar: The application would be tabled. We would not break it apart.

Mr. Price: Okay. Would you be agreeable to having this tabled?

Ms. Warner: Yes, we would like to have it tabled.

Mr. Price: May I have a motion to table this item?

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **table BZA10-16.**

Mr. Price: Discussion?

Ms. Warner: Is there a timeline for this? Do I have one month or two?

Mr. Price: You have one month.

Ms. Warner: All right. I will see you in January.

Mr. Price: Call the roll regarding the **tabling** of this application.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Item tabled (5-0).

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

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **adjourn the B.Z.A. meeting of December 27, 2010.**

Ayes – all. Nays – none.

Motion carried (5-0).

The Board of Zoning Appeals Meeting **adjourned** at 8:05 p.m.

Approved: Neil E. Price
Chairman

Date: Jan 24, 2011

Attest: Lynn M. O'Riordan
B.Z.A. Secretary