

The North Royalton Board of Zoning Appeals met in the North Royalton Council Chambers, 13834 Ridge Road, on Monday, June 28, 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, John Ranucci, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

PUBLIC HEARING

(BZA10-06) Carl and Sandra Kranick request a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)**, of the City of North Royalton Zoning Code, for relief from the **maximum square footage** requirement for an **accessory building** they wish to construct on their property located at **10001 Delsy Drive, PPN: 481-16-023**.

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.

Sandra Kranick, one of the applicants, 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?

Mrs. Kranick: I do.

Mr. Price: Please state your name and address.

Mrs. Kranick: Sandra Kranick, currently residing at 9961 Beechwood Drive, North Royalton.

Mr. Price: Please explain why you are here.

Mrs. Kranick: My husband and I are working on the Delsy Road property and we have been since last July. We are moving from a 2,600 square foot colonial with a 4-car attached garage to this 1,275 square foot ranch home with a 2-car attached garage. We are obviously trying to consolidate 48 years of belongings into the new home. We have four (4) automobiles, including two collector automobiles. We have a substantial investment in our cars. We have always kept them housed in a garage. We want to do the same over here. My husband is kind of a car nut and he always has been. You never know from day to day what the new one is going to be. We want to keep our cars safe. We want to protect our investment. We want to avoid possible theft or vandalism by having them stored outside. We also like the uncluttered look by having everything put away. I think that you can go down almost any street and look into the yards and see 2-car attached garages or 2-car detached garages. You also see two, three or four cars parked outside. The reason for that is probably that the garages are filled with lawn equipment and the things that people just can't store in their homes. The fact that we have four cars plus all of this equipment that we need to store in the garages is why we are asking for the over-sized accessory structure. We stated in our submittal the reasons why we are asking for this. If you have any questions I would be happy to answer them during the question and answer period. I think that that is about it.

Mr. Price: Thank you. Anybody else?

Mrs. Kranick: I don't think that our neighbors have any objections to this. We have spoken to some of them. We have a mother on one side of us and her daughter and her boyfriend on the other side of us. The daughter's boyfriend was over the mother's house trimming her trees in anticipation that they do not want those limbs to fall on our new garage so I do not think that they have any objections. As was stated, and as you saw when you came out to the property, there is no one at all residing behind the property. It is all just woods back there.

Mr. Price: Thank you. Anybody else? (No response.) Can I have a motion to move BZA10-06 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA10-06 to the open meeting.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

(BZA10-07) Southwest Unitarian Universalist Church requests a variance to **Chapter 1274 “Public Facilities Districts”, Section 1274.04 “Yard Regulations”, paragraph (b)(2) “Accessory Uses”,** of the City of North Royalton Zoning Code, for relief from the requirement **that parking areas be not less than twenty feet from any adjacent lot line,** for a parking area they wish to construct on their property located at **6320 Royalton Road, PPN: 488-06-032.**

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.

Ted Macosko, architect and member representing the Southwest Unitarian Universalist Church, 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. Macosko: I do. Ted Macosko, architect, 24 Glen Oaks Lane, Berea, Ohio, 44017. Southwest Unitarian Church would like to pave an existing parking lot on the west side of the building in question. The lot, as it exists, is gravel and is currently being used as a parking lot. One of the goals of the Church is to make this building accessible and making it accessible requires that we pave it with a hard surface. Fundamentally we are not changing much that exists there now. Basically the parking that exists there now is pretty much what we are trying to pave. It does require that we would need a variance from the front lot line. In the process of doing this we are swapping easements with the City. We are going to be using a little bit of the City property to park further west and we are planning to give the City an easement to travel across our property, as they have been doing all along, for access to the cemetery. I think that that is something that we worked out in Planning Commission which seems to benefit both parties here.

Mr. Price: Thank you. Anybody else? (No response.) Can I have a motion to move BZA10-07 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA10-07 to the open meeting.**

Mr. Price: Call the roll.

Ms. Mastronicolas: Yes.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

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

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

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Motion carried (5-0).

Public Hearing adjourned at 7:49 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **June 28, 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 7:49 p.m.

Present: Chairman Neil Price, Diane Mastronicolas, John Ranucci, 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 regarding the approval of the Minutes for the May 24, 2010 meeting.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **excuse Mr. Ranucci for cause regarding the approval of the Minutes for the May 24, 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 now need a motion to approve the Minutes for May 24, 2010.

