

The **Board of Zoning Appeals** of the City of North Royalton met on **November 21, 2013** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:30 p.m.

Present: Chairman Dan Kasaris, Anthony Rohloff, Robert Jankovsky, Victor Bull, Dale Gauman, Assistant Law Director Donna Vozar, Building Commissioner Dan Kulchytsky, Secretary Lynn Brinkman.

Mr. Kasaris: For those in the audience, this is the Board of Zoning Appeals. We are a quasi-judicial board. If you are here to speak either for or against an application we are required by law to put you under oath or to swear you in. The testimony that we take must be given under oath. That is the requirement.

Mr. Kasaris: May we have a motion to approve the September 25, 2013 Minutes as submitted.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **approve the Minutes from September 25, 2013 as submitted.**

Mr. Kasaris: Will the clerk please call the roll.

Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.

Ayes – all. Nays – none.
Motion carried (5-0). Minutes are approved.

If we can then have a motion to excuse Mr. Gauman and Mr. Rohloff from voting on the October 23, 2013 Minutes.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **excuse Mr. Gauman and Mr. Rohloff from voting on the Minutes of October 23, 2013.**

Mr. Kasaris: Will the clerk please call the roll.

Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Kasaris: Yes.

Ayes – all. Nays – none.
Motion carried (3-0). Mr. Gauman and Mr. Rohloff are excused from voting.

Mr. Kasaris: Mr. Gauman and Mr. Rohloff have then been excused. Can I then have a motion to approve the October 23, 2013 Minutes as submitted.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **approve the Minutes from October 23, 2013 as submitted.**

Mr. Kasaris: Will the clerk please call the roll.

Mr. Bull: Yes.
Mr. Kasaris: Yes.
Mr. Jankovsky: Yes.

Ayes – all. Nays – none.
Motion carried (3-0). Minutes are approved.

Public Hearing / Open Meeting**New Business:**

(BZA13-19) Steven R. Krauth requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses, paragraph (b) and Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code, to allow relief from the **minimum side yard setback** requirement for an **accessory building** he wishes to construct on his property located at **6180 Bellarmine Drive**, in a R1-B zoning district, **also known as PPN: 488-01-058.**

Ms. Brinkman: Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time. Before we move forward I would like to make note that we did receive a letter from a neighbor, Mr. Michael Kamman who resides at 6160 Bellarmine Drive, which states as follows.

“I hereby grant permission for Steven Krauth, at 6180 Bellarmine Drive, to construct a utility shed that will be located 2 feet from his property line. I understand that he is requesting a variance of 6 feet.”

Mr. Kasaris: Is that statement notarized?

Ms. Brinkman: Yes, the statement has been notarized. The Chairman will recognize anyone in the audience wishing to be heard.

Mr. Kasaris: Is the applicant here tonight? If you would please approach the microphone. Would you please raise your right hand. Do you solemnly swear that the testimony that you are about to give tonight is the truth, the whole truth and nothing but the truth?

Mr. Krauth: Yes.

Mr. Kasaris: If you could please state your cause.

Mr. Krauth: I would like to construct a shed. It would be located next to Mr. Kamman’s property line. I have a smaller back yard so I would like to construct the shed closer to the property line. In the drawing that I submitted you will see that I will be keeping the shed the required 20 feet from the house. When it rains I do have a lot of water that sits in the back yard from the neighbor behind me. I am downhill from his property. The area that I propose to locate the shed tends to be a lot drier than the rest of the yard. Having the shed closer to the property line will also give me a little more back yard to use for entertaining and such.

Mr. Kasaris: Tell us about the drainage issues that you have in the back yard.

Mr. Krauth: When there is a heavy rain it comes in from behind me and comes down both sides of the house. There is a kind of natural swale located on both sides of the house.

Mr. Kasaris: If the Zoning Code was followed your shed would then be constructed in that area?

Mr. Krauth: No. That area is a little bit higher than the rest of the yard so the water would still continue to flow around the shed. If the shed was moved towards the center of the yard it would be located in part of the swale area.

Mr. Kasaris: I am asking if building the shed as the Code requires would create a problem for you due to the drainage issue?

Mr. Krauth: Yes. It would put more water directly behind the house.

Mr. Kasaris: Are there any other sheds in the area?

Mr. Krauth: I have a little plastic shed that is currently located in front of where I propose to construct this shed. That will be taken down.

Mr. Kasaris: Do any of your neighbors have sheds?

Mr. Krauth: The neighbor catty cornered behind me has a shed. The other neighbor catty cornered behind me has a shed. The neighbor directly behind me does not.

Mr. Kasaris: Are they of a similar size?

Mr. Krauth: Yes. The neighbors across the street have sheds.

Mr. Kasaris: You realize that sheds have to be built on a concrete slab.

Mr. Krauth: Yes.

Mr. Kasaris: Does anyone have any questions?

Mr. Bull: This building is for your own personal use – your own storage.

Mr. Krauth: Yes.

Mr. Kasaris: What do you plan on storing in there?

