

The Board of Zoning Appeals of the City of North Royalton
met on **May 27, 2015** to hold a Public Hearing in
the Council Chambers at 14600 State Road.

The meeting was called to order by Vice-Chair Anthony Rohloff at 7:00 p.m.

Present: Board Members:, Vice-Chair Anthony Rohloff, Victor Bull, Dale Gauman, Christine Ragone, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, City Law Director Tom Kelly.

Moved by Mr. Bull, seconded by Ms. Ragone **to excuse Mr. Kasaris for cause. Motion unanimously carried.**

Moved and seconded to approve the April 29, 2015 meeting minutes as submitted.
Roll call: Yeas: Three. Nays: None. Abstained: Mr. Rohloff. **Minutes approved.**

Public Hearing / Open Meeting

Mr. Kelley explained to the Applicants that because we have only four of the five regular members, the applicants have the right to ask for a continuance until all five members are present. In order to secure the variances requested, a vote of three of the members is required.

New Business:

1. **(BZA15-07) Craig Metzler of Building Innovations** is seeking BZA approval on behalf of the owner of the subject property, **Takao Kunimoto**, for a variance to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for a proposed addition at **7861 Albion Road**, also known as **PPN: 482-17-008**, in a R1-A district. The variances being requested area as follows:

Variance #1: Codified Ordinance 1270.08 "Front Yards of Developed Blocks". Request is to allow for relief from the minimum 71 ft. front yard setback for a variance of 23 ft. in order to construct a garage addition, porch and bedroom additions.

Variance #2: Codified Ordinance Section 1270.04(e) "Area, Yard and Height Regulations". Request is for a variance of 2 ft. less than the minimum 10 ft. side yard setback requirement in order to construct bedroom additions.

Craig Metzler of Building Innovations spoke on behalf of the owner of the property. He said they are doing an aggressive addition. The existing house was built in 1951 and at that time encroached on the side property line. Our design does not ask for more, it's just following the existing side line of the existing house and extending it forward and back. He said the addition out the front of the garage is allowing us to put cars in the garage with storage. He added that it is improving the area. Mr. Metzler said the driveway will come in opposite of the existing drive and will be a side entry garage.

Mr. Kulchytsky stated that the site that the house is situated at is a narrow site; it is 80 ft. rather than the traditional 100 ft. lot. The setbacks of the houses that are adjacent on the street vary significantly in their front backs. The variance being requested averages the two houses next to the Applicant. Mr. Bull asked if there will be any commercial use of the property for the cars. Mr. Metzler responded that it is for their residential use only. He added that the home will remain a single family house with an in-law suite. Mr. Langshaw, Ward 3 City Councilman, spoke in support of the variance requested. He said that our City's Master Plan wants residence to be able to stay in their home, age in place. He added that this is a sign of progress along Albion Road and will be an enhancement to the applicant's property but also the neighborhood as well.

Vice Chair Mr. Rohloff reiterated that we do want give the opportunity for residents to be able to stay in their homes. He stated that there would not be beneficial use without the requested variance, it will not affect the character of the neighborhood or impede governmental services. He said he also supports the requested variances.

Moved by Mr. Bull, seconded by Mr. Gauman **to approve Variance #1:** A variance of 23 ft. to allow for the relief from the minimum 71 ft. front yard setback in order to construct a garage addition, porch and bedroom additions. Roll call: Yeas: Four. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #2**: a variance of 2 ft. less than the minimum 10 ft. side yard setback requirement in order to construct bedroom additions. Roll call: Yeas: Four. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

2. **(BZA15-08) – Royalton Place Ltd.** is requesting three variances to the City of North Royalton Zoning Code for a proposed multi-unit senior living facility at **PPN:482-31-003** located at the **northeast corner of York Road and Royalton Road**, in a Senior Citizen District. The variances being requested are as follows:

Variance #1: Codified Ordinance 1270.05 (g) (2) – “Schedule of Area, Yard and Height Regulations.” Request is for a variance of 17 feet from the required 83 feet setback.

Variance #2: Codified Ordinance 1270.06 (b) – “Yard Regulations for Multi-family Dwellings.” Request is for a variance of 81 feet from the required 214 feet minimum distance between buildings.

Variance #3: Codified Ordinance 1492.06 (f) (2) – “Establishment of Riparian Setbacks and Wetland Setbacks”. Request is for a variance of 50 feet from the required 75 feet setback for two category 2 wetlands.