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **approve the Minutes of May 24, 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

(BZA10-06) Carl and Sandra Kranick request a variance to **Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)**, for relief from the **maximum square footage** requirement for an **accessory building** they wish to construct on their property located at **10001 Delsy Drive, PPN: 481-16-023.**

Mr. Price: May I have a motion to approve BZA10-06.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **approve a variance of 180 square feet more than the maximum square footage allowed as prescribed in Section 1270.12 (a)(1) of the Zoning Code with regard to this proposed accessory structure.**

Mr. Price: Questions or comments?

Mr. Jankovsky: Mr. Chairman, I would like to address a question to the secretary. The applicant mentioned that the abutting neighbors had no objections, as far as she knew, to their request. There is not anybody here with regard to this matter but has the secretary or the Board received any correspondence regarding this request?

Ms. Brinkman: We did not receive any correspondence; however, a couple did come in today to ask about this request. They are neighbors on York Road – they are not the adjoining property owners in the back but the property owners next to that. After reviewing the applicant’s proposal they had not raised any objections to it.

Ms. Vojar: Mr. Chairman, for the record, the only way that they could object or not object is to appear here and be under oath or to submit an affidavit. Any comments that they would have made to the Board's secretary is not evidence for this Board.

Ms. Mastronicolas: I have been out to the site and I agree that what you have described will look very nice as it will match the house. I also noticed a dump truck next door so I applaud your concern to keep things parked under shelter. My question to you is that I see that there is a proposed concrete driveway – I am assuming that this drive will be installed after construction.

Mrs. Kranick: After the construction of the garage we would come in for a permit for the driveway. It will be a concrete driveway that will go around and connect to the front driveway. There is plenty of room to do that. We will stay 2 feet off of the property line of the next door neighbor which will still give us room between the driveway and the front garage to allow us to plant some nice landscaping so that it will not look offensive to anyone.

Ms. Mastronicolas: Sure. One of the concerns that I would have is that it seems that it is quite a distance away for trucks to be delivering the trusses and the materials. I would assume that you would be responsible for the mud that might go on to the street – it could get kind of messy.

Mrs. Kranick: We were hoping to get this started before we move in and while we are still completing the inside of the house. They would then be able to put the materials in the front driveway and in front of the garage. We could then take the materials to the back as needed. The big trucks will not have to go into the back to deliver materials.

Ms. Mastronicolas: Thank you.

Mr. Jankovsky: You mentioned that you now have a 4-car garage on Beechwood Drive where you have all of these vehicles housed in. What is the square footage of your current garage?

Mrs. Kranick: I think that it is approximately 880 square feet.

Mr. Jankovsky: That is close enough. What is the total square footage that you will have between the garage and the accessory structure should this be approved for your property on Delsy Drive?

Mrs. Kranick: Between the two it would be around 1,100 square feet or so.

Mr. Jankovsky: Why would you need so much more if you have the same vehicles housed on Beechwood now.

Mr. Kranick: At our house on Beechwood Drive we do not store a lot of the things in the garage that we will need to store in the garage here because this is only a small ranch house. We are not going to be able to store any lawn furniture or anything in the basement. It has a narrower basement stairway than the home that we are in now. We do not like to leave our things out over the winter – yard furniture and things like that. Just to have all of those things in the garage is going to take quite a bit more space than that. We can't put our lawn furniture, our lawn chairs or any of that stuff in the garage that is there now.

Mr. Jankovsky: Okay.

Mr. Price: I would like to ask you a question. You are going from a larger to a smaller home. You have adequate room for the storage of your cars.

Mrs. Kranick: Yes.

Mr. Price: What was the consideration for going smaller - for downsizing?

Mrs. Kranick: We are getting older. My husband is 73 and I am 66 years old and as we get older we are not going to be able to do the stairs or be able to keep up with a four bedroom, four bathroom house. The house on Delsy Drive is a lot smaller. It is a three bedroom, two bathroom house. That is why we made the decision to downsize.

Mr. Price: Okay.

Mrs. Kranick: We will not have all of the stairs that we currently have at our colonial house.

Mr. Ranucci: In reference to this drawing regarding a reinforced concrete footer – 12” x 36” ...

Mrs. Kranick: That is just the size of the footer.

Mr. Ranucci: I am sorry. That is just the footer for the garage. I was confused by the way it was drawn. I understand.

Mr. Price: That is why I could not find that structure back there.

