

The **Board of Zoning Appeals** of the City of North Royalton met on **May 23, 2012** 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, Vice-Chairman Robert Jankovsky, Anthony Rohloff, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Kasaris: We have four items on the agenda tonight. The first part is the public hearing and the second half is the open meeting. I understand that the third item on the agenda, which is (BZA12-07), the applicant being Zillich Interiors who is requesting several variances for what is known as Quarry Park Subdivision, will not move forward tonight. Mr. Zillich, as I understand it, will ask that the matter be tabled or continued for one month. I do not believe that he is here yet. I know that a lot of residents may be here for that issue. When he does arrive we will go to him immediately so that he can make that request so you do not have to stay for the rest of this hearing.

### **Public Hearing**

**(BZA12-05) Chris and Cindy Grimm** request 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 rear yard setback** requirement and relief from the **minimum side yard setback** requirement for an **accessory building** they wish to construct on their property located at **8204 Elaine Drive, also known as PPN: 489-25-071.**

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. Kasaris: Are the Grimm’s present? Do you wish to speak? If you could approach the microphone so that I can swear you in. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Christopher and Cindy Grimm: Yes. We reside at 8204 Elaine Drive.

Ms. Grimm: We would just like to erect a small shed on our property. We are on a corner lot which makes it a little more difficult than normal as far as meeting all of the codes. It could probably fit without a variance but I believe that it would make somewhat of a security hazard. It would be right near the sidewalk and exposed in the open. Our back yard butts up to our neighbor’s side of their house and their front yard. So they would be looking from their front yard right at our shed. Where we would like to place the shed is a much more secluded and private area. It would be less obtrusive and less of an eyesore. Both of our neighbors are not opposed to it. I actually have notarized letters from both of them if you would care to see them. One would actually prefer the shed to be there because it provides them more privacy on their back deck.

Mr. Kasaris: If you could please approach with the letters. Please mark them as Exhibit A and Exhibit B.

Mr. Grimm: I do not believe that we are able to erect the shed according to the code because of our patio and pool area. If you could look at the pictures that were provided. I believe that the shed would sit almost in the one corner of the patio and pool set up that we have in the yard. That was one of the hardships that we presented in the letter. We ask that the shed be located in the area proposed because it is not out in the open and it would not be an eyesore for the rest of the neighborhood. It is also a theft and security concern to be out in the side yard rather than in the corner where we would like to place it. It is a very busy intersection where we live at the corner of Elaine Drive and Helen Drive. It serves as a cut-through to Sprague Road so we have a lot of traffic. I believe we supplied a photo of the shed we would like to purchase and it does match the décor of the house and the pool/patio area. It is made of a pre-fabricated material. We will put it together ourselves. It will be on a concrete pad.

Mr. Kasaris: Will the clerk please read the notarized letters into the record.

Ms. Brinkman: The first letter read as follows.

*To whom it may concern,  
This letter is regarding the placement of the structure that will be placed at the property of 8204 Elaine Drive, the residence of Cindy and Chris Grimm. We are writing this to inform and give our consent to this structure that will be placed on the corner of the property of 8204 Elaine Drive. We understand the regulations and are giving consent for this structure to be placed close to the property line. We will have no discrepancies with Cindy and Chris placing this structure close to our fence.  
If there are any questions or concerns please feel free to contact Todd and Charlene Krueger.*

*Sincerely,  
Todd and Charlene Krueger*

The second letter read as follows.

*To Whom It May Concern:  
This is to notify the City of North Royalton that we, Goran and Maria Todorovic, of 3232 Helen Drive, North Royalton, have no objections to Chris and Cindy Grimm erecting a shed/structure on their property. The Grimm's are wonderful neighbors and we are looking forward to this addition on their property as it adds some privacy between our homes and from the street view. Please feel free to contact us should you have any further questions or concerns.*

*Sincerely,  
Goran and Maria Todorovic*

Mr. Kasaris: Anything else? May I then have a motion to move BZA12-05 to the Open Meeting.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **move BZA12-05 to the Open Meeting.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

Mr. Kasaris: We will move to (BZA12-07), the request by Zillich Interiors.

**(BZA12-07) Zillich Interiors request a variance to Chapter 1270 “Residential Districts”, Section 1270.33 “Single-Family Cluster Developments”, paragraph (d)(4)(A), (d)(4)(B), (d)(4)(C)(1)(b), (d)(4)(C)(1)(c), (d)(4)(C)(1)(d), (d)(4)(C)(2), (d)(4)(D) and Section 1270.05 “Schedule of Area, Yard and Height Regulations”, of the City of North Royalton Zoning Code, for relief from the Code requirements with regard to this proposed single-family cluster development to be known as Quarry Park Subdivision, located off of State Road, involving the following Permanent Parcel Numbers: 488-09-002, 488-09-012, 488-09-044 and 488-09-003.**

Mr. Kasaris: Is there a representative here tonight?

