

The Board of Zoning Appeals of the City of North Royalton
met on **April 29, 2015** to hold a Public Hearing in
the Council Chambers at 14600 State Road.

The meeting was called to order by Chairman Dan Kasaris at 7:00 p.m.

Present: Board Members: Chairman Dan Kasaris, 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 Mr. Gauman **to excuse Mr. Rohloff for cause. Motion unanimously carried.**

Moved and seconded to approve the March 25, 2015 meeting minutes as submitted.
Roll call: Yeas: Three. Nays: None. Christine Ragone Abstained. **Minutes approved.**

Public Hearing / Open Meeting

Miscellaneous:

In the event that the Chair, Mr. Kasaris, and the Vice Chair, Mr. Rohloff, are not present, a second Vice-chair should be nominated. **Moved** by Mr. Kasaris, seconded by Mr. Gauman **to nominate Mr. Bull as the second Vice-chair.** Roll call: Yeas: Four (Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Nomination approved.**

The Chair welcomed the newest Board member Christine Ragone.

New Business:

1. **(BZA15-05) Dan Petrovic** is requesting a variance to Chapter 1426 "Residential Code of Ohio", of the City of North Royalton Zoning Code for a proposed accessory structure to be located at **5505 Hedgebrook Drive**, in a R1-A district, also known as **PPN:486-16-073**. The variance being requested is as follows:

Variance #1: Codified Ordinance 1426.04 – "Amendments", Paragraph (h) (1) (2). A variance is being requested to allow for relief from the concrete slab and footer requirements for an accessory building.

The Board does not have the jurisdiction to hear and make a decision on this item; therefore, **BZA15-05 has been removed from the agenda.**

2. **(BZA15-06) Tom Mandzukic / Friar Home Improvement** is requesting three variances to the City of North Royalton Zoning Code for a proposed accessory structure to be located at **9520 Lindberg Drive**, in a RRZ district, also known as **PPN:485-03-027**. The variances being requested are as follows:

Variance #1: Codified Ordinance 1270.04 – "Area, Yard and Height Regulations", Paragraph (g). A variance of up to **10 feet** to allow for relief from the maximum 15 foot height restriction for an accessory building.

Variance #2: Codified Ordinance 1270.12 (a) (1) B. – "Yards for Accessory Buildings and Uses for lots containing one acre or more." A variance of **135 sq. ft.** more than the maximum footage allowed for an accessory building.

Variance #3: Codified Ordinance 1270.12 (b) – "Accessory Building Locations in R1-A and R1-B Districts". A variance of **12 ft.** less than the minimum 20 feet required from an accessory structure to a residence.

The Clerk stated that the Public Legal Notice was sent out to the required properties.

Mr. Kulchytsky addressed the question regarding Variance #3. Mr. Kulchytsky stated that the re-submittal of the application does not have dimensions but it simply states that they will be 20 feet from the structure and the variance will not be necessary. After being sworn in, Mike Midagliotti of Friar Home Improvement spoke on behalf of the property owner Tom Mandzukic who was also present at the meeting. Mr. Midagliotti stated there is a 1200 ft. allowance. They are asking for an allowance of 1,335 which is 135 sq. ft more than allowed. In order to build the structure as close to the house design and keep the roof angle at a minimum of a 6:12 pitch, an allowance is needed for up to 8-10 ft. more than the 15 ft. allowed. The applicant stated that

the structure will be about 24-26 ft. away from the corner of the house so variance No. 3 is not needed. Mr. Mandzukic spoke to the practical difficulty of the need for the variance. He stated that there is a need for additional space for cars and additional general storage space. He said that this area is in a rural neighborhood; the house will be located approximately 150 ft. from the street. He added that the building will not be used for commercial purposes. He stated that the height variance is being requested because of the slope of the property which is approximately two feet from the front of the garage to the back of the garage. Mr. Kasaris asked if that contributes to the access height. Mr. Mandzukic responded, "Yes it does." The Building Commissioner stated that he is not aware of any drainage issues; the slope is consistent and well graded to the back of the yard. He added that the structure will have to comply with the Engineering Department's recommendations regarding tying into existing system or providing the appropriate outlet for the storm water so it does not create a nuisance for the adjacent neighbors. Mr. Kulchytsky said he has had prior discussions with the applicant regarding the brick and shingles matching the existing structure. The applicant responded that yes it would match and yes it will have a 6:12 pitch. Mr. Kulchytsky continued, stating that the total rise on the front is approximately 9 feet on the pitch and yields about 21 feet total height on the front. The applicant said that is correct. Mr. Kulchytsky addressed the Board stating that there was a numeric error on the application and even though the variance is for a greater number, we will insure that the front is lower and will not exceed 22 feet to the peak. The applicant was asked if the neighbors have addressed any concern about the additional height. The applicant responded "No." He said there are buildings on both of his neighboring property lines.

Moved by Mr. Bull, seconded by Ms. Ragone to **remove variance No. 3 from the agenda** as it is no longer necessary. Roll call: Yeas: Four. (Mr. Kasaris, Ms. Ragone, Mr. Gauman, Mr. Bull). Nays: None. **Motion approved; variance No. 3 is withdrawn.**

Mr. Kasaris summarized for the Board that from the testimony and evidence presented it shows that the variances are not substantial; they will not alter the character of the neighborhood. It is a wooded neighborhood and the structure is a great distance back from the street. We have not heard that any of the adjoining property owners will suffer any substantial detriment. No evidence has been heard that this variance request would adversely affect the delivery of Governmental services. Mr. Kasaris finished by saying he is in support of the requested variances; Mr. Bull concurred. Mr. Kasaris stated that he adopts his findings and those of Mr. Bull's as the findings for the Board.

Moved by Mr. Bull, seconded by Mr. Gauman to **approve Variance #1**: A variance of up to **10 feet** to allow for the relief from the maximum 15 foot height restriction for an accessory building. Roll call: Yeas: Four. (Mr. Kasaris, Mr. Bull, Ms. Ragone, Mr. Gauman). Nays: None. **Variance granted.**

Moved by Mr. Bull, seconded by Ms. Ragone to **approve Variance #2**: "Yards for Accessory Buildings and Uses for lots containing one acre or more." A variance of **135 sq. ft.** more than the maximum footage allowed for an accessory building. Roll call: Yeas: Four. (Mr. Kasaris, Mr. Bull, Ms. Ragone, Mr. Gauman). Nays: None. **Variance granted.**

Adjournment:

Moved by Mr. Bull, seconded by Mr. Gauman to **adjourn the BZA meeting for April 29, 2015.** Roll call: Yeas: Four. Nays: None. **Motion carried.**

Meeting adjourned at 7:17 p.m.

APPROVED: /s/ Anthony Rohloff
Vice-Chairman

DATE APPROVED: May 27, 2015

ATTEST: /s/ Diane Veverka