Mr. Porter from Gross Builders said the proposed facilities will be a York and Royalton Roads. The Senior zoned parcel is 26.2 acres surrounded on three sides by general business and light industrial. To the east is Woodcroft Glen Townhouse development. Woodcroft Glen Phase II is planned, but not built yet. He said the site consists of four buildings that contain the residential suites, and smaller buildings that are detached garages, leasing office and pool area. A through street is planned from York Road to Woodcroft Trace. Mr. Porter spoke of the natural high point in the site which allows the water to flow towards York-Alpha and the rest of the site goes down toward the intersection of York and Royalton Roads. He explained the addition of a retention basin that will serve the residential area and the commercial area. He added that at the request of the Mayor and the Planning Commission they are working with the City Engineer to develop a regional basin that will help control flooding. He explained that the buildings are clustered together in part to responding to the Master Plan Development to preserve natural features such as wetlands, grasslands, trees and water courses. This allows them to impact only 8 out of 26 acres on the site which leaves 70 percent of green natural space. Variance #1 is for the rear yard of Building No. 2. He explained that they are set back from the property line 66 feet. The prescribed schedule for the set back per the zoning code would 83 feet. They are therefore looking for a 17 foot variance request. There is no living space or outdoor exterior space looking at the back of the building. They will be provided 116 foot separation from our proposed building to anything that might be built as a residential house in the future Phase II. He said a generous landscaping mound in between the areas. Mr. Porter said Variance No. 2 is between building #3 and #4. He said it is an internal yard setback. The code prescribes this to be 214 feet between the two buildings. In trying to preserve some watercourse, they pushed the building closer together but angled it out so part of it is 130 feet and part is 186 feet. Variance No. 3 is a reduction in the buffer for a category 2 wetland. He said there are approximately 5 acres of wetland on this residential site; we are looking at impacting eight-tenths of that preserving the natural features and water flow. Where we mitigate the wetlands, we will create new wetland lines. We are looking to keep a 25 ft. buffer between the new wetland line and any impervious surface or constructed building. He said he feels the variances are minimal in relation to the use of the land and with the variances they have enhanced the land for future residents and preserving 70 percent of the site for green space.

Mr. Schmitzer spoke and explained why these variances are required in terms of application of the code and what the code was designed for, what the process is. Chapter 1492 is titled “controlling riparian setbacks and wetland setbacks”. He explained that the purpose of this code was designed to protect and preserve the water quality within the streams of the city and to protect the residents from property loss and damage because of flooding and other impacts on those streams. He went on to say that these regulations were enacted to protect the services of riparian and wetland areas by providing reasonable controls governing structures and uses within these setbacks. He said these regulations apply to all lands within the corporate limits of the city except previously recorded subdivisions or developments that were dedicated prior to this ordinance. He went on to explain in more detail about riparian areas, wetlands and permitted uses. He said that streams and wetlands are not regulated by the city of North Royalton or any local jurisdiction; those are regulated by the U.S. Army Corps of Engineers and the Ohio EPA. We are here to look at the variance of the wetland and stream setbacks which are a local code of that we do regulate at the local level. An exemption to the riparian setback is a drainage ditch created at the time of a subdivision to convey storm water

to another system. The southernmost stream is actually that such item. It was a channel designed and cut in when Oakbrook Condos went in back in the 50's or 60's. It is technically exempt from our code. The Applicant's plans show a buffer around that area and it will not be disturbed. The applicant is here to request variances from our code and they have done everything that the code said they should be doing to be asking for the variances. He said it is the best placement of the buildings on this site. Mr. Kulchytsky said the three variances being requested by the Applicant are reasonable due to the difficulty of this site and they are planning on minimizing the impact on the wetlands and the site in general. Regarding Variance No. 3, the public legal notice went out stating there are two category 2 wetlands that are being impacted. That is incorrect. There is actually one category 2 wetlands that are being impacted after delineation. Mr. Porter responded that yes he would like to modify Variance No. 3 to read one category 2 wetlands. Mr. Kelly suggested that the Board accept the amended application based upon Mr. Porter's request.

Mr. Bull asked if the distance between buildings would have an impact to city services, such as Fire Department. Mr. Kulchytsky said it would not affect City services and it is within the spirit of the code. Mr. Rohloff asked if there is any way for substantial use of this property without asking for variances. Mr. Kulchytsky responded given the configuration of the site and the rather unique configuration of the wetland, he would say no. Mr. Porter responded to the question about the wet land area between building #3 and #4. He said it is an existing intermittent water way surrounded by wetlands. They are not planning on impacting that creek. Being an intermittent creek, there are times that it will be dry or water flowing. There are no plans for a water feature because it is protected by requirements by the EPA/Army Corps.

Paul Marnecheck, Ward 4 City Councilman, spoke in support of this project and stated it has great merit. We as a community need to ensure we have high quality housing for all phases of living from starter homes all the way to homes we will live in towards the later portion of our adulthood.