Mr. Zillich: My name is Greg Zillich, 7619 Pleasant Run, Seven Hills, Ohio. I am requesting that my application be tabled.

Mr. Kasaris: Thank you. Donna, do we table this now or move this item to the regular order of business?

Ms. Vozar: I think that we should let the residents know that we would normally, at this time, take testimony from the residents. We only have three members of the Board here tonight and we anticipate having all of the members present at the next meeting. It is my understanding that no testimony will be taken tonight and will be deferred to the next meeting. Is that correct?

Mr. Kasaris: That is correct. If you wish to be heard you need to come back to our next regularly scheduled meeting in June. That meeting / hearing will be on June 27<sup>th</sup>. We will formally table this request during the open meeting. There will be no action taken on this item tonight. May I have a motion to move this item to the Open Meeting?

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **move BZA12-07 to the Open Meeting.**

Mr. Kasaris: Call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

Mr. Kasaris: Before we move on, and I should have done this before the presentation of Chris and Cindy Grimm, I need to explain that we have only three members of the Board present tonight instead of five. Our rules require that a majority of the Board must vote in the affirmative for a variance to be granted. That is meant to be the majority of the entire Board. So in order for your variance to be granted tonight it would require a unanimous vote from the three of us. You will be given the opportunity though, should you prefer that the entire Board be present, to have your item tabled until the next meeting of this Board should you prefer that.

Mr. Grimm: I actually do have a couple of concerns. I am a Brecksville Police Officer and I will be working a night shift on the date mentioned in June so I would not be able to attend that meeting. Also, we can save about \$150.00 on the shed that we would like to purchase if we purchase it within the next couple of days. We were hoping to have the decision made tonight.

Mr. Kasaris: You can have a decision tonight. We are merely giving the applicants an option to have their request tabled should they want to do so.

**(BZA12-06) Robert Greene** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B**, of the City of North Royalton Zoning Code, to allow relief from the **maximum square footage** requirement for an **addition to his detached garage / accessory structure** that he wishes to construct on his property located at **3961 Royalwood Road, also known as PPN: 488-22-010.**

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. Kasaris: Would you raise your right hand please. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Greene: Yes. I would like to put an addition on my garage – 291 square feet. It will match the existing garage and also match my house. It will have vinyl siding with a veneer front. When I get done I would like to fence that area in and landscape around it. The reason for the addition is that we basically take care of the yard ourselves. We have quite a bit of equipment. I am also a car guy and have six vehicles. I have a John Deere tractor with a backhoe on it and a front-end loader that I use. We have lawnmowers, a snow blower and other types of equipment that we need to take care of our yard. We also have patio furniture that we store in the garage. There is just not enough room in the existing garage to store all of these things. My property is about 5 acres. I would be allowed to add on an additional 349 square feet onto my existing garage without having to go for a variance but that would not be enough to meet my needs. It is also more cost effective for me – it would only cost a little bit more to make it larger.

Ms. Hlavka: My name is Peggy Hlavka and I also live at 3961 Royalwood Road. We do have 5 acres and it is a lot of work. If you ever saw our house you would know that it is well kept up. The last time we ordered mulch it was 60 yards and we spread it all ourselves. (Continued on next page...)

Ms. Hlavka: We have a lot of yard equipment to maintain the property. I am tired of moving cars and having to maneuver things just to be able to cut the grass.

Mr. Greene: This building is about 300 feet from the street. I also have some pictures of garages in the neighborhood that are larger than what I am requesting.

Ms. Hlavka: We asked the neighbors on both sides of us if they would have a problem with this and they did not. The one neighbor has about a 30' x 40' garage.

Mr. Greene: I have some pictures of garages in the neighborhood that are much larger than what I am requesting. (Photographs submitted to the Board.)

Mr. Kasaris: Each picture has been labeled with an address.

Mr. Greene: Most of those are two story garages which also allows for more storage space. I also have a collection of cars which cannot sit outside. We like to keep our property looking nice.

Mr. Kasaris: Do you swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Marnecheck: I do. I am Paul Marnecheck. I am the Ward 4 Councilman and I live on Julia Drive. I have been able to get to know these residents in the 3 ½ - 4 years that I have been walking the area. Their yard is well maintained. It is pruned. If my wife should see it she will ask me to raise the standard of my lawn care. It is 5 acres so the little 291 square feet that they need is, in my opinion, really minimal. I have reviewed Section 1264.08 which are the criteria that you consider and I think that their request meets the criteria in our Code. I hope that the Board will grant them this small variance and allow them this addition to their garage.