Mr. Ranucci: I was confused by that too.

Mrs. Kranick: That is not a structure that is currently on the property. I just wanted to show the footer size of the proposed structure.

Mr. Ranucci: As I review it closer I now understand what you have shown.

Mr. Price: As far as measuring back from the street, there are large pine trees in the back.

Mrs. Kranick: Yes.

Mr. Price: There is a mounding of dirt that runs parallel to the road. Is that mound at the property line?

Mrs. Kranick: No. There were stakes back there with orange paint on them in the very back. (At this time Mrs. Kranick provided the Board with two pictures of the property which are now a part of the submittal to be known as Exhibit 1 and Exhibit 2.) Referring to the pictures ... The back yard goes back beyond that clump.

Mr. Price: I was just interested in where the property line ended at the back.

Mr. Ranucci: There is a stake in the corner back there.

Mrs. Kranick: There is a stake behind this clump of grass back here.

Mr. Price: The pile of debris that is back there is in the wooded lot?

Mrs. Kranick: I think that it is in our lot. When we were doing some sewer work we had extra dirt so we just put it there because we figured, when we do build a structure back there, we would then level everything out nicely and plant grass seed back there. We would then have the equipment back there to do that.

Mr. Jankovsky: In your response to the questions relative to an area variance that you submitted, under Item “J”, you said that you did not believe that the intent of the zoning requirement is to prohibit homeowners from protecting their property and investments. I agree with that. I think that is true. That is what the City’s position is but I think that it also goes to the reasonable confines of a property. The Zoning Code is really based on a formula by professionals as to how much area one has on a lot and what would be appropriate as far as the size of a structure that should be permitted to be constructed on said lot. You indicated in your response that in your case this structure is to house antique and collector cars that you use for your own pleasure. When you refer to those other areas that may have 3 or 4 cars in the yard they may have 3 or 4 young kids there that are using these cars every day. I think that when you get into antique and collector cars it is a little bit of a different category because there are other options...

Mr. Jankovsky: We had a very good man who was a part of our Police Department who collected war vehicles. He collected Sherman Tanks and Jeeps and he had a property somewhere else that could accommodate those types of vehicles. He did not just move to a postage size lot and then expect that jurisdiction to accommodate him. I would not be for this variance but I will vote for it since we do not have any objections from your neighbors. I really think that I would have been more comfortable if you would have kept the size of the structure down to the 600 square feet that would have been allowed by the Zoning Code.

Mr. Price: Anyone else?

Mr. Kasaris: I will be voting in favor of this variance requested. The requested variance does not have an impact on governmental services. It will not alter the character of the neighborhood. I think that it will be a nice looking structure and I believe that the variance being requested is warranted.

Ms. Mastronicolas: Mr. Chairman, I do agree with my colleague's comments over the fact that there is no one here who objects to this request for a variance. Due to the fact that your intentions are not only to keep your investments safe but also to keep vehicles from piling up in the driveway, as in some areas where you do see multiple cars which could be because there are a number of drivers in that household. I think that it will have an attractive appearance. It looks as though you have done a lot of work there already.

Mrs. Kranick: Yes.

Ms. Mastronicolas: I can see that. I do not think that it will be an eyesore but believe that it will fit in. I will, therefore, be voting in favor of this variance.

Mr. Ranucci: I guess that I would have to agree with everything that has been said. My one concern when I walked the lot was that the immediate properties that I looked at had no accessory structures at all in their back yards. This request would then be for a structure that would be larger than what the Code allows. My concern was that it would then stand out there. I feel that it is a minimal request at 180 square feet. I will probably be voting for the improvement. It sounds like you will be doing everything right so I will be voting for approval of your request.

Mr. Price: I will have to agree with my colleagues. I do not believe that the essential character of the neighborhood will be changed by this structure. The vehicles not being parked in a driveway will probably reduce some of the clutter as can be seen in other areas. That might be looked at as an improvement. None of the neighbors have raised any objections. It is a minimum variance plus the fact that I believe it will be hidden somewhat in the rear after it's built. I will be voting for it. Donna ...

