

**The Board of Zoning Appeals of the City of North Royalton
met on May 26, 2016 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, Anthony Rohloff, Victor Bull, Christine Ragone, Janice Sadowski, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, Assistant Law Director Donna Vozar.

Moved and seconded to **approve the April 28, 2016 meeting minutes as submitted.** Roll call: Yeas: Five. (Ragone, Bull, Rohloff, Kasaris, Sadowski). Nays: None. **Motion carried.**

PUBLIC HEARING/ OPEN MEETING

The Chair stated that because of the large number of request on the agenda, we will be limiting the amount of time to speak to five minutes per speaker.

OLD BUSINESS:

Public hearing notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

- A. **BZA16-15** – **Susan Fisher** is requesting a variance to **Chapter 1270 “Residential Districts”**, of the City of North Royalton Zoning Code for a proposed garage addition at **6481 Glenwillow Drive**, also known as PPN:489-04-058, in a R1-A zoning district. The variance being requested is as follows:

Variance: Codified Ordinance 1270.19(d) “Dwelling Unit Area Requirements”. Request is for a variance of 343 sq. ft. to allow for relief from the 800 sq. ft. maximum permitted for a garage. The Applicant is proposing to construct a 660 sq. ft. garage addition. The item was continued on 4/28/16.

Applicant would like to amend the variance request. The amended request is for a variance of 211 sq. ft. to allow for relief from the 800 sq. ft. maximum permitted for a garage. The applicant is proposing to construct a 528 sq. ft. garage addition.

Susan Fisher and Victor Sender were present to speak on the variance request. Mr. Kulchytsky stated that he has spoken with the Applicants. At the April BZA meeting the adjacent resident expressed his concern that the structure was out of character with the neighborhood and was also rather large. He said the Applicant has submitted a revised document where they reduced the size of the structure by six feet. The variance they are seeking is much smaller; it adds up to 168 sq. ft. The variance requested on the notice which was sent out was incorrectly stated. The calculation of the existing garage was incorrect; it is 440 sq. ft. Their proposed structure is 528 sq. ft. The total is 968 minus the 800 permitted by our code. He also said the Applicants have also agreed to modify the side of the garage that faces the neighbor with an all brick veneer so it will stay in character with the neighborhood. He added that it would not exceed the depth of the structure approximately five houses down from this parcel that has a living room addition. It will be in line with that structure. Ms. Fisher stated that she agrees with the statements made by the Building Commissioner.

John Mayer of 6511 Glenwillow asked how far back the addition will extend. Mr. Kulchytsky responded that the addition is going to be 24 feet rather than the 30 feet; they have reduced it by 6 feet in depth. Mr. Mayer responded that it does make it more palatable and not as obtrusive. He said no one in the neighborhood has two garages with full size garage doors on different sides of the house. Mr. Mayer also mentioned his concern regarding the existing large shed on the property. The Building Commissioner stated that the shed is in conformance with the City’s code requirements. The Chair asked the Building Commissioner if the Applicant would be able to build a detached garage in the back yard. The Building Commissioner stated that the Applicant would be able to build a detached garage up to 600 sq. ft. in the back yard without the need of a variance. However, they are only permitted to have one accessory building. He stated that the Building Department has no issues with the amended proposal as it stands.

The Chair stated that the variance will not affect the delivery of Governmental services; it will not alter the essential character of the neighborhood; the variance does not create

substantial detriment to adjoining properties and the variance is not substantial. He said he supports the variance request. With no further discussion, the Chair adopted his findings as the findings of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a Variance to C.O. Section 1270.19(d) for the amended request for a variance amount of 168 sq. ft. to allow for relief from the 800 sq. ft. maximum permitted for a garage. Contingent that the Applicant follows the Building Commissioner's suggestions for the 528 sq. ft. garage addition.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

NEW BUSINESS:

- A. **BZA16-16** – **Jason Fenos** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed structure at **10013 Delsy Drive**, also known as PPN:481-16-024, in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.12(a)(1) “Yards for Accessory Buildings and Uses”. Request is for a variance of 180 sq. ft. to allow for relief from the maximum square footage requirement of 600 sq. ft. permitted for an accessory structure. The applicant is proposing to construct a 780 sq. ft. accessory structure.