Mr. Kasaris: May I have a motion to move BZA12-06 to the Open Meeting?

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **move BZA12-06 to the Open Meeting.**

Mr. Kasaris: Call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

**(BZA12-08) Mann Architects / Ken Scherry request a variance to Chapter 1281 “Traditional Town Center / Main Street District (TCD)”, Section 1281.07 “Schedule of Yards and Setbacks”, paragraph (A)(1) and Section 1281.09 “Building Heights” and Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s), of the City of North Royalton Zoning Code, to allow relief from the maximum footage requirement from the street right-of-way, relief from the minimum building height requirement and relief from the signage requirement regarding ground signs in a TCD-1 zoning district, for the two (2) additions and the sign they wish to construct on this property located at 6391 Royalton Road, also known as PPN: 487-06-027.**

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. Sherry: My name is Ken Scherry, from Mann Architects, 2611 Station Road, Valley City, Ohio. I am here with Terry Hanson.

Mr. Kasaris: Would you both raise your right hand please. Do you swear that the testimony that you are about to offer is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Sherry: Yes. We request a variance to allow us to add on a small portion to the front of the building.

Mr. Kasaris: For the record what building are we talking about.

Mr. Sherry: This is for the property located at 6391 Royalton Road or the old Pizza Hut. We also wish to maintain the existing ground sign that was there and replace it with a new sign to reflect the new dentist office that we hope to locate there. We would like to forego the two-story requirement and maintain a one-story building as it currently is.

Mr. Hanson: My name is Terry Hanson, Hanson & Associates LLC, located in Bath, Ohio. As to the first variance request regarding the front setback, the reason that we are requesting the setback that has been proposed is that it is an addition to the existing building. This is the size of addition that is necessary for this practice. Any further increase in moving toward the street would be economically impossible. In essence, we are taking an existing building and all of the functional space that is being added to the building is in fact going forward towards the street. This is the size that they need and no more. What we will have is a functional practice. There will be two types of dental practices in this building. One is for general dentistry and the other is a pediatric practice, which is quite unique. There are not many pediatric dentists so the clientele will not just be coming from North Royalton but from a fairly large area. That is related to the third request which is in regard to signage. It is a standard practice with medical practices and professional office buildings that signage is in the form of a professional, well designed monument sign and not plastered on the building. It is a professional standard, not a retail standard. For this particular practice, more so for the pediatric practice, because there will be patients or clients coming from a more regional perspective, they will be likely unfamiliar with North Royalton and even more this specific site. So having a clear, clean identity that is professionally presented at this marketplace is going to be very critical to that pediatric practice. That is the rationale for the signage. In terms of building height, what we have asked Mann Architects to do is look at the strongest architectural presence that is possible. If you look at the existing Pizza Hut building it is an unimproved 1970's style of building. It is actually pretty sad. Our intention is to create a truly professional office space. The beauty of the expansion and going towards the street is that will be the face of the building. We want it to be a new face. We want it to be consistent, however, with the existing architectural configuration dimensioning of the existing building. So we are looking at two factors in terms of building height. One, it cannot be a two-story building because the footprint of the addition is 1,500 square feet. You cannot have a two-story addition with a footprint of 1,500 square feet. That is one issue. The second issue is simply economics – going two stories is basically creating significant cost to this practice and would be just to create vertical elevation. By doing that it would look very imbalanced as a building. It would be impossible to tie this building together architecturally given the fact that the existing building is only one-story. We are trying to respect the existing building, its dimensions and put on a new face. We may see some increased enhanced vertical dimension which comes forward with this addition but it would not make any sense to try to make it into a two-story. It would look contrived and very artificial. We want to respect the integrity of the existing dimensions of the building. Make it appropriate. Make it professional. We want it to have a very strong front face. We want this marketplace to forget what was initially there. We want this to be a new dental center to serve the community.

Mr. Kasaris: Thank you. Anyone else? May I have a motion to move this item to the Open Meeting?

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to move **BZA12-08 to the Open Meeting.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

Mr. Kasaris: May I have a motion to adjourn the Public Hearing?

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

Mr. Kasaris: Call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

**Public Hearing adjourned at 7:56 p.m.**

The **Board of Zoning Appeals** of the City of North Royalton met on **May 23, 2012** to hold an **Open Meeting** in the Council Chambers at City Hall, 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:57 p.m.

Present: Chairman Dan Kasaris, Vice-Chairman Robert Jankovsky, Anthony Rohloff,  
Prosecutor Donna Vozar, Building Commissioner Rito Alvarez,  
Secretary Lynn Brinkman.

Mr. Kasaris: May I have a motion to excuse Mr. Bull and Ms. Mastronicolas for cause.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **excuse Mr. Bull and Ms. Mastronicolas for cause.**

Mr. Kasaris: Call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0).**

Mr. Kasaris: May I have a motion to approve the Minutes for April 25, 2012.