Ms. Vojar: I will propose the findings of fact and conclusions of law for submittal to the Boards' final review and approval. Based on the evidence presented to this Board the findings of fact are as follows. The applicant was present tonight and testified in favor of granting a variance. The variance location is at 10001 Delsy Drive in the City of North Royalton. The applicant is seeking a variance of 180 square feet more than the maximum square footage allowed as prescribed in North Royalton Zoning Code Section 1270.12 (a)(1) with regard to the proposed accessory structure. The Board finds the following. The granting of the variance will not be detrimental or impact any government service. The essential character of the neighborhood will not be substantially altered. There were no neighbors who appeared tonight objecting to the granting of the variance. The variance is the minimal required to keep the vehicles enclosed. As such, the Board has determined that practical difficulties have been established pursuant to the Board of Zoning Appeals Ordinance. If there is nothing else to add I would suggest that it go before the Board for a vote.

Mr. Price: Any additions? Call the roll.

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

Ayes – all. Nays – none.
Variance granted (5-0).

Mrs. Kranick: Thank you.

(BZA10-07) Southwest Unitarian Universalist Church requests a variance to **Chapter 1274 “Public Facilities Districts”, Section 1274.04 “Yard Regulations”, paragraph (b)(2) “Accessory Uses”,** for relief from the requirement **that parking areas be not less than twenty feet from any adjacent lot line,** for a parking area they wish to construct on their property located at **6320 Royalton Road, PPN: 488-06-032.**

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **approve a variance of 18 feet less than the requirement as prescribed in Section 1274.04 (b)(2) of the Zoning Code with regard to the setback of this parking area from Royalton Road.**

Mr. Price: Discussion? (To the applicant) You made a comment that this variance request is only for the west side parking lot at this time.

Mr. Macosko: That is correct. We have plans for the east parking lot but not at this time. It is a matter of price right now. We have maxed out our budget with the renovation. We are bringing that building completely back. It has a brand new heating and air conditioning system, upgraded electrical system, a new elevator, a new accessible bathroom and a new accessible entry. We are over \$300,000.00. The east parking will come around and we will have to go through this entire process again.

Mr. Price: Is it going to be A.D.A. compliant?

Mr. Macosko: The east parking lot? I do not know if the existing grade on Royalton Road would comply with that. It is not planned to be A.D.A. compliant. There will not be any physical barriers other than the existing slope of the sidewalk.

Mr. Price: Is it the general thinking, and this might be a little early to tell and may not be pertinent to this variance, that the parking lot on the east side of the building will approach as close to the street as the one on the west side?

Mr. Macosko: I have not laid that out yet. It exists and I actually do not know how it does get used in reality. We have not yet had a full meeting there and I do not know if the parking was completely used when the Masons were there.

Mr. Price: If I am reading the blueprints correctly, you have the sidewalk and then – what is the distance between the sidewalk and the right-of-way?

Mr. Macosko: That is a good question. I would estimate that at 6 feet. I apologize for I do not know that. The right-of-way, of course, is on the grass right now. The parking lot would be approximately 8 feet from the sidewalk. The sidewalk is within the right-of-way. I think that the sidewalk is 5 feet and I would guess that the addition ... I am sorry for I do not have that information. I would estimate about 6 feet.

Mr. Price: From the sidewalk to the first parking space?

Mr. Macosko: 8 feet. It would be 6 feet to the right-of-way and an additional 2 feet to the parking.

Ms. Mastronicolas: Just some history and information about the church. How often are services held at the church?

Mr. Macosko: On Sundays. One meeting only on Sundays. The administrator's office will be there so there may be one car on site maybe three days a week and another car maybe another day or two a week which would be that of the minister. Occasional visitors, I am sure, but the main traffic will be on Sunday mornings between 10:00 a.m. to around 12:00.

Ms. Mastronicolas: Approximately how many parishioners do you have or how many cars at any given time?

Mr. Macosko: We have 80 members and I would expect that that would translate to maybe 30 – 35 cars. We have an agreement with the bank to the east of the property to be able to use their additional 30 spaces so that should work out pretty good for us. We feel that that should be enough. Arby's has allowed us to, but don't ask and don't tell, use the back of their property on a Sunday morning because it would not be an issue for them. They have had the same agreement with the Masons prior to this. I really should not comment on the Arby's thing because I am not exactly sure but it has been a friendly agreement in the past.

Ms. Mastronicolas: Okay.

Mr. Macosko: The bank is a more sure thing. They have actually written that we can use their lot.

Ms. Mastronicolas: I did question that for that reason because there have been times when I have driven by and there appears to have been a pretty good size crowd in there and cars are all around it as well as the bank.

Mr. Macosko: You know that the cemetery uses our lot too and we are very happy to share that lot with the cemetery when they have burials or celebrations or whatever. There was just a celebration of some historical figure recently.