Vice Chair Mr. Rohloff stated this property being a challenging property to build on would probably not be able to build on without some type of variance. He stated that the variances are not substantial for the structures planned. He added that the Applicant has done the best he can to offset the buildings and to try and reserve the natural green space. He said the character of the neighborhood will not be substantially altered. He said he does not believe that Governmental services will be adversely affected.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #1**: a variance of 17 ft. from the required 83 ft. setback. Roll call: Yeas: Four. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

Moved by Mr. Bull, seconded by Mr. Gauman to **approve Variance #2**: a variance of 81 ft. from the required 214 ft. minimum distance between buildings. Roll call: Yeas: Four. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

Moved by Mr. Bull, seconded by Mr. Gauman to **approve Variance #3**: a variance of 50 ft. from the required 75 ft. setback for one category 2 wetland. Roll call: Yeas: Four. (Mr. Rohloff, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Variance granted.**

3. **(BZA15-09) – Glenn Jackson** is requesting a variance to Chapter 1270 "Residential Districts" of the City of North Royalton Zoning Code for a proposed garage addition located at **8360 Hunting Drive**, also known as **PPN:489-28-035**, in a R1-A District. The variance being requested is as follows:

Variance #1: Codified Ordinance 1270.04 (d) – "Area, Yard and Height Regulations". Request is to allow for relief from the minimum 50 ft. front yard setback for a variance of 12 feet. The applicant would like to put a garage addition 38.5 ft. from the right-of-way.

The Clerk stated that two letters were received and read into the record. James Moran, 8340 Hunting Drive recommended disapproval of the requested variance. Cheryl Jeewek, 8330 Hunting Drive (present at meeting) recommended disapproval of the requested variance. Glenn Jackson stated he is requesting a variance to add additional enclosed storage at his home by extending his two car garage toward the street. This area would be used for storage area. That would be the alternate to putting an outbuilding in the back yard which he felt would be more unattractive than extending the front. He said the appearance of the garage would be identical to what it is now as far as the view from the street. The addition would continue the same roof line. He responded to the complaints voiced regarding the site line and said he does not feel that is logical because the trees and vegetation disrupts the site line. He said it would be the

size of a single car garage without a garage door. The addition would extend out to the pine tree. Ms. Ragone questioned the need for the extension of the building if a garage door won't be installed. He responded it would be more attractive and also have easy access to the storage area. Mr. Kulchytsky said the site is rather flat in the back; there are some gentle swales that redirect water. He added that a shed could be added to the rear property without causing any interference with water ways.

James Moran, 8340 Hunting Drive, recommended disapproval of the requested variance for several reasons including the height of the addition and the slope of the front yard. Mr. Kulchytsky responded to the question regarding the front yard slope. He said the addition would make the front elevation appear taller than what currently exists because as you go closer to the street the grade drops. He added that the properties on the street have a distinct setback line distance. The Applicant asked if there is a concern about the 12 ft. extension distance, is there a shorter distance that would be more acceptable, a lesser amount. The Vice-Chair responded that a request such as that would require an amendment to the application. He added that the process to amend an application would include re-filing. The Applicant responded that the 12 ft. distance was the maximum. Mr. Kelly stated that the variance requested in the public notice which was given out to the public states a variance request of 12 feet. The Vice-Chair said we will need to consider a variance of 12 feet. The Vice-chair summarized for the Board in saying in consideration of BZA15-09 he feels that there can be beneficial use of the property without the variance because a shed can be built without need of a variance. Whether the variance is substantial or is the minimum necessary to make possible use of the land or structure, he said there may be other adjustments that can be made to the request or a shed can be built. Regarding the essential character of the neighborhood and whether it would be substantially altered or adjoining properties would suffer substantial detriment as a result of the variance, he said due to the grade there may be considerations of altering the character of the neighborhood. He added that he doesn't see this variance request adversely affecting governmental services. He stated that the predicament can be obviated by some other method other than that of a variance. He finished by stating that he plans on voting against the requested variance. He added that the Applicant is welcomed to reapply with a smaller variance request. Mr. Bull concurred with the Vice Chair's findings.

Moved by Mr. Bull, seconded by Mr. Gauman **to approve a Variance of 12 feet** to allow for relief from the minimum 50 foot front yard setback for a garage addition.
Roll call: Yeas: None. Nays: 4 (Mr. Rohloff, Mr. Bull, Ms. Ragone, Mr. Gauman). **Variance denied.**

Adjournment:

Moved by Mr. Bull, seconded by Ms. Ragone **to adjourn the BZA meeting for May 27, 2015.**
Roll call: Yeas: Four. Nays: None. **Motion carried.**

Meeting adjourned at 8:14 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: July 29, 2015

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