Mr. Jankovsky: Clarified a discrepancy in the Minutes regarding the elected Vice-Chairperson.

Moved by Mr. Rohloff, seconded by Mr. Jankovsky to **approve the Minutes for April 25, 2012 as amended.**

Mr. Kasaris: Call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Motion carried (3-0). Minutes approved, as amended.**

## **OPEN MEETING**

### **New Business:**

**(BZA12-05) Chris and Cindy Grimm** request 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”,** to allow relief from the **minimum rear yard setback** requirement and relief from the **minimum side yard setback** requirement for an **accessory building** they wish to construct on their property located at **8204 Elaine Drive, also known as PPN: 489-25-071.**

Mr. Jankovsky: I looked at the property and I listened to the applicants and I understand their situation but is there any alternative to only one foot off of the property line? That is so close. The current neighbors might be receptive to it but what about someone down the line.

Mr. Grimm: The reason that we only went one foot off of the property line is because it is a very narrow alleyway that goes down between the houses there between the fence line. Could we push it out further? We could but we also had indicated in our submittal what we were going to do with the landscaping around the shed. We wanted it to be as close as possible to that back corner. We felt that that was reasonable. It is not like we really utilize that side yard for anything. We believe that is the best location as far as aesthetics.

Mr. Jankovsky: Your neighbors have a fence there – is that correct?

Mr. Grimm: Yes. It is a chain link fence.

Mr. Jankovsky: Will you be able to maintain that with only one foot between the property lines?

Mr. Grimm: We were going to put lava rock beds all the way around the shed. That is what we have around the house and around the pool area. We were then going to match the landscaping with either decorative grass or hosta plants to match everything else in the yard.

Ms. Grimm: It would not then require much maintenance as far as grass cutting or anything like that. There is actually not too much grass along that fence anyway. We kind of maintain that property line as it is.

Mr. Kasaris: Anybody else?

**Variance #1:**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance of 7 feet less than the required rear yard setback as prescribed in Section 1270.12 (b) of the Zoning Code with regard to the location of this proposed accessory structure.**

Mr. Kasaris: Any further discussion? In looking at the ordinance that we are required to follow the applicants have to establish practical difficulties. We are given several factors that we have to look at. The variance is, in my opinion, substantial. It will not alter the character of the neighborhood. It will not affect governmental services. It seems to make some sense to locate the shed in the area they wish to place it. I am concerned though with the size of the variances being requested. The additional factors though, in my mind, outweigh that so I will support the variance.

Mr. Jankovsky: I concur with your thoughts on this and I will be voting for it also.

Mr. Rohloff: Mr. Chairman, I also share your concerns but I will also support this.

Ms. Vozar: The findings of fact and conclusions of law as to Variance #1 are as follows. The applicants are requesting a variance of 7 feet less than the required rear yard setback as prescribed in Section 1270.12 (b) of the Zoning Code with regard to the location of this proposed accessory structure. The applicants were present here tonight. There were no neighbors here to object. Two neighbors supplied notarized statements that were read into the record stating that they had no objections. The Board finds that practical difficulties has been established pursuant to Section 1264.08 (e). The Board finds that in reviewing the location of the proposed shed it will have no affect on the delivery of governmental services. While the applicants are requesting a substantial variance it is outweighed by the other factors as set forth in Section 1264.08 (e). If there is anything else that the Board would like to add to that.

Mr. Kasaris: I think that under Section 1264.08, paragraph (e)(1)F, there are special conditions and circumstances that are particular to this land. It is a corner lot. Anything else? Please call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Ayes – three. Nays – none.

**Variance #1 granted (3-0).**

**Variance #2:**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance of 9 feet less than the required side yard setback as prescribed in Section 1270.12 (b) / 1270.05 of the Zoning Code with regard to the location of this proposed accessory structure.**

Mr. Kasaris: Any discussion?

Mr. Jankovsky: I will be voting for this variance although I do agree with your prior comments about it being extreme. Without the approval of the adjoining property owners I would not be in favor of this but since those most affected seem to have no problem with the request I will be voting for it.

Mr. Kasaris: Again, looking at the factors established by the ordinance, when you balance it I think that it weighs in favor of this. The opinions of the neighbors does play a role in this. I will support this variance request.

Mr. Rohloff: I will also be supporting this.

Ms. Vozar: The findings of fact and conclusions of law presented tonight with regard to Variance #2 are as follows. The applicants are requesting a variance of 9 feet less than the required side yard setback as prescribed in Section 1270.12 (b) / 1270.05 of the Zoning Code. The Board finds that practical difficulties has been established pursuant to Section 1264.08. The Board considered the factors and determined that, while it is a substantial variance being sought, it will not affect the essential character of the neighborhood as presented in the fact that the adjoining neighbors had no objections to the location. Governmental services will not be affected. As previously stated, this lot is peculiar to the area in that it is a corner lot. The placement of this structure is best suited at the requested location based on the peculiar aspect of this parcel. Is there anything else that the Board would like to add?

