

The **Board of Zoning Appeals** of the City of North Royalton met on **October 25, 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 7:30 P.M.

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

PUBLIC HEARING

(BZA10-12) David Walsh requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b) and paragraph (a)(1)B entitled “Maximum Area” and Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, of the City of North Royalton Zoning Code, for relief from the requirement **that does not allow an accessory building to project into a front or into a side yard**; for relief from the **maximum square footage** requirement; and relief from the **maximum height** requirement for an **accessory structure** he wishes to construct on his property located at **19055 State Road, also known as PPN: 486-23-031**.

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.

Mr. David Walsh approached the microphone.

Chairman Price: Would you raise your right hand please.

Mr. Walsh: Sure.

Chairman Price: Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Walsh: I do.

Chairman Price: Name and address please.

Mr. Walsh: David Walsh, 19055 State Road, North Royalton.

Chairman Price: Thank you. The reason for asking for these variances?

Mr. Walsh: I'm happy that after 3 years of living there I have not aggravated my neighbors yet. That is a good thing. The reason for wanting the variances is that I have a very unique property. I am about 600 feet deep and my house sits about 400 feet deep. I have a lot of front yard but not much back yard. I bought my house 3 years ago. A year ago I purchased property next door. I have a single-family lot and the land next door was my identical clone. The lot was set to have a 3,600 square foot house built on it. It never got built and ironically enough, as my property in Parma sold, the gentleman who owned that lot stopped by and knocked on the door and asked if I would like to buy it. How ironic. I wanted to put the building up. The reason that I wanted the size of the building is because I have a 3-car garage that cars cannot fit in. I have a daughter who drives, a son who will be driving in 6 months and another who will be driving in a couple of years and my driveway looks more like a parking lot as we speak. I have a couple of trailers that I need to store. I have multiple dining sets and what not for patio furniture and things of that nature. I just need the room to kind of clean up the area and make it look nice. I could keep going on but I think that answering the questions as to why I want to do certain things might be better suited. The lot that I purchased in August of last year was a single-family lot so it was scheduled to have a house just like mine right next door. The barn, which would end up being a third or half of the size of a house volume wise, I do not think would be unreasonable. The one variance I am requesting approval for involves the setback of the building. Again, because of the uniqueness of my property, my house sits at 350 to 400 feet off of the road, leaving me only about a 200 foot backyard. (Continued on next page ...)

Mr. Walsh: If I set the building to far back I will ultimately loose my entire backyard. All of a sudden my front yard becomes my back yard and my front yard sits between 2 houses. I just did not think that it would be appropriate for the neighborhood to have my kids playing baseball right next to 2 houses or having my kids throwing footballs next to 2 houses and doing things that kids do. So being able to use the back yard like a back yard, and having the building set forward a little bit, is why I really bought the property in the first place. I have plenty of room on my current property, the original lot that I bought to put a building up, but I just did not want to loose my yard. That is it.

Mr. Chairman: Thank you. Can I have a motion to move BZA10-12 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA10-12 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).

(BZA10-13) Southwest Unitarian Universalist Church requests a variance to **Chapter 1284 “Signs”, Section 1284.08 “Signs in Public Facilities Districts”, paragraph (a)**, of the City of North Royalton Zoning Code, for relief from the **minimum setback** requirement for this proposed **sign** from the edge of the street pavement, to be located on their property at **6320 Royalton Road, also known as PPN: 488-06-032.**

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

Ms. Brinkman: Before we move on I would like to give notice of a request that I received from Ted Macosko, the Architect on this project and also a member of the Southwest Unitarian Universalist Church. In his memo Mr. Macosko simply requests that the Board table their request for a variance until the next meeting on November 22, 2010.

Mr. Price: I would like to have this item moved to the open meeting and then have it tabled at that time. May I have a motion to move this item to the open meeting.

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **move BZA10-13 to the open meeting.**

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).

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

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

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Public Hearing adjourned at 7:36 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **October 25, 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 7:37 p.m.

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

Mr. Price: May I have a motion to approve the Minutes for the September 27, 2010 meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **approve the Minutes of September 27, 2010.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Minutes approved.

OPEN MEETING

Old Business:

(BZA10-11) Paul Beegan / Beegan Architectural Design / North Royalton Animal Hospital request a variance to **Chapter 1276 “Business Districts”, Section 1276.09 “Yard Regulations”, paragraph (a) and Chapter 1284 “Signs”, Section 1284.10 “Location and Supplementary Area Regulations for Signs in Business Districts”, paragraph (d) and Chapter 1282 “Off-Street Parking and Loading”, Section 1282.05 “Schedule of Parking Requirements”, paragraph (b)(5)C**, for relief from the **side yard setback** requirement along the south property line which abuts a residential district; for relief from the requirement relative to **parking areas and drives** which abut a residential district; relief from the **side yard setback** requirement relative to **drives** which abut a nonresidential district; relief from the **minimum setback** requirement for a **sign** from the edge of the street pavement; and relief from the **minimum number of parking spaces** required, for this **proposed addition / parking area / driveway / sign** they wish to construct on this property zoned for **Local Business** located at **9027 Ridge Road, also known as PPN: 489-04-006.**

Ms. Brinkman: We received a letter today (October 25, 2010) from Sindyla Law Offices, Robert Sindyla, regarding this item. The letter reads as follows (a copy is attached to these Minutes).