Mr. Kasaris: Yes, this past weekend.

Mr. Macosko: I do not know if they were using our lot or not – it is pretty full right now.

Ms. Mastronicolas: You have some work going on there right now.

Mr. Macosko: Prior to the construction I have passed there more than once and have seen vehicles parked there by people who were visiting the cemetery. Again, we are happy to share. That is right up our alley.

Mr. Kasaris: When you went before Planning Commission, did the Planning Commission discuss any type of need for a traffic study to determine if a prohibition against left-hand turns would be warranted?

Mr. Macosko: The Planning Commission did not discuss that but, as was mentioned during the caucus, if that would be required we would certainly do it. I would remind everybody that this situation has existed for 30 years. I do not mean that it is a great situation but I would look to how it has been used and the record as it stands in terms of accidents or trouble. I expect that it would be virtually the same.

Mr. Kasaris: The issue was not brought up in Planning Commission though – it was not discussed.

Mr. Macosko: No, it was not brought up. That is correct. Again, if that is a requirement we can do that.

Mr. Ranucci: I know that you may not have laid out the east side of the building as you have the west side but do you have any idea of the total number of paved parking spaces that you think you will end up with?

Mr. Macosko: Around 24 to 26 spaces. I would imagine that it would be an even number.

Mr. Ranucci: That is assuming that on the opposite side you will be probably asking for the same variance.

Mr. Macosko: The parking on the other side has not yet been laid out but I would not necessarily say that the same variance would be requested. I would expect though that some sort of variance would be required.

Mr. Ranucci: So basically, for one day a week for about 1 hour to 1 ½ hours you will have your services ...

Mr. Macosko: It would be about 2 hours – the leaving would be more of a trickling out because some people leave early and some stay for coffee and some stay to clean up. It would be on Sundays and I would guess that the lot would be full.

Mr. Ranucci: You do have the agreement with the bank which would help with the overflow and it sounds like you will be in need of space for that overflow parking on most days.

Mr. Macosko: Probably. I was told by the Masons that in the past they had a fairly substantial membership and that they utilized all of these spaces.

Mr. Ranucci: If we took that 2 foot variance and made that an 11 foot variance, which would eliminate one (1) parking space, in the grand scheme of things ...

Mr. Macosko: It is minimal but that is a prime lot right there. That is right at the entry. We are very interested in cooperating with the City. I would rather almost give it back on the other side if there is a problem.

Mr. Ranucci: That 8 foot area that is in the right-of-way would be grass.

Mr. Macosko: That is correct.

Mr. Price: We are talking about the grassy area. The parking spaces are shaded with the same diagonal lines all of the way up to the right-of-way. That is not to mean that that is a part of the parking. Is that correct?

Mr. Macosko: May I see what you are looking at? (Mr. Macosko came forward, referring to the plan/diagram that had been submitted.) That is the easement. What you are looking at, that is shaded, is not the parking. This is an easement and I just blanket shaded that. That may be improper and maybe I can describe it as less but that is basically irrelevant in terms of the parking. The parking is right here.

Mr. Price: That is the situation that I thought was correct. The parking space that is gravel right now would not be available for a parking space as it is now. I think that the question that John was asking is why the specific number of parking spaces on the west side - 5 as opposed to 6? You are outside with the 6th parking space – you are outside the gravel which is there now. So you are expanding the parking.

Mr. Macosko: I do not know how accurate that gravel line is. That was taken off of a photograph. You may be right. That is probably extending beyond the existing gravel but I do not know by how much.

Mr. Price: So the question is, if it is correct, why do you need that number of parking spaces on that side of the building?

Mr. Macosko: I might ask you the same question. If you believe in this building as a structure in your City I would think that you would be trying to give it as much parking as reasonably acceptable. Will 9 more feet make a difference? It would really help us to have another space there because it is clear that that building does not have enough spaces to support it. If that one space is a problem – I am sure we will agree with what you are requiring. I would still like to ask for it. I do not think that it is an unreasonable request given the use of the building. I can understand the left-hand turn problem and I think that it might be fair to consider but it is not like the cars are going to be parking there full time during the week. I do not think that it will be an eyesore...

Mr. Macosko: There is nothing that it is competing with anywhere else. There have been no objections from the neighboring properties. If you feel that you would vote against it then I would withdraw that. It is a critical place for it is the entry. In addition to having 2 strictly accessible spaces we have a number of elderly people who could use a closer parking space. I would prefer to have a lot more spaces right there but ...