The BZA Secretary read into the record a letter dated 5/25/16 from Robert Straka, 10013 Delsy Drive, which expressed his concern regarding the commercial businesses in the area and the number of vehicles including trucks, cars and a large open trailer parked daily in the Applicant’s driveway. He also questioned whether a timeline would be determined.

The Applicant, Jason Fenos, stated that he would like to park his vehicles behind the front of his house. In addition to his two vehicles he has he has a truck with a plow that he would like to park in the structure so it would be out of sight. He also would like to store his gardening equipment and a pop-up camping trailer and a trailer for his business that he brings home occasionally. He stated that an adjacent neighbor (PPN:481-16-023) has the same garage that he is proposing to build. He added that his garage will face the same way so it will look uniform. He said he would like the concrete to come all the way around the garage similar to what is shown in the picture of his neighbor’s garage. He stated that the structure will not be used for commercial use. He said the property behind his parcel is wooded. The Chair stated that from the aerial view, it looks like the neighbor at PPN:481-16-007 has possibly three sheds. Mr. Rohloff asked the Building Commissioner to comment regarding storage of a commercial vehicle on residential property. The Building Commissioner stated that our ordinance allows for the storage of a commercial vehicle if stored correctly. The Applicant’s proposal has that intention in mind in order to comply with our ordinance.

The Chair stated that based upon the evidence, the essential character of the neighborhood will not be substantially altered; the adjoining properties will not suffer substantial detriment as a result of the variance; the delivery of Governmental services will not be affected; the variance is not extremely large; there are similar structures in the neighborhood, and the area behind this property is a wooded lot. He stated that he supports the variance request. With no further discussion, he said he adopts his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a Variance to C.O. Section 1270.12(a)(1) for a variance of 180 sq. ft. to allow for relief from the maximum 600 sq. ft. permitted for an accessory structure of 780 sq. ft.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- B. **BZA16-17** – **Satbir Singh** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed garage addition at **11105 Woodbury Lane**, also known as PPN:482-16-044, in a R1-B district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.19(d) “Dwelling Unit Area Requirements”. Request is for a variance of 79 sq. ft. to allow for relief from the maximum square footage requirement of 1,000 sq. ft. permitted for a garage. The applicant is proposing to construct a 238 sq. ft. garage addition.

The Applicant, Satbir Singh and Jaspreet Sidhu spoke. Mr. Sidhu stated he received a letter of approval from the HOA. The addition will be directly behind the garage. He said he would like to use it to store his snow blower, lawn equipment and patio furniture. He added that the HOA does not allow sheds.

The Chair stated that based on the testimony the essential character of the neighborhood will not be altered; the adjoining properties will not suffer a substantial detriment as a result of the variance; the delivery of Governmental services will not be affected; the property owner's predicament can't be obviated through some other means other than a variance request because the HOA doesn't allow sheds. He added that he supports the variance request and with no further discussion, he adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a Variance to C.O. Section 1270.19(d) for a variance of 79 sq. ft. to allow for relief from the maximum 1,000 sq. ft. permitted for a garage. The Applicant is proposing to construct a 238 sq. ft. garage addition.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- C. **BZA16-18 – Hi-Lite Maintenance on behalf of Norwood Group / 6285 Royalton LLC and Sherwin Williams** are requesting two variances to **Chapter 1284 “Signs”**, of the City of North Royalton Zoning Code for proposed signage on a commercial building located at 6285 Royalton Road also known as **PPN: 487-06-002** in a Town Center district. The variances being requested are as follows:

Variance #1: Codified Ordinance **Section 1284.04 (b)(1)**. Request is for a variance to install signage on a rear (south) façade that does not have frontage on a public street and does not have a customer entry.

Variance #2: Codified Ordinance **Section 1284.04 (b)(1)**. Request is for a variance to allow Applicant to install signage on the side (west) façade of the building that does not have frontage on a public street.