Mr. Kasaris: Anybody else? Call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Variance #2 granted.**

**(BZA12-06) Robert Greene** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B**, to allow relief from the **maximum square footage** requirement for an **addition to his detached garage / accessory structure** that he wishes to construct on his property located at **3961 Royalwood Road, also known as PPN: 488-22-010**.

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance of 291 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 the total square footage for this detached garage / accessory structure.**

Mr. Kasaris: Any discussion?

Mr. Jankovsky: Mr. Greene, I would just like to say that when I stopped out at your property on Saturday I was intimidated by the whole place. It is beautiful. When I pulled up the driveway I thought that the property might belong to some famous movie star or rich athlete because it is so out of character for the street. I am sure that you will do a stylish job on this.

Mr. Kasaris: Considering the testimony that we have heard, and in looking at the application, I find that the variance being requested is not substantial. It is a minimal request when you consider how large the lot is. It does not alter the character of the neighborhood. Governmental services are not going to be affected by this. For those reasons I will support this request for a variance.

Mr. Rohloff: I share those sentiments. I feel that this request is minimal and would actually improve the area because it would allow you to store all of your equipment. I will be supporting this.

Ms. Vozar: The proposed findings of fact and conclusions of law are as follows. The applicants were present here tonight and testified regarding a variance for 3961 Royalwood Road. The applicants are seeking a variance of 291 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 the total square footage for this detached garage / accessory structure. There were no neighbors here to object. The councilman appeared and testified regarding his recommendation for approval based on this being a minimal variance being sought and based on the testimony of the applicants regarding the size of this parcel and the need for storage of equipment and vehicles. The Board finds that this is a minimal variance being requested. The character of the neighborhood will not be affected nor will governmental services. The factors governing Section 1264.08 (e) have shown that practical difficulties has been established. Anything else?

Mr. Kasaris: Anybody else? Call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Variance granted (3-0).**

Ms. Brinkman: If you could please forward an application to the Building Department so we can have your plans reviewed. I do not need a copy of your plans, just the application. Thank you.

**(BZA12-07) Zillich Interiors** request a variance to **Chapter 1270 “Residential Districts”, Section 1270.33 “Single-Family Cluster Developments”, paragraph (d)(4)(A), (d)(4)(B), (d)(4)(C)(1)(b), (d)(4)(C)(1)(c), (d)(4)(C)(1)(d), (d)(4)(C)(2), (d)(4)(D) and Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** for relief from the **Code requirements** with regard to this proposed **single-family cluster development to be known as Quarry Park Subdivision**, located off of State Road, involving the following **Permanent Parcel Numbers: 488-09-002, 488-09-012, 488-09-044 and 488-09-003.**

Ms. Vozar: If a motion could be made to table **both** the Public Hearing and the Public Meeting until the next meeting in June.

Mr. Kasaris: May I have a motion to table (BZA12-07)?

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **table both the Public Hearing and the Public Meeting until the next B.Z.A. meeting scheduled in June.**

Mr. Kasaris: Please call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Ayes – three. Nays – none.

**Item tabled (3-0).**

**(BZA12-08) Mann Architects / Ken Scherry** request a variance to **Chapter 1281 “Traditional Town Center / Main Street District (TCD)”, Section 1281.07 “Schedule of Yards and Setbacks”, paragraph (A)(1) and Section 1281.09 “Building Heights” and Chapter 1284 “Signs”, Section 1284.17 “Prohibited Signs”, paragraph (s),** to allow relief from the **maximum footage requirement from the street right-of-way**, relief from the **minimum building height** requirement and relief from the **signage requirement regarding ground signs in a TCD-1 zoning district**, for the **two (2) additions** and the **sign** they wish to construct on this property located at **6391 Roylton Road, also known as PPN: 487-06-027.**

**Variance #1:**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance to Section 1281.07 (A)(1) of the Zoning Code to allow this addition to be located 15’-1” more than the required maximum front setback from the street R.O.W. in a TCD-1 district, thereby locating this addition 40’-1” from the R.O.W.**

Mr. Kasaris: Any discussion? I am the councilman for this ward where the dentist wishes to locate his office. In looking at the drawing and considering the evidence that I have seen, I do not feel that this variance is substantial. It is not going to alter the character of the neighborhood or affect the delivery of governmental services. It will actually help governmental services because we will be getting more tax dollars from this type of business. I will therefore support Variance #1 of this application.