Dear Mr. Price:

*I am the attorney for North Royalton Animal Hospital. On behalf of my client, I hereby **withdraw from the agenda** North Royalton Animal Hospital’s Application for Variance, which had been scheduled for October 25, 2010.*

Thank you, and should you have any questions or concerns, please do not hesitate to contact me.

Mr. Price: May I have a motion to remove this item from the table.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **remove BZA10-11 from the table.**

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).

Item removed from table.

Ms. Vozar: The applicant has requested that this matter be removed and that their application is hereby withdrawn and no further action is required by this Board.

Mr. Price: Thank you Donna. Move on to the next item.

New Business:

(BZA10-12) David Walsh requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b) and paragraph (a)(1)B** entitled **“Maximum Area”** and **Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, for relief from the requirement **that does not allow an accessory building to project into a front or into a side yard**; for relief from the **maximum square footage** requirement; and relief from the **maximum height** requirement for an **accessory structure** he wishes to construct on his property located at **19055 State Road, also known as PPN: 486-23-031.**

Variance # 1:

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **approve a variance to Section 1270.12 (b) of the Zoning Code so as to allow the applicant to locate this accessory structure 11 feet in front of his rear building line, thereby placing the structure in the side yard of his property.**

Mr. Price: Any discussion?

Mr. Kasaris: After reviewing the application, going out to the property and listening to the testimony of the applicant, I believe that I will support his first request for a variance. I think that the applicant has established practical difficulties. One fact that is important to me is that the setback for his home is so great so that, in my mind, it makes sense to place the building as the applicant has requested. Thank you.

Mr. Price: I will also be voting in favor of this variance. The rear lot line of this residence is based on a kitchen extension which is a minor area when compared to the square footage of this house. There was a consolidation of the lots. This would be less intrusive to the neighbors than a house would be. It is not going to change the aesthetics of the neighborhood. There are buildings in the area that are larger. The setback request, as Dan had said, is not objectionable.

Mr. Ranucci: I will also be approving this request for a variance. It does not affect governmental services. The structure will be set back so far from the street that I can not see it causing much of a problem; therefore, I will also be approving this.

Ms. Jankovsky: I concur with the prior comments. I do not see any conflict with the criteria that we look at and the depth of this lot is so great that I do not think that this new structure will hardly be visible from the street.

Ms. Mastronicolas: I will also be voting in favor of this request.

Ms. Vozar: I will submit the proposed findings of fact and conclusions of law regarding Variance #1, a variance to Section 1270.12 (b) of the Zoning Code to allow the applicant to locate the accessory structure 11 feet in front of his rear property line, placing the structure in the side yard of his property. The Board finds that practical difficulties have been established pursuant to North Royalton Ordinance. The Board specifically finds that, due to the uniqueness of the property configuration, the variance is justified. (Continued ...)

It is a minimum variance needed to fully meet the needs of the applicant. It will not interfere with government services. It does meet the spirit and intent of the Code. The applicant has taken substantial effort to consolidate the two parcels to minimize the effect of the requested variance. The aesthetics of the residential character will not be impacted by the granting of the variance. Is there anything else that the Board wishes to add?

Mr. Price: Any additions? Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

Variance # 2:

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 812 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1)B of the Zoning Code with regard to this proposed accessory structure.**

Mr. Price: Discussion?

Mr. Kasaris: After reviewing the packet, listening to the testimony offered by the applicant and after viewing the location, I support the variance. There are several barns and sheds spread throughout that area of State Road. It will have no affect on governmental services. The City Engineer did not offer any comment on the building at all which apparently indicates that he has no issues with engineering or flooding or anything like that. I have no issue with the size of the structure given the part of the City of North Royalton that the structure will be located in. Thank you.

Mr. Ranucci: I will also be approving this variance. I am slightly jealous because I know the hardship in my case where I have a boat, 5 cars and the garage is full of everything else. I wish that I had the square footage to do the same thing, so I understand the hardship.

Mr. Price: I will also be voting for this considering the size of the lot after the consolidation and the amount of items that need to be stored. I see no problem with this.

Mr. Jankovsky: I agree for all of the foregoing reasons stated.

Ms. Mastronicolas: I also agree. I think that it is a nice use of that lot so I will be voting for this as well.