David Wilkes of Hi-Lite Maintenance and Dean Asimes with the Norwood Group spoke on the variance request. Sherwin Williams would like the variance request for the rear of the building because the parking is all in the rear of the building and there is nothing on the back west corner façade of the building canopy to let the customer know where the entrance is. The second variance request is because the building sits close to the road; therefore, the visibility is poor when someone is traveling east on Royalton Road over the small hill. When people are pulling out of the apartment complex to the east, the front monument ground sign is not visible. Mr. Asimes stated that S-W occupies half of the building. When the farther east side of the business is occupied, they may be requesting similar variances on the east side of the building. The Building Commissioner stated that this is a rather unique situation due to the layout of the site, the existing topography and the building being located so close to the road. The variance request for the back makes sense, that it is a way-finding for the customers. He said he personally is against signage on the side elevation of the building, because they have a monument sign. He went on to say that it is a 25 mph district and the signage on the front and the back should be sufficient. Mr. Wilkes stated there are at least five businesses within an eighth of a mile that have two or three signs. Ms. Vozar responded that when those buildings went up, it may not have been in a TCD district so the sign restrictions may be different.

The Chair stated that the variance request makes sense. It is not a substantial variance and is the minimum necessary to make reasonable use of the land. It is not going to alter the essential character of the main business street in North Royalton by putting a sign in the rear of the building; it will not adversely affect the delivery of Governmental services, it makes sense because of the topography of the land and because we are trying to foster a good relationship between people who want to bring commercial development onto Route 82 in our city. He said for these reasons he supports Variance #1 and Variance #2. Mr. Rohloff stated that he also agrees with the reasoning and supports the variance request. The Chair stated that he adopts his findings and those of Mr. Rohloff's as findings of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #1 to C.O. Section 1284.04 (b)(1) for a variance to install signage on the rear (south) façade of the building** that does not have frontage on a public street and does not have a customer entry. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #2 to C.O. Section 1284.04(b)(1) for a variance to install signage on the side (west) façade of the building** that does not have frontage on a public street and does not have a customer entry. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- D. **BZA16-19 – Architectural Design Studios on behalf of Tribute Properties/Babitt Funeral Home** are requesting a variance to **Chapter 1286 “Nonconforming Uses”**, of the City of North Royalton Zoning Code. They are seeking approval for proposed exterior modifications and driveway modifications to existing facility located at **9350 Ridge Road also known as PPN:482-12-025 and the adjacent vacant lot PPN:482-12-032**, in a R1-A residential district. A lot consolidation of both parcels will be necessary for expansion of a driveway. The variance being requested is as follows:

Variance: Codified Ordinance Section 1286.06(b) “Extension Prohibited”. The applicant is proposing to make exterior modifications and driveway modifications to existing facility thereby expanding the commercial non-conforming use of this property. The request is for **relief from the prohibition of an expansion to a non-conforming commercial use in a R1-A residential district.**

Anthony Cerny of Architectural Design Studios was present to represent the owners Tribute Properties / Babbitt/Busch Funeral Homes. Ms. Vojar explained why the expansion of a permitted non-conforming use is frowned upon. She said you want the property to eventually conform to current zoning. However, we want to give the property owner the opportunity to justify their expansion by means of their evidence and testimony. In this case they are not expanding their main use, they are using this additional property to improve the flow and safety of traffic and make sure the property is accessible to ADA issues that may arise. So it is really an accessory expansion not the main use expansion. They are not seeking to change the way the property is being used, it is already a permitted legal use; they are simply asking to continue without violating the prohibition of a true expansion which is what they have requested to do. Mr. Cerny summarized that they are trying to make improvements to the operation of the funeral home to make it more viable and useable for the community. Currently the existing drive is a single lane width with all of the parking for the facility located to the back. As a single width, the drive prevents traffic flow in both directions at the same time resulting in difficulties with traffic flow on site and with traffic flow from Ridge Road onto the site. With this proposal we are taking the adjoining lot PPN:482-12-032 and combining it with this existing lot PPN:482-12-025. The additional drive will allow for two way traffic onto and off of the site; improving safety for both traffic and pedestrians. As part of this work, we are revising the site lighting. Currently the lighting consists of post mounted residential lanterns and building mounted floods. This type of fixture creates glare, making it difficult to see both for people on site and travelers on Ridge Road. The proposed new fixtures are an LED based area lighting fixture which provides greater light control with lower overall light levels and reduced glare. This also increases the safety of the facility by providing better overall lighting while reducing the stray light that impacts the surrounding property. A new accessible ramp to the entrance will be added to provide greater accessibility to the facility for individuals with disabilities.