Mr. Rohloff: I will also support this. This will be a nice type of business for that area.

Mr. Jankovsky: I also support this variance request. I think that this is headed in the right direction for the type of downtown section that North Royalton would like to get. We do not need another fast-food place. I think that this is going to significantly improve the appearance of Route 82 going through North Royalton. I do have one concern with a comment made by the gentleman who spoke before regarding wanting to forget what it was like before. I have had some pretty good pizzas there. I will forever cherish those memories but I will support this variance.

Mr. Kasaris: I think that it would be a good idea if all three variances that are before us were conditioned upon Planning Commission approval. So before we take a vote on this variance I would like to entertain a motion to have this variance conditioned upon Planning Commission approval.

**Variance #1 – Amended Motion:**

**A variance to Section 1281.07 (A)(1) of the Zoning Code to allow this addition to be located 15'-1" more than the required maximum front setback from the street R.O.W. in a TCD-1 district, thereby locating this addition 40'-1" from the R.O.W. The granting of this variance to be conditioned upon Planning Commission approval.**

Mr. Kasaris: Please call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays - none

**Motion amended (3-0).**

Ms. Vozar: The findings of fact and conclusions of law are submitted for the Board's review and comment. Mann Architects / Ken Scherry are requesting Variance #1, a variance to Section 1281.07 (A)(1) of the Zoning Code to allow this addition to be located 15'-1" more than the required maximum front setback from the street R.O.W. in a TCD-1 district, thereby locating this addition 40'-1" from the R.O.W. The Board finds that practical difficulties has been established as to this variance. The Board specifically finds that this proposal will actually be decreasing a current existing, non-conforming area. There were no neighbors present to testify or object to this. The Board finds that the variance is the minimum necessary to make possible use of the land and structure. The applicants testified that they did not have any use to increase it beyond this. The essential character of the neighborhood will not be substantially altered and governmental services will not be affected. The Board finds that special conditions or circumstances exist with this parcel. Is there anything else that the Board wants to add?

Mr. Kasaris: Anything else? Please call the roll.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Ayes – three. Nays – none.

**Variance #1 granted, as amended.**

**Variance #2:**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance to the minimum building height requirement as prescribed in Section 1281.09 of the Zoning Code so as to allow the applicants to construct a one-story addition in this TCD-1 zoning district. The granting of this variance to be conditioned upon Planning Commission approval.**

Mr. Kasaris: Any discussion?

Mr. Rohloff: Have you decided on what material will be used on the front of the building?

Mr. Hanson: We have not made any final decisions. We have just started the elevation studies. What we are presently looking at is stone and some elements of vinyl. There will be columns at both the entryway and at the front of the building. That is about as far as we have gone.

Mr. Rohloff: So it is not going to be just a facade up front. You will be using the same material all around the structure.

Mr. Hanson: Yes. We will actually “re-skin” much of the existing building to conform with the new design.

Mr. Kasaris: What is the estimated cost of all of these renovations?

Mr. Hanson: About a half a million dollars.

Mr. Kasaris: About how many employees will you have?

Mr. Hanson: I would guesstimate about 8 employees initially.

Mr. Kasaris: Will there be any issues with parking?

Mr. Rohloff: That is quite a big lot there.

Mr. Hanson: There will be plenty of parking.

Mr. Jankovsky: Mr. Hanson, is this a re-located business?

Mr. Hanson: No. This is a new practice and location. One of the dentists is re-locating from Mentor but this will basically be an initial practice location for the second dentist.

Mr. Kasaris: Thank you. For the reasons that I stated earlier with regard to the first variance – I will support this variance request. In addition, what we are removing is an eyesore that has developed. The City has been cutting the grass there for about 2 years. I think that it is beneficial for our main business district that we do this.

Mr. Jankovsky: I agree. I concur with your comments. I think that everyone involved with the City welcomes professional businesses such as this with open arms. I will be supporting this request.

Mr. Rohloff: I also support this request and welcome this new business to North Royalton.

Ms. Vozar: I propose the following findings of fact and conclusions of law regarding Variance #2, a variance to the minimum building height requirement as prescribed in Section 1281.09 of the Zoning Code so as to allow the applicants to construct a one-story addition in this TCD-1 zoning district. The Board heard the testimony as to the reason for the variance request. The applicants want to respect the existing building with the addition so they do not wish to construct a second story as the Code requires. The Board finds that practical difficulties has been established. The Board re-states the conditions and the factors that had been set forth in Variance #1.

Mr. Kasaris: Anything else? Please call the roll.

Mr. Jankovsky: Yes.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Variance #2 granted, with condition.**

### **Variance #3:**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **grant a variance to Section 1284.17 (s) of the Zoning Code so as to allow the installation of a ground sign at the same location as the previous sign in this TCD-1 zoning district. The granting of this variance to be conditioned upon Planning Commission approval.**

Mr. Kasaris: Donna, is this a use variance or an area variance?

