

**The Board of Zoning Appeals of the City of North Royalton  
met on April 28, 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 Kulchysky, Assistant Law Director Donna Vozar.

**Moved** and seconded to **approve the March 24, 2016 meeting minutes as submitted.** Roll call: Yeas: Five. (Ragone, Bull, Rohloff, Kasaris, Sadowski). Nays: None. **Motion carried.**

**PUBLIC HEARING/ OPEN MEETING**

**NEW 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. Ms. Vozar stated that the variances before the Board tonight are "area" variances.

- A. **BZA16-13** – Alicja Uszynski and Jerry Nutt are requesting a variance to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for a proposed accessory building at 3536 Valley Parkway, also known as PPN:487-25-008, in a RRZ district. The variance being requested is as follows:

**Variance:** Codified Ordinance Section 1270.04(g) "Area, Yard and Height Regulations". Request is for a variance of 5 feet to allow for relief from the maximum 15 foot height restriction for a proposed accessory building. The applicant is proposing to erect a two story 528 sq. ft. accessory structure with a 20 ft. roof line.

**Alicja Uszynski** stated they built the house ten years ago. The roof line of the house is high and the appearance of the garage would be better if it matched the house roof line. She stated they have four cars. The current garage is a 3 car garage. She needs it for additional storage space or pool supplies, and lawn equipment. The additional height of the garage would be for storage and also to block the traffic noise from the turnpike. **Jerry Nutt**, who also lives at the residence, said they plan to have an 18 or 19 ft. roof line. The Applicant stated their property is 1½ acres and is wooded. There is an empty lot for sale next to their parcel. The Building Commissioner stated that the 15 ft. height maximum prevents people from matching the peaks or pitches of their existing homes with their proposed garages. For esthetics reasons, the garage would normally match the roof line of the house.

The Chair stated that the variance request is not substantial and will not alter the character of the neighborhood. Adjoining property owners are not going to suffer substantial detriment; this is a wooded lot. The variance will not adversely affect the delivery of Governmental services. The variance will be good for the aesthetic reasons of matching the garage and house roof lines. With no further discussion, the Chair adopted his findings as the findings for the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve a Variance to C.O. Section 1270.04(g) for a variance of 5 feet to allow for relief from the maximum 15 foot height restriction for a proposed accessory building. A stipulation is included that based on the opinion of the Cleveland Metroparks and the recorded deed restriction that the proposed garage must be limited to private non-business use as outlined in the deed restriction #2.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- B. **BZA16-14** – **Dale and Linda Germano** are requesting two variances to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for a proposed accessory building located at **5631 Goodman Drive**, also known as PPN:488-05-039, in a R1-B district. The variances being requested are as follows:

Variance #1: Codified Ordinance Section 1270.05 "Area, Yard and Height Regulations". Request is for a variance of 4 ft. less than the minimum 8 ft. side yard setback requirement for an accessory structure.

Variance #2: Codified Ordinance Section 1270.12(b) – “Yards for Accessory Buildings and Uses” request is for a variance of 6 ft. less than the minimum 10 ft. rear yard setback requirement for an accessory structure.

Dale Germano stated they have lived in the home for approximately 30 years. They would like to build an 8 ft. x 12 ft. shed to store yard equipment and chairs. He said that on the east side of the yard, there is a 10 foot access right given to the City to maintain the storm sewers. The second reason is because of the storm sewer, the yards to the west of him drain across his yard. If he were to bring the accessory building forward, it would block the swale causing a water build-up in the neighbor’s yard. He said there are a number of sheds on the street. His would be located across the fence from his neighbor’s shed. Wael Saleh, the neighbor to the west, spoke in approval of the variance request. Paul Marnecheck, Ward 4 Councilman, stated that the shed is in character of the neighborhood and is in favor of the variance request.