The Chair stated from the testimony before us, they not changing the use, it is still going to be a funeral home. The variance request is the minimum; it is not to the contrary of any general use or intent of the code or master plan. The variance will not be a detriment to the public welfare and the neighborhood; it will provide safer ingress or egress to the business. He said he is in favor of the approval of this variance request. With no further discussion, the Chair adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve relief from the prohibition of an expansion to a non-conforming permitted use of the property as per C.O. section 1286.06 (b) by allowing exterior modifications and driveway modifications to the existing facility.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- E. **BZA16-20 – Sam Lijoi** is requesting a variance to **Chapter 1270 “Residential Districts”**, of the City of North Royalton Zoning Code for a proposed accessory building at **10672 Tudor Circle**, also known as PPN:489-10-051, in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.05 “Area, Yard and Height Regulations”. Request is for a variance of 8 ft. to allow for relief from the minimum 10 ft. side yard setback requirement for an accessory structure.

The applicant, Sam Lijoi, stated that after being blessed with triplets and now having four children they have a need for extra space for storage. The back yard is not large. He would like to place the shed in the northwest corner of the rear yard. He added that there are trees along the west property line. The Building Commissioner questioned whether the shed could be placed three feet away from the property line versus the proposed two feet. The Applicant stated the neighboring property owners were in agreement of the location of the she and added that the shed is being put in between existing trees. To move the shed would necessitate cutting down a shrub and one of the two trees. He added that moving the shed would also create an obstacle of getting in and out of the shed. The Applicant displayed several pictures showing views of backyard and the neighbors' yards and the locations of the proposed shed. The Chair asked the Applicant if the picture shows a swale between the two property lines where the shed would be located. The Applicant responded that area shown on the picture is not a swale but a walkway between the two properties.

The Chair stated that the pictures used in the presentation are available in the application packet. He stated that even though the variance is substantial, looking at the topography it is the minimum necessary to make reasonable use of the land and the trees are a factor of where the shed is located. He said the character of the neighborhood will not be substantially altered; adjoining property owners will not suffer a substantial detriment; the delivery of Governmental services will not be affected; special conditions exists that are peculiar to the land which give cause to allow the variance to move forward. With no further discussion, the Chair adopted his findings as that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #1 to C.O. Section 1270.05 for a variance of 8 ft. less than the minimum 10 ft. side yard setback requirement for an accessory structure.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- F. **BZA16-21** – **Thomas Clark** is requesting a variance to **Chapter 1286 “Nonconforming Uses”**, of the City of North Royalton Zoning Code for a proposed detached garage at **5613 Wallings Road**, also known as PPN: 488-03-017, in a Local Business district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1286.06(b) “Extension Prohibited”. The applicant is proposing to erect a 1,320 square foot detached garage with an 18 foot roof line thereby expanding the residential non-conforming use of this property. The request is for **relief from the prohibition of an expansion to a non-conforming residential use in a Local Business district.**

The applicant, Tom Clark stated the current garage structure is in need of replacement. It would be for space for his hobbies, such as motorcycle, and race car, it will also be used for storage of a race car trailer, a motorcycle lift and his tools. He added that it will not be used for commercial use. The Building Commissioner stated that he has seen the existing garage and it is in poor condition and is significantly undersized for regular life let alone for a use with hobbies which include motorcycles and other vehicles. He said it is a residential structure within a local business district; that is why it is an existing nonconforming use. However, it has been used consistently as a residence. There is a commercial district directly to the east of it. Mr. Clark said he would be blocking the view of the neighboring bar's dumpster and parking lot. Mr. Kulchytsky stated that this structure would create a buffering to the residential properties to the west. A letter dated 4/28/16 from the neighboring resident to the west, Mr. George Soto, was read into the record stating his approval of the variance request. Mr. Marnecheck, Ward 4 Councilman, spoke in support of the variance request. He said the Applicant has reduced the size of the structure and the location. He also stated he would like to have on record that this property cannot be used for commercial usage now or in the future.