Ms. Vozar: It is not a use variance. It is not really an area variance either but rather a hybrid type but we will look at it as an area variance and apply practical difficulties.

Mr. Kasaris: I do have a couple of questions regarding the sign. Do you have any drawings or pictures to show what the sign will look like?

Mr. Hanson: No, we do not. That usually follows the design of the building because we want it to match the design of the building. We envision that it would in essence replicate the architectural highlights of the building which stands behind it. If in fact we went forward with the concepts of building design and exterior elevations we could probably see elements of stone in the monument sign. In essence what we want it to be is **not** retail-looking. We want it to look professional. It will tie into the architecture of the building.

Mr. Kasaris: How will the sign be illuminated?

Mr. Hanson: We have not had any discussions about the illumination of the sign. I actually do not even know what the code is with regard to illumination of signs. I think we would probably be looking at external illumination not internal illumination, especially from a cost standpoint.

Mr. Kasaris: (Speaking to the Building Commissioner) If they were going to go with some kind of internal illumination, an electric sign, would they have to come back before this Board?

Mr. Alvarez: I am glad that you asked that question. Since we do not have any regulations for ground signs in TCD Districts I would recommend looking at Section 1284.10 "Location and Supplementary Area Regulations for Signs in Business Districts". I would recommend that we use those criteria for this particular sign. I think that that would be the best code to refer to. That section of the code deals with the height of a sign, the maximum area of a sign, distances from property lines and so forth. Since he has no sign to show us the only thing that I could recommend is that we use that particular section of the Zoning Code. He should then present his sign to our department.

Mr. Kasaris: What process does the dentist have to go through to get this sign approved?

Mr. Alvarez: The first step is that their sign contractor or whoever makes an application at the Building Department. We review it according to the sign regulations in a particular section of the Zoning Code. Again, in this case I would recommend using Section 1284.10. If they meet all of the requirements with regard to height, setbacks and so forth they would then be sent to A.R.B. (Architectural Review Board). A.R.B. would then review it with regard to aesthetics and such.

Mr. Kasaris: Why would this Board be looking at a sign variance?

Mr. Alvarez: Right now they are in compliance with the Code – they have no sign. The Code does not permit ground signs in TCD Districts. So they are essentially in compliance with the Code right now because they do not have a sign on this property.

Mr. Kasaris: The one concern that I have is that I want to see what the sign is to look like. I do not oppose the principle of what you want to do. I think that it is a good idea. My one colleague has stated that we are a "dark" town between Broadview Heights and Strongsville and that we need to illuminate ourselves. I think that it might be a little premature for you to come to us before you actually have a picture of the sign and before you actually know what kind of sign you want. If you should decide to go with an electronic sign you would have to come back to this Board. When will you actually know what kind of sign you want to have? Will it be within the next month or two?

Mr. Hanson: I would think that we should know within the next month. Within the next month we will have established the architecture and the exterior elevations of the dwelling. I think that it is our desire, which is also important for the dentist, that we all know that the City has approved their ability to have a sign. The specific sign design would still have to come back for the City's approval. The knowledge that they would be able to have that monument sign is significant.

Mr. Kasaris: Is that a significant step for you – is that something that you need to know today or something that you can wait for?

Mr. Hanson: I think that it would be significant for them to know today. To know that they would be permitted to have a sign, obviously contingent upon the approval of the actual design.

Mr. Kasaris: Okay.

Mr. Rohloff: I am sorry but I guess that I am not really sure as to what I am voting on. I am voting on a variance to a sign that does not exist as of yet.

Mr. Kasaris: According to the Code you are not permitted to have a monument sign at this location (in TCD District). They are asking us for permission to place a monument sign there but at this point they do not actually have a sign designed to let us know what it will look like. They would like the Board's approval to start the process to place a sign there. If the Board should deny this variance request they would like to know this now to determine how they would like to move forward with this project. Is this correct?

Mr. Hanson: That is correct.

Mr. Rohloff: So this is contingent upon what the sign will look like. You might have to come back here.

Mr. Kasaris: It all depends on what they want. If they should decide that they want an electronic sign they would have to come back here.

Ms. Vozar: If it would be an electronic sign with changeable copy you would have to come back if you would exceed our Code. Based on what the applicants have said they wish to proceed with this signage request as part of this submittal. Perhaps a way to deal with this request is as the Building Commissioner had suggested and impose a condition on the variance as part of the motion. They would thereby agree to be bound by the standards as set forth in Section 1284.10. That limits the size and addresses all of those aspects. They would have to comply. They would also then need A.R.B. approval. This way the sign would have limitations that have already been imposed in other business districts, maybe not TCD, but other business districts. That is for the consideration of the Board.

