

The North Royalton Board of Zoning Appeals met in the North Royalton Council Chambers, 13834 Ridge Road, on Monday, May 24, 2010 to hold a Public Hearing. The meeting was called to order by Chairman Neil Price at 7:30 PM.

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

Moved by Dan Kasaris, seconded by Robert Jankovsky to **excuse John Ranucci for cause.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

PUBLIC HEARING

(BZA10-05) Jose and Susan Perez request a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code, for relief from the **side yard setback** requirement for a proposed **walkway / wood deck** they wish to construct on their property located at **8371 Wallings Road, also known as PPN: 482-24-009.**

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.

Jose Perez, the applicant, approached the microphone.

Mr. Price: Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Perez: I do.

Mr. Price: Please state your name and address.

Mr. Perez: Jose Perez, 8371 Wallings Road.

Mr. Price: Please explain why you are here.

Mr. Perez: I would like to construct a 4 foot-6 inch walkway at the side of my residence for mostly safety purposes and so that I could use the garage door at the side of my house. My insurance agent said that for me to be insured by Grange that I need to do something with that side garage door. They said that if they should send their auditor out that they could pull my policy. At this time I am with another insurance agency but I would rather be with Grange. So the main reason I am here is for safety purposes and so that I can utilize that side garage door.

Mr. Price: Thank you. Anybody else? (No response.) Can I have a motion to move BZA10-05 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA10-05 to the open meeting.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.
Mr. Kasaris: Yes.
Mr. Price: Yes.
Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.
Motion carried (4-0).

Mr. Price: I need a motion to adjourn the Public Hearing.

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

Mr. Price: Call the roll.

Mr. Kasaris: Yes.
Mr. Price: Yes.
Ms. Mastronicolas: Yes.
Mr. Jankovsky: Yes.

Ayes – all. Nays – none.
Motion carried (4-0).
Public Hearing adjourned at 7:35 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **May 24, 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 7:35 p.m.

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

Mr. Price: I need a motion to excuse Mr. Ranucci for cause.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **excuse Mr. Ranucci from the Open Meeting of May 24, 2010 for cause.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Mr. Price: I need a motion to excuse Mr. Ranucci for cause regarding the approval of the Minutes for the April 26, 2010 meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **excuse Mr. Ranucci for cause regarding the approval of the Minutes for the April 26, 2010 meeting.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Mr. Price: I need a motion to approve the Minutes for April 26, 2010.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **approve the Minutes of April 26, 2010.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (4-0).

Minutes approved.

OPEN MEETING

(BZA10-05) Jose and Susan Perez request a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** for relief from the **side yard setback** requirement for a proposed **walkway / wood deck** they wish to construct on their property located at **8371 Wallings Road, also known as PPN: 482-24-009.**

Mr. Price: Questions or comments? I am going to vote to approve this variance. There are special circumstances which are peculiar to the structure and the land around the dwelling, particularly the elevation of the yard at the side and rear door. The placement of stairs or steps by these doors would block the walkway around the house. An elevated walkway will facilitate egress and transportation from the front of the house to the rear of the house for getting materials, supplies or people back and forth. The variance is not substantial. It will not alter the character of the neighborhood. It will not adversely affect the delivery of any government services. This is, I think, a rather practical approach to solving a sort of unique problem and that is with regard to access around the side of the house. No neighbors are here to complain or offer any sort of objections. Justice would be done by granting the variance. Anybody else?

Mr. Kasaris: Mr. Chairman, well stated. I, too, will be supporting this proposal.

Ms. Mastronicolas: I visited the site and I also agree with everything that you said. I think that it would meet the needs of gaining access to and from the side door. I think that it would also enhance the area. It will be practical to have that walkway on the side. I will also be voting for this.

Mr. Jankovsky: I also agree, Mr. Chairman, with all of the things that you cited plus the fact that the applicant is requesting this variance for something that he would like to have and that his insurance company is recommending. I also think that it will significantly enhance the property as well as making it safer. I will also be supporting this request.

Ms. Vojar: The findings of fact and conclusions of law presented tonight are as follows. The applicant is present tonight and the variance that he is seeking is for the property located at 8371 Wallings Road. He is seeking a variance of 3 feet - 8 inches for a side yard setback for a walkway. There are no neighbors who are here tonight to testify and object. The Board finds the following. The variance is in keeping with the spirit of the Code and will not be detrimental to the neighborhood. The topography and the elevation of the property are the special conditions and circumstances that exist to justify the granting of this minimum variance. There will be no affect on governmental services. It will not be detrimental to the residents. There are safety concerns that the applicant has testified to along with factors concerning insurance coverage.

Based on that, Mr. Chairman, if there is nothing else the Board finds that practical difficulties have been established pursuant to Chapter 1264. Is there anything else that the Board would like to add?

Mr. Price: Would anyone else wish to be heard with regard to BZA10-05?

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **approve a variance of 3'-8" less than required per Section 1270.05 of the Zoning Code with regard to the side yard setback for this proposed walkway / wood deck to be located on the side of the garage and house facing the west side property line.**

Mr. Price: Call the roll.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Variance granted (4-0).

Mr. Price: Anything else? Is there a motion to adjourn.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting of May 24, 2010.**

Ayes – all. Nays – none.

Motion carried.

The Board of Zoning Appeals Meeting adjourned at 7:43 p.m.

Approved:

Neil E. Price
Chairman

Date:

June 28, 2010

Attest:

Lynn M. Wiseman