The Chair stated that a variance runs with the land and future property owners are bound by the variances on this property. The variance is proper under C.O. 1264.08. This is a use variance however the Applicant is not changing the use of the land; it will continue to be used as a residence. He stated that for those reasons he supports the variance request. With no further discussion, the Chair adopted his findings for those of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve relief from the prohibition of an expansion to a residential non-conforming permitted use of the property as per C.O. 1286.06 (b) by allowing the applicant to erect a 1,320 sq. ft. detached garage with an 18 foot roof line. The Applicant agrees that proper storm water mitigation will be in place and the property cannot be used for commercial use.** Roll call: Yeas: Four. (Rohloff, Ragone, Bull, Kasaris). Nays: None. Ms. Sadowski Abstained. **Variance granted.**

- G. **BZA16-22 – Albert Therrien on behalf of 10499 Royalton Rd LLC** is requesting a variance to **Chapter 1278 “Industrial Districts”**, of the City of North Royalton Zoning Code for site plan approval for proposed parking lot expansion located at **10499 Royalton Road also known as PPN:483-24-004** in a General Industrial district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1278.06 “Yard Regulations”. Request is for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback. The adjacent parcel PPN: 483-22-007 is also owned by the Applicant.

Albert Therrien stated that he is the owner of both parcels. Adam Therrien stated they are requesting this variance to enable them to park their trailers and move the trailers back and forth on the two adjacent properties. He stated they have owned the land since 1989. The Building Commissioner stated he has had multiple conversations with Adam and Albert Therrien. He said they own Transport Services which is their primary business. They have recently acquired the parcel known as Platinum Plaza and also own several other parcels. The Applicant is doing all of the consolidations they can as part of this multi-phase rearrangement of the configuration of their site. They already have before us a separate application for a lot split/consolidation for a portion of Platinum Plaza. As part of this phase they have a number of consolidations within the parcels. The reason why we are not requiring them to consolidate is they intend on leaving the parcel behind HD Supply available as an option for HD Supply to purchase the parcel in the future. Mr. Kulchysky said since they do not wish to consolidate at this time, we will put some stipulations on that parcel to avoid future problems. He added that the variances run with the land and the Board may choose to put stipulations on the variance. Ms. Vozar stated that without a consolidation of the two lots, they need to request a variance so they will be able to park closer to the other parcel. She said if the parcels were consolidated, a variance would not be needed. She stated that if in the future the parcel is sold, the subsequent purchasers may have issues. She stated that the code provides the ability for the Board to put limitations on the variance.

The Chair stated that looking at the factors, we need to consider the limitations that have been placed on the variance. Since they own both properties, there is no concern regarding adjoining property owners. The character of the neighborhood will not be altered and the delivery of Governmental services will not be affected. He said the variance is substantial, however the Applicants have agreed to the stipulation that in the event they no longer own both parcels the variance will be vacated. He stated that based on these reasons he supports the variance request. With no further discussion, the Chair adopted his findings for that of the Board.

~~Moved by Mr. Bull, seconded by Ms. Ragone to approve a variance to C.O. Section 1278.06 for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback. This variance will be in effect so long as both parcels PPN:483-24-004 and PPN:483-22-007 are owned by the same owner property owners. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Variance granted. Variance vacated.~~

Adam Therrien stated that the parcels are owned by two separate LLC’s under one umbrella company, Therrien Properties LLC. Clarification was made that under the ownership of the LLC umbrella/Federal I.D. number of Therrien Properties LLC, it owns both 10499 Royalton Road LLC and 10583/10655 Royalton Road LLC. Furthermore, 10499 Royalton Road LLC owns PPN:483-24-004. PPN:483-22-007 is owned by 10583/10655 Royalton Road LLC. After some discussion Ms. Vozar stated that even though we are talking about different entities they are owned by the same holding company which is Therrien Properties. She stated that the previous variance needs to be vacated. A new motion should be made which clarifies the conditions of ownership of the LLC’s and the parcels. The variance exists so long as the parcels are being held by the same holding company, Therrien Properties LLC, regardless of how it is set up as an LLC.