Mr. Krauth: All of the stuff that is currently in the garage to the point that I cannot park my cars in the garage.

Mr. Rohloff: The basic reason that you are requesting this variance is due to your drainage issue?

Mr. Krauth: Yes. That is basically the main reason. I am also trying to maximize the use of the back yard better.

Mr. Rohloff: Is there a natural swale or something back there?

Mr. Krauth: On both sides there are slight swales.

Mr. Kasaris: Before we move on may I have a motion with regard to this item.

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance of 6 feet less than the required side yard setback as prescribed in Section 1270.12 (b) and Section 1270.05 of the Zoning Code with regard to the location of this proposed accessory building.**

NOTE: Due to technical difficulty with the recording equipment the remainder of this B.Z.A. meeting for November 21, 2013 was not recorded. The following transcription is a compilation of notes taken by the Secretary during the course of the meeting as well as any recollections from the Building Commissioner and the Board Members.

Mr. Kasaris: Suggested that a topo which had been submitted by the applicant would be designated as Exhibit A.

Mr. Kulchytsky: Acknowledged that the applicant had not chosen a contractor as of yet. He felt that the placement of the structure 3 feet from the property line would be “okay”. He noted that the placement of the structure 2 feet from the side property line would need to meet more stringent building regulations.

Mr. Jankovsky: Had concerns relating to not only the location of the accessory building so close to the side property line but also the size of the structure.

Mr. Kasaris: Reiterated that the property in question had drainage issues. He commented that should the applicant reduce the size of the shed and construct one that was narrower he might then be able to comply with the Code.

Mr. Jankovsky: Noted that this property was a small lot – less than one half of an acre.

Mr. Kasaris: Gave the floor to Paul Marnecheck, Councilperson from Ward 4, the applicant's representative.

Mr. Marnecheck: Verified that there are water problems on the property and that there are natural swales on the property.

A suggestion was made to amend the variance being requested to 5 feet versus the initial request of 6 feet. The applicant would thereby be locating the shed 3 feet from the side property line. Before a motion was placed on the floor a recommendation was made that this item be tabled until the next meeting of the Board.

Ms. Vozar: Asked the applicant if he would be willing to have his request tabled until the next meeting of the Board.

Mr. Krauth: Replied that he would be willing to have his request tabled.

Ms. Vozar: Quoted a provision within the Zoning Code, specifically Section 1264.05, paragraph (b), which states as follows.

“The Board shall act within sixty days after such an appeal is presented at the regular meeting of the Board at which all required information is provided. Failure to act within such period shall be considered approval of the appeal unless an extension of time is mutually agreed upon...”

She went on to explain that the next scheduled meeting of the Board would be in December. She then asked the applicant if he would further agree to an extension of time, an additional thirty days, should there be no other applications submitted for the next meeting to be held in December. This could possibly delay the outcome of his variance request another month or until January.

Mr. Krauth: Replied that he would agree to have his request tabled for another month, possibly two.

Mr. Kasaris: Asked to have a motion to table this item until the next meeting of the Board of Zoning Appeals.

Moved by Mr. Bull, seconded by Mr. Rohloff to **table this item until the next meeting of the Board of Zoning Appeals.**

Mr. Kasaris: Asked the clerk to please call the roll.

Mr. Gauman: Yes.

Mr. Kasaris: Yes.

Mr. Rohloff: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Ayes – all. Nays – none.

Motion carried (5-0). Item tabled.

(BZA13-20) Thomas Feckler requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g)**, of the City of North Royalton Zoning Code, to allow relief from the **maximum height** requirement for an **accessory building / pole building** he wishes to construct on his property located at **3374 Wallings Road, also known as PPN: 489-23-025.**

Ms. Brinkman: Stated that Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time. She acknowledged that the Chairman would recognize anyone in the audience wishing to be heard.

Mr. Kasaris: Asked the applicant to come forward and raise his right hand. He then asked that the applicant swear that the testimony he was about to give was the truth, the whole truth and nothing but the truth.

Mr. Feckler: Replied affirmatively. He stated that his name was Thomas Fecker and that he resided at 3374 Wallings Road. He commented that he has a collection of classic cars so he needs additional storage space. He said that he was requesting a variance of 5 feet more than the maximum height allowed for an accessory building. He said that he needed the additional height so that he could install a standard lift in this structure.

Mr. Kasaris: Asked for a motion to be placed on the floor with regard to this item.

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

Mr. Kasaris: Asked the applicant if he worked on his own vehicles. He noted that a business could not be conducted out of his residence.

Mr. Feckler: Replied affirmatively. He stated that he did not run a business out of his residence and that he worked on only his cars. He said that an 11'-8" ceiling was necessary in order to install a standard lift – a hydraulic lift.

Mr. Kulchytsky: Clarified that there are different standards for a two-story structure.

Mr. Kasaris: Asked if there was a difference between a “detached garage” and a “pole barn”.

Mr. Kulchytsky: Replied that a “pole barn” differs from a “detached garage” due to the fact that there is a different type of construction involved.