The Chair stated that the variance is not substantial, it is minimum necessary. It will not alter the essential character of the neighborhood. Adjoining properties will not suffer a substantial detriment. It will not adversely affect delivery of Governmental services. Because of the City easement through the Applicant’s property and the storm swale draining from neighboring property, it restricts where they can put the structure; therefore, the Applicant has special conditions and circumstances which are peculiar to the land which are not generally applicable to the land and structures around you. The Applicant’s predicament cannot be feasibly obviated through some other method other than a variance. He stated that he supports both variance requests and adopts the finding as the findings for the Board.

**Moved** by Mr. Bull, seconded by Ms. Ragone to **approve Variance #1 to C.O. Section 1270.05 for a variance of 4 ft. less than the minimum 8 ft. side yard setback requirement for an accessory structure.** 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 1270.12(b) for a variance of 6 ft. less than the minimum 10 ft. rear yard setback requirement for an accessory structure.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- C. **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.

Susan Fisher and Victor Sender stated that they are looking to make improvements to the home with the addition of the garage. The home was built in 1953 with a small garage (20 ft. x 20 ft.) with a low roof line so it lacks storage space. She said they would like to add onto the back of the existing garage additional garage space for storage and cars. They will also be making major improvements to the house including replacing the driveway and garage door. She said that as you drive down the street you would not notice it because it is behind the house and they have a heavily wooded yard that is 100 ft. x 328 ft. There are no homes behind us. Mr. Sender stated that the house sits back 118 ft. from the street. He stated that a detached building would be difficult because of the heavily wooded lot. He said it would have the same roof line. The Applicant stated that many homes in the area have taken the existing garage and changed them into family rooms and then added an additional garage.

Mr. Kulchytsky stated that whatever improvements which occur on this site, including the additional structure and the driveway accessing the additional structure, they would have to tie in the roof drains and they may need to put in a yard drain for the driveway; they cannot impede any flow or swale that may exist between the two parcels. If they are trying to match the existing house, the T111 side is more of a shed or barn material. The Applicant stated that if that were an issue, they could change it. Mr. Kulchytsky stated he may want to consider siding or something on the order of Hardie board (cement board) to match the character of the house. Mr. Sender responded that because the elevation of the house is so

low, they would not want to go with a horizontal siding because that would make it look worse. The house has a basement but it is at ground level. The windows have wells. He said he felt the T111 painted in the same color as the house would raise the appearance of the roof line which is so low. He added that they would consider Hardie board or cement board. Mr. Rohloff stated that if the siding affects the character of the neighborhood; he recommended this be placed as a stipulation to the variance request and that they work with the Building Commissioner. Ms. Fisher stated she would agree to this stipulation.

John and Cheryl Mayer, 6511 Glenwillow. He stated that they are the neighbor that would be primarily affected by this. He presented pictures marked as Exhibit A, B, C, and D. The pictures were of the applicant's house/garage and area where the proposed garage would be located. He added that a storage shed already exists on the property. The Building Commissioner stated that the Applicant is limited in size to expand his attached garage. He added that the property is less than an acre, approximately 33,800 sq. ft. The Applicant therefore is allowed to build up to a 700 sq. ft. accessory structure. The proposed garage addition is 660 sq. ft. He said he spoke with the Engineering Department regarding the size of the drive and a variance would not be necessary for the added drive. It would be a difficult drive to maneuver with a side loading garage. Typically you would need a minimum of 20 ft. pull out space for a side load garage. There is no issue with the side set back of the driveway as it is shown on the plan or the proximity of the drive to the neighbor's property line. Our concern would be blocking any drainage swales and making sure some yard drains or elements were installed to avoid overflow. He also said that if they added an accessory structure, the drive would be able to be maintained at 10 or 12 ft. and they would be able to pull up to the rear accessory structure; the 16 ft. bump out would not be necessary. Mr. Mayer stated that the project is inconsistent with the neighborhood. He objected to the size of the structure and asked that they build smaller, a 15 ft. addition. He also objected to the 16 ft. side entry door and the 16 ft. wide drive that would be obvious availability for parking and mechanical work. The resulting view will adversely affect the desirability and eventual salability of their home. Access to the second garage could be accomplished through the rear wall of the first. If the variance is granted without significant modification, they asked that the owner be required to construct and maintain a privacy fence of the maximum allowable height to help to mitigate the obtrusive effect on their property.

