**The Board of Zoning Appeals** of the City of North Royalton
met on **April 22, 2014** to hold a Public Hearing in
the Council Chambers at 13834 Ridge Road.

The meeting was called to order by Chairman Dan Kasaris at 7:15 p.m.

Present: Chairman Dan Kasaris, Robert Jankovsky, Victor Bull, Dale Gauman, Anthony Rohloff, Assistant Law Director Donna Vozar, Building Commissioner Dan Kulchytsky, Secretary Diane Veverka.

Moved and seconded to excuse Mr. Rohloff from voting on the March 25, 2014 minutes.
Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Motion carried.**

Moved and seconded **to approve the Minutes from March 25, 2014 as submitted.**
Roll call: **Yeas: Four** (Mr. Kasaris, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Minutes approved.**

**Public Hearing / Open Meeting**

**New Business:**

**(BZA14-03) Robert V. Puleo** requests a variance to **Chapter 1270 "Residential Districts", Section 1270.05 "Schedule of Area, Yard and Height Regulations"** and **1270.19 "Dwelling Unit Area Requirements"**, **Section 1270.19 (d) "Area of Garage"**, to allow for relief from the minimum side yard setback requirement for their garage addition and relief from the maximum total allowable square footage for their garage addition that is proposed at **14137 Kimrose Lane**, in a R1-A zoning district , also known as **PPN: 487-12-015**.

Robert Puleo stated that he recently moved to his home on Kimrose Lane. He said that due to his profession he would like to store his professional equipment in the garage. Otherwise it would be necessary to haul the equipment through the center of his house into the basement. The backyard has a 4 foot slope and has a 25 deep flow way easement and large storm sewer located in the rear southeast corner of the lot which eliminates the ability to have a shed. He is looking at acquiring a third vehicle which would be used for business' purposes. This has forced him to consider adding a single car garage. He said he would like to combine the need for a single car garage and a shed into one unit as opposed to building two separate structures. The addition would relieve the hardship of both a place to park the third vehicle and accommodate the space for his work and lawn equipment. Mr. Puleo explained that the structure would have a 6 foot garage door in the back so he would be able to pull his tractor in from the backyard.

Mr. Kasaris pulled up Google maps to view the front and rear of the property at 14137 Kimrose Lane. He questioned if the HOA approved his request. Mr. Puleo said there is a letter in the packet and they do not oppose.

Mr. Harrington of 14127 Kimrose Lane, property owner of the house directly north of the applicant's house, stated the Ashley Woods HOA bylaws state that all 3-car garages are supposed to face sideways. He was not approached by the HOA to ask for his opinion. He said he is not here to stop the building of the structure, but his main concern is to make sure the structure is architecturally appealing and he was also concerned that the structure would block the sun from his vegetable garden behind his house.

Mr. Kulchytsky said at this time we do not have an architectural rendition of how the building is going to look. Typically the construction documents showing the exterior appearance is submitted at a later time. He said he is not aware of any requirement that would necessitate full construction documents of the exterior appearance unless it had a direct bearing on the variance itself. He asked the applicant for details regarding the structure. Mr. Puleo said the garage door is a regular garage door height and a hip roof is planned.

Mr. Bull questioned Mr. Kulchytsky regarding front or side facing 3-car garages and whether the city has an ordinance that addresses that topic. Mr. Kulchytsky replied we do not. He added that it is between the HOA and the applicant. The city's duty is to uphold the city ordinances and the state laws. Ms. Vozar said that part of our packet is to require that the HOA is notified and has an opportunity to address it before we grant our variance. We would not want to grant a variance and find out later that the HOA wouldn't approve it. She added that the variance runs with the land. The HOA should deal with the issue first. Mr. Kasaris explained that the approval letter submitted tells us that the board acknowledges and has no

objection to the applicant pursuing the variance to expand his garage, but the board is not saying that they are permitting the actual expansion because the city hasn't approved the variance yet. He added that we can't approve the variance until the HOA tells us that what the applicant is asking for is in compliance with the subdivision rules. Mr. Puleo said the HOA said it is done this way in order to protect the homeowner from the costs of having a plan drawn and possibly not have the variance approved. He said his HOA advised him to seek the variance first. Mr. Rohloff stated that the HOA did not do their due diligence and sent you here early. Mr. Kasaris added that our code does not allow us to go forward absent HOA approval.

Mr. Kasaris asked the applicant if he would consent to the board continuing this hearing on your request for two variances until May 27, 2014. In the event that date is after the time that we have to decide by, would you consent to waiving that requirement. Mr. Puleo said yes on both questions.

Mrs. Vozar asked for the record if Mr. Puleo would agree to a continuance of the case and waiving any time limitations that our code would impose. The applicant said he agrees. Mrs. Vozar then explained what specifically was needed from the HOA for approval. She added that no further notices will be mailed and if someone would like to be heard on the matter, they would need to reappear on May 27th for the hearing.

**Motion** made by Mr. Jankovsky, seconded by Mr. Rohloff to **continue BZA14-03 until our next meeting which is May 27, 2014**. Roll call: **Yeas: Five** (Mr. Kasaris, Mr. Jankovsky, Mr. Rohloff, Mr. Bull, Mr. Gauman). **Nays: None. Motion carried.**

Kurt Weber, Vice President of the Ashley Woods HOA, explained that what we were granting was the approval based on the assumption that it was going to meet the esthetics consistencies placed in the by-laws. He said the Board will meet and assured that the proper attention will be given to this matter and they will be prepared for the May 27th continuance meeting. Mr. Bull asked Mr. Weber to also address the issue that was raised regarding the facing forward of the 3-car garage.

David Arend, 14117 Kimrose Lane, said he was concerned that this addition might set a precedent in the neighborhood. One of the key features to this neighborhood is that the homes are not built close to one another. He responded to Mr. Kasaris' question regarding the back of his property, stating there is a 15 ft easement at the back of his property and also a 10 ft no planting or construction area which is a general statement for the subdivision. He said he was not informed by the HOA when this request was being considered.

Mr. Yan Glickberg, 14147 Kimrose Lane, spoke in support of the applicant stating that this request requires a balancing of unique factors; in particular the sloping backyard as well as his stated hardship.

Mr. Kasaris asked the applicant to bring pictures of the backyard to the next meeting.

Mr. Puleo said his plan is to keep the character of the neighborhood. The addition will match the existing facing of the house. He also plans on replacing the existing 2-car garage door to match the new garage door and reroofing the entire house. This addition will look like an existing structure.

Mr. Arend asked for the definition of a hardship. Mr. Kasaris explained what our code defines as to what practical difficulties include.

Mr. Harrington, said that he had thought about putting up a shed, however, because of the terrain and the flow of the storm water he said it was not possible. His concern is to be sure it is architecturally pleasing to the neighborhood. He added that he would speak on the distance variance at another time.

**Adjournment:**

Moved by Mr. Bull, seconded by Mr. Jankovsky to **adjourn the BZA meeting for April 22, 2014** Roll call: **Yeas: Five** (Mr. Kasaris, Mr. Rohloff, Mr. Jankovsky, Mr. Bull, Mr. Gauman). **Nays: None. Motion carried.**

**Meeting adjourned at 7:55 p.m.**

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: May 27, 2014

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