Ms. Vozar: Requested that the structure in question be designated as a “**detached garage**” wherein certain construction requirements would need to be met. The construction requirements for a “pole barn” would be different.

Mr. Feckler: Confirmed that the structure would be a detached garage.

Mr. Kulchytsky: Noted that the structure was to have metal siding and that the house was brick.

Mr. Feckler: Stated that he intended to plant trees around the structure. He said that water would run down Royal Valley Drive and into the lake located on his property.

Ms. Geer: Cheryl Geer, resident of 9953 Royal Valley Drive, was sworn-in by Chairman Kasaris. She owns one of the neighboring properties which but up to the applicant’s property. (The rear property line of her lot, approximately 78.63 feet, borders a portion of the side property line of the applicant’s property on the west side.) She stipulated that the height of an accessory structure was not to exceed 15 feet per our Zoning Code. She felt that a 5 foot height variance was substantial and that the granting of this variance would set a precedence in the neighborhood. She said that the sheds that are located in that area are smaller in size. She felt that it would infringe on the neighboring properties in that area. She said that the trees in the area are deciduous or trees that are sparse. She asked if a steel or metal sided building was acceptable.

Ms. Frydryk: Sandra Frydryk, resident of 9993 Royal Valley Drive, was sworn-in by Chairman Kasaris. She owns the first property on Royal Valley Drive coming from Wallings Road. Her primary concern was an aesthetics issue. She was also concerned that the steel structure be built to Code. She concluded that she would support the request provided it was built to Code.

Mr. Feckler: Stated that his property was approximately 975 feet deep. He said that he could build his detached garage at a height of 15 feet which would allow for a lift but it would be more costly.

Ms. Geer: Agreed that the applicant owned a large property but acknowledged that it abuts the rear property lines of 7 properties on Royal Valley Drive.

Mr. Jankovsky: Felt that the size of the property was relevant. He did not feel that the applicant’s request for a variance was excessive. He stated that he would support this request.

Mr. Rohloff: Asked what the minimum ceiling height would have to be in order to have a lift.

Mr. Kulchytsky: Replied that a 12 foot ceiling height would be required for a lift. He noted that a 3:12 pitch would meet Code and that a 4:12 pitch was common for our region. A 4:12 pitch would yield a structure 16 feet in height. The applicant was proposing an 8:12 pitch. He suggested that the applicant consider a 4:12 pitch.

Mr. Kasaris: Asked the applicant if he would be willing to amend his request. He would then be requesting a 2 foot variance which would allow him to construct his detached garage at a height of 17 feet.

Mr. Feckler: Agreed to amend his request.

Amended Motion:

Moved by Mr. Rohloff, seconded by Mr. Jankovsky to **grant a variance of 2 feet more than the maximum height allowed for a detached garage as per Section 1270.04 (g) of the Zoning Code; consequently, a 4:12 pitch will be utilized rather than an 8:12 pitch.**

Mr. Kasaris: Issued the findings of fact for the Board. He stated that the applicant's amended request, a variance of 2 feet, was not substantial. He noted that the applicant's property was large, approximately 1.85 acres. It would not alter the essential characteristics of the neighborhood. It would not adversely affect the delivery of governmental services. He asked if anyone had any additions or subtractions. He then asked the clerk to please call the roll.

Mr. Kasaris: Yes.

Mr. Rohloff: Yes.

Mr. Jankovsky: Yes.

Mr. Bull: Yes.

Mr. Gauman: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

(BZA13-21) Mark Breen, Breen Holdings, LLC requests a variance to Chapter 1281 “Traditional Town Center / Main Street District (TCD)”, Section 1281.07 “Schedule of Yards and Setbacks”, paragraph (a)(A)(1), of the City of North Royalton Zoning Code, for relief from the minimum front setback requirement for a building from the street right-of-way in a TCD-3 zoning district, for this revision to the proposed new building he wishes to construct on this vacant lot located at the corner of State Road and Goodman Drive, also known as PPN: 488-05-012.

Ms. Brinkman: Stated that Public Hearing Notices were sent to property owners within 500 feet of the property in question and posted for the required period of time. It was then stated that the Chairman would recognize anyone in the audience wishing to be heard.

Mr. Kasaris: Asked the applicant to come forward and raise his right hand. He then asked that the applicant swear that the testimony he was about to give was the truth, the whole truth and nothing but the truth.

Mr. Breen: Replied affirmatively. He stated that his name was Mark Breen, owner of the vacant lot at the corner of State Road and Goodman Drive. He had been before the Board of Zoning Appeals back in July at which time he had been granted two variances. The first variance allowed the proposed new building to be located 27 feet less than the required minimum setback from the street right-of-way in a TCD-3 district or approximately 33 feet from the Goodman Drive right-of-way. The second variance allowed the parking to be setback 5 feet from the street right-of-way. He said that he was now applying for a revision to the first initial variance that had been requested and granted. He was now requesting to locate the front of his proposed building 6 feet closer to the street right-of-way. The additional 6 feet would be to allow for a covered walkway.