Ms. Vozar: I submit for the Board's consideration the following findings of fact and conclusions of law regarding Variance #2, a variance of 812 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1)B of the Zoning Code with regard to this proposed accessory structure. The Board finds that practical difficulties have been established. As grounds for that the Board finds that, due to the testimony of the applicant, the numerous vehicles, seasonal items and so forth, the variance request meets the standard pursuant to the North Royalton Ordinances. It does meet the spirit and intent due to the size of the parcel resulting from the consolidation of the parcels. In addition to that, based on the aesthetics of the surrounding properties, the Board determines that this variance is permissible. Is there anything else that the Board wishes to add?

Mr. Price: Any additions? Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.
Variance granted (5 – 0).

Variance # 3:

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **grant a variance of 5 feet more than the maximum height allowed for an accessory structure per Section 1270.04 (g) of the Zoning Code.**

Mr. Price: Discussion?

Mr. Kasaris: Again, for the same reasons that I have already mentioned, I support this request as well. I do not think that we will be having any airplanes striking this building. I do not think that it is too high. It is a minimal variance request so I support it.

Mr. Price: With the slope of the land to the south – will that set the structure a couple of feet lower than the pool patio area?

Mr. Walsh: The pool patio area is probably going to be about 4 feet higher because there is a fairly dramatic slope for the 30 feet. From the start of the building to the end of the building you are probably only looking at about 6 inches to 1 foot. That is why, on the drawing, I had the southernmost part of the building being at no more than 20 feet higher than the current elevation. I had the northernmost part of the building only being at about 19 ½ feet from the current elevation. It will basically be carved out. There will be brick all of the way around the edge and the middle or front of it, we will be able to drive into. The northernmost part will be carved out.

Mr. Price: Which will give an appearance at the street of being even lower than the 20 feet.

Mr. Walsh: Compared to my house it will look like it is 13 or 14 feet high. The 20 feet that I am requesting is really as high as I would ever go. Based on a 30 foot width and the fact that I need a 10 foot garage to fit certain things in it, I almost have to have about that height.

Mr. Price: Thank you. I see no problem for all of the reasons that have been previously stated. I will be voting for it.

Ms. Mastronicolas: Mr. Chairman, my questions and concerns had been the same as yours. I am glad that you addressed that for I was concerned about the slope. Putting it in perspective as it pertains to the level of the house and with that slope – I do not see that that would be an issue. I think that it will be a nice addition and you will be able to use it for what you need. I will be voting in favor of it.

Mr. Jankovsky: Based on the footprint of the building I think that the height is reasonable.

Ms. Vozar: Mr. Chairman, the findings of fact and conclusions of law for Variance #3, a variance of 5 feet more than the maximum height allowed for an accessory structure per Section 1270.04 (g) of the Zoning Code. The Board finds that practical difficulties have been established. It is the minimum variance necessary to meet the needs of the applicant. It does meet the spirit and intent of the code. It will fit in with the appearance of the neighborhood. Also, due to the topography of the lot, the Board has determined that it does meet the standard for practical difficulty.

Mr. Price: Anyone else? Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.
Variance granted (5-0).

Ms. Brinkman: Dave, you know that you now have to apply for a building permit and submit plans to the Building Department so that you can obtain a building permit.

Mr. Walsh: No problem. I just want to thank you all. I appreciate your votes and I have enjoyed speaking to those of you who I met at the property. I could not have been happier with the way that you treated me. I really do appreciate it. It will make my life a lot easier.

(BZA10-13) Southwest Unitarian Universalist Church requests a variance to Chapter 1284 "Signs", Section 1284.08 "Signs in Public Facilities Districts", paragraph (a), for relief from the minimum setback requirement for this proposed sign from the edge of the street pavement, to be located on their property at 6320 Royalton Road, also known as PPN: 488-06-032.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **table BZA10-13 until the next meeting in November.**

Mr. Price: Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Item tabled.

Mr. Price: May I have a motion for adjournment?

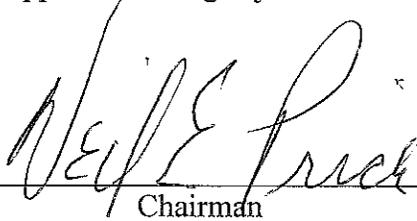
Moved by Mr. Kasaris, seconded by Mr. Ranucci to **adjourn the B.Z.A. meeting of October 25, 2010.**

Ayes – all. Nays – none.

Motion carried.

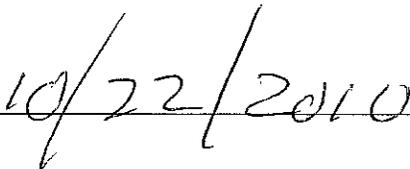
The Board of Zoning Appeals Meeting adjourned at 7:54 p.m.

Approved:

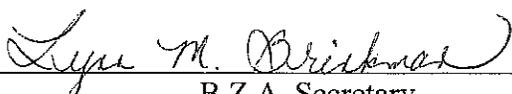


Chairman

Date:



Attest:



B.Z.A. Secretary