Moved and seconded to vacate the variance. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Request to vacate was approved.**

Moved by Mr. Bull, seconded by Ms. Ragone to approve a variance to C.O. Section 1278.06 for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback. This variance will be in effect so long as the Therrien family owns both parcels PPN:483-24-004 and PPN:483-22-007 under the one entity of Therrien Properties LLC, and so long as the two LLCs 10499 Royalton Road LLC and 10583/10655 Royalton Road are under the Therrien Properties LLC umbrella. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- H. **BZA16-23 – Albert Therrien on behalf of 10583/10655 Royalton Rd LLC** is requesting 3 variances to **Chapter 1278 “Industrial Districts”**, of the City of North Royalton Zoning Code for site plan approval for proposed parking lot expansion located on **PPN: 483-22-007** in a General Industrial district. A lot consolidation of both parcels will be necessary for expansion of the parking lot. The variances being requested are as follows:

Variance #1: Codified Ordinance Section 1278.06 “Yard Regulations”. Request is for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback on the east side of **PPN: 483-22-007**. The adjacent parcel located on the east side, PPN:483-24-004, is also owned by the Applicant.

Adam Therrien stated that they are requesting this variance to enable them to park their trailers and move the trailers back and forth on the two adjacent properties. Adam stated that the variance would allow them to use the land to park the additional trailers which are part of their sales and rental leasing fleet. He said they are currently seeking approval for a parking lot expansion. Phase two of the plan is to expand the operations building of the business and growing the number of employees. He stated that the ownership of the different LLC’s are under the umbrella/Federal I.D. number of Therrien Properties LLC. He added that PPN: 483-24-004 is under 10499 Royalton Road LLC; and PPN: 483-22-007 is under 10583/10655 Royalton Road LLC.

The Chair stated that for the reasons stated in BZA16-22 he supports this variance request with the conditions that were attached and were agreed upon by the parties. With no further discussion, the Chair adopted his findings for that of the Board for all three variances.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance #1 to C.O. Section 1278.06 for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback for PPN: 483-22-007 with the contingency that this variance will be in effect so long as the Therrien family owns Therrien Properties LLC and both 10499 Royalton Road LLC and 10583/10655 Royalton Road LLC. In addition both parcels PPN:483-24-004 and PPN:483-22-007 are owned by the same owner under the umbrella of Therrien Properties LLC.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

Variance #2: Codified Ordinance Section 1278.06 “Yard Regulations”. Request is for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback on the west side of **PPN:483-22-007 and PPN:483-22-006**.

The Chair stated that he incorporates his motion for Variance #1 into Variance #2 for the reasons stated in BZA16-22 and BZA16-23 Variance #1 with the conditions attached and agreed upon by the parties, he supports this variance request. With no further discussion, the Chair adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance to C.O. Section 1278.06 for a variance of 10 ft. from the minimum required 10 ft. side yard parking setback on the west side of PPN:483-22-007 and PPN:483-22-006.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

Variance #3: Codified Ordinance Section 1278.06 “Yard Regulations”. Request is for a variance of 10 ft. from the minimum required 10 ft. rear yard parking setback for **PPN: 483-22-006**.

The Chair stated that he incorporates his motion for Variance #1 and Variance #2 into Variance #3 with the conditions attached and agreed upon by the parties. He added that the variance requested is substantial and is the minimum necessary to make use of the land. The essential character of the land won’t be substantially altered, adjoining properties owners won’t suffer any substantial detriment; it will not adversely affect the delivery of Governmental services. He stated for those reasons he supports the variance request. With no further discussion, the Chair adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance to C.O. Section 1278.06 for a variance of 10 ft. from the minimum required 10 ft. rear yard parking setback for PPN: 483-22-006.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

Adjournment:

Moved by Mr. Bull, seconded by Ms. Ragone to **adjourn the BZA meeting of May 26, 2016.**
Motion carried.

Meeting adjourned at 8:50 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: September 29, 2016

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