Mr. Kulchytsky stated that if they went with a smaller addition, they could still do a side entry garage; it still should match the character of the neighborhood or they could do a rear door through the back of the existing garage (a double car loading). If they went smaller, it would not as heavily encroach into the site line down the property lines. Mr. Kulchytsky said the size of the family room addition on the house further down is approximately 20 feet or less. The proposed garage addition is 30 feet. Ms. Mayer stated that there are no garages with side entries like this in the neighborhood. Mr. Mayer said their back yard is all woods with no homes behind them. Mr. Sender stated that the distance from the garage to the property line is approximately 24 ft. He stated that the tree in question (Exhibit B) is approximately 45 ft. behind the garage. The Chair asked if the garage addition would go to the stump. Mr. Sender responded he did not think so. He thought the stump is approximately 40 ft. back and the garage will be at least 10 feet forward of the tree. Mr. Kulchytsky added that any tree that close to the structure will most likely die because of the root ball is the same size as the canopy. Mr. Sender stated that to build an unattached building would be to remove the trees and build over the decaying roots which would create a structural problem. Mr. Kulchytsky stated that the common procedure prior to constructing a structure is the stump would be ground, removed and refilled with suitable building material.

Mr. Kulchytsky stated that Exhibit F is the view from the Applicant's property to the adjacent neighbor's property. He added that based on the measurement using the size of the door, approximately 3 feet, he figured that the extension would not be visible on the photo. Mr. Rohloff asked the Applicant what is the smallest attached addition they would consider. Mr. Sender stated they may consider a 22 ft. x 24 ft. addition. He said he would not consider a 20 ft. x 16 ft. He said he would like to go with the 22 ft. wide to maintain the same pitch and roof line. He added he is retired and this would not be used for commercial use. Mr. Kulchytsky asked if there is a purpose for the rear door and why not just put a window there. The Applicants responded they would like to have it open so they can enjoy the view of the back yard as well as taking the lawn mower out that door. Mr. Rohloff explained that the drawings provided were incorrect and he is not comfortable voting for the variance using those drawings. He added that if the Applicant were to consider reducing the size to 22 ft. x 24 ft., they would be requesting a variance of 211 sq. ft. Mr. Kulchytsky stated that an addition of that size would bring it more into character of the neighborhood and would obstruct less of the view down the backyards. He recommended the stipulation that the material be of a type that does not stand out of character of the neighborhood be included. Mr. Kulchytsky stated that the Applicant has another means of obviating their situation by

enlarging their shed. Mr. Sender responded that their intention was to take the block building down. He said they could submit new drawings but he would still like a variance request to remain for a 22' x 30' addition.

The Assistant Law Director addressed the Applicant and stated that the Board is trying to give you some indication that they see some issues that are out there. She added that you (the Applicant) have the right to amend the application. You don't have to amend it; you can move forward with the application as is and the Board will vote on it. If you choose to amend it, you need to do it on the record. She added that once a decision is issued by the Board, unless it is determined to be a substantial change in your application, you would have to wait 6 months to have the same appeal reconsidered.

Mr. Bull informed the Applicants that they have the ability to table it tonight and come back next month with revised plans. Ms. Fisher stated that she agrees to table her application until the May 26<sup>th</sup> meeting.

Moved by Mr. Bull, seconded by Ms. Ragone to continue BZA16-15 to May 26, 2016. Roll call: Yeas: Five (Ragone, Bull, Rohloff, Kasaris, Sadowski). Nays: None. **Motion to continue granted.**

**Adjournment:**

**Moved** by Mr. Bull, seconded by Ms. Ragone to **adjourn the BZA meeting of April 28, 2016.**  
**Motion carried.**

**Meeting adjourned at 8:15 p.m.**

APPROVED: /s/ Dan Kasaris  
Chairman

DATE APPROVED: May 26, 2016

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