Mr. Kasaris: Would anyone be in opposition to that? We will then need a motion to amend this variance request by placing a condition on this sign variance relative to Section 1284.10 of the Zoning Code. A condition on this variance would also be that Planning Commission and A.R.B. would need to receive an application for this sign and would need to approve this sign.

### **Variance #3 – motion amended...**

Moved by Mr. Jankovsky, seconded by Mr. Rohloff ... **motion to be amended to include the following conditions: Sign to be bound by the standards set forth in Section 1284.10 of the Zoning Code and Planning Commission and A.R.B. must receive applications for the sign and must approve the sign.**

Mr. Kasaris: We have a request to amend the motion. Please call the roll.

Mr. Rohloff: Yes.

Mr. Kasaris: Yes.

Mr. Jankovsky: Yes.

Ayes – three. Nays – none.

**Motion amended (3-0), with conditions.**

Mr. Kasaris: Since the variance request has been amended we can move on to the factors that we have before us to determine practical difficulty. We have monument signs up and down Royalton Road. This will not alter the character of the neighborhood. It will not affect any governmental services. There had been a sign at this exact same location. From the testimony that we received it will be done in a professional manner. I think that it is a step in the right direction and I will be supporting this variance request.

Mr. Jankovsky: I agree with you Mr. Chairman. I do not think that a professional business like this will put up anything that will be detrimental to the City or to itself. I will be supporting it.

Mr. Rohloff: I agree. I have confidence that it will look professional. I will be supporting this.

Ms. Vozar: The proposed findings of fact and conclusions of law for submittal to the Board are as follows with regard to Variance #3, a variance to Section 1284.17 (s) of the Zoning Code so as to allow the installation of a ground sign at the same location as the previous sign in this TCD-1 zoning district. The Board amended the variance to require that the applicant abide by Section 1284.10, the criteria for signs in business districts. The applicants must further obtain Planning Commission and A.R.B. approval. The Board finds that practical difficulties has been established. The Board finds, after testimony had been presented, that the essential character of the neighborhood would not be affected and that the delivery of governmental services would not be affected. The sign would be installed at the same location as before. There are special conditions and circumstances that exist, such as the requirement by the professional industry that a ground sign is necessary for this type of business. There was testimony regarding the portion of patients who will be from out of the area. The location of the building would not suffice for the only signage on the property. Based on that the Board finds that practical difficulties has been established for this variance.

Mr. Kasaris: Anyone else? Please call the roll.

Mr. Kasaris: Yes.  
Mr. Jankovsky: Yes.  
Mr. Rohloff: Yes.

Ayes – three. Nays – none.  
**Variance #3 granted, with conditions.**

**Miscellaneous**

Mr. Kasaris: Anything else? Mr. Hack?

Mr. Hack: My name is Ivan Hack. I live at 11091 Donmar Road. I just wanted to state for the record that at the request of Mayor Bob Stefanik, Mr. Todd Hauser, from Cuyahoga Soil and Water Conservation District, was here. He was here to address the Board but he left because the variance requests made by Zillich Interiors were tabled. I just wanted it to be on record that he was here at the request of the Mayor.

Mr. Kasaris: Thank you. Anybody else? May I have a motion to adjourn?

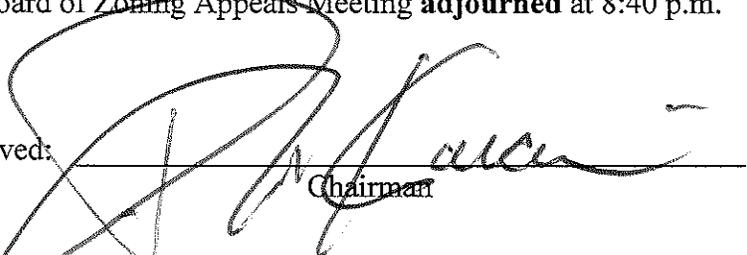
Moved by Mr. Jankovsky, seconded by Mr. Rohloff to **adjourn the B.Z.A. meeting of May 23, 2012.**

Mr. Kasaris: Please call the roll.

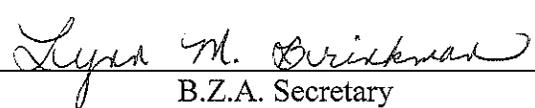
Mr. Jankovsky: Yes.  
Mr. Rohloff: Yes.  
Mr. Kasaris: Yes.

Ayes – three. Nays – none.

**Motion carried.**  
The Board of Zoning Appeals Meeting **adjourned** at 8:40 p.m.

Approved:   
Chairman

Date: July 18, 2012

Attest:   
B.Z.A. Secretary