Mr. Price: That is what I was sort of hinting at before about the A.D.A.. Is there a reason to have it – not the fact that it would be nice but is there a ...

Mr. Macosko: Yes, it is required.

Mr. Price: Does the Building Department say that you have to have a certain amount of spaces on both sides of the building? Do you have to have so many A.D.A. spaces? Is this just a matter of it would be nice to have if you can. This will not impact anything. It will basically be used only one day a week for only a few hours. Is that accurate to say that?

Mr. Macosko: I am not exactly sure of your question. It is required to have one (1) handicapped space or maybe two (2), and we have that there. The building itself does not have enough spaces, according to the City, when the east and west lots are even combined. There will not be enough spaces to meet the City's requirements but we did not add any square footage to the building in terms of use so it is an existing situation. The City is letting us continue to use the building as it has been used because it is an existing situation. If we take a parking space away it just makes a bad situation slightly worse in a different direction. Granted, we are asking for a variance which is against the rules. We definitely should have more spaces on the property to support that building.

Mr. Price: Short of actually going out there with a tape measure and measuring where the gravel is at, this is just an approximation.

Mr. Macosko: This is an approximation.

Mr. Price: It will be grass from the sidewalk to 2 feet past the right-of-way.

Mr. Macosko: That would be correct.

Mr. Ranucci: When this parking lot is asphalted over would there still be any curbing?

Mr. Macosko: That will all be handled by Engineering. If it is required we will put it in.

Mr. Ranucci: The concern being that if it is all flush that 8 foot now becomes another spillover parking space that somebody might want to sneak into.

Mr. Macosko: Nobody is going to want to park in the grass like that. That would be just a mud problem. We could curb that if required to ensure that nobody parks in that space.

Ms. Mastronicolas: I think that my colleagues are thinking that as it gets closer to the sidewalk and closer to the street it could potentially infringe on those people who might be walking, and so forth.

Mr. Price: Anybody else?

Mr. Kasaris: In reviewing the application and in listening to the architect I believe that, while the variance is substantial at 18 feet, the area is currently being used as a parking lot so we are not changing the current use of the area. It is still going to be what it is today - they are just going to place a hard surface over it. I do not think that it affects governmental services at all. Since it has been a parking area for a period of time I do not think that the character of Royalton Road will be altered. The only concern that I have is whether Planning Commission should consider whether or not a left-hand turn prohibition should exist. I think that that would be something for the Planning Commission to determine. I would like to place a condition on the approval of this variance that the Planning Commission should consider whether or not a left-hand turn prohibition is warranted. If it is, it is. If the Planning Commission does not feel that it is warranted then they should make that determination...

Mr. Kasaris: I think that since it has come before us, and since this was not discussed by the Planning Commission, it is within our due diligence to make sure that the left-hand turn issue is at least looked at and considered.

Mr. Price: Would you like to make that in the form of a motion?

Mr. Kasaris: Yes. I would move to amend the variance request.

Amended Motion:

Moved by Mr. Kasaris, seconded by Ms. Mastronicolas to **grant a variance of 18 feet less than the requirement as prescribed in Section 1274.04 (b)(2) of the Zoning Code with regard to the setback of this parking area from Royalton Road. The variance to be conditioned upon the North Royalton Planning Commission studying whether or not a left-hand turn prohibition out of the parking area is warranted.**

Mr. Price: Discussion?

Mr. Jankovsky: This is just on the amendment?

Mr. Price: I do not think that's an unreasonable request based on the fact that it is on a hill and because we have had this discussion with other properties in the vicinity. I would vote for the amendment.

Mr. Jankovsky: May I ask a question with regard to the amendment? Hopefully this is not inappropriate. At the Royalwood Road exit from St. Albert's there is a sign that reads "**no right turn**". Was that a part of the legislation for that driveway? Is that something that a safety committee required?

Mr. Kasaris: I have no idea.

Ms. Vojar: Mr. Chairman, I would not want to be quoted on that but I believe that that discussion was held either at Planning Commission or at Board of Zoning Appeals because I remember the discussion somewhat. I think that it was more from residents coming forward and complaining. I think that is how that came about so I am not sure that a traffic study was done.

Mr. Jankovsky: My concern is that I do not like to see anything put into effect that is not enforceable, and at St. Albert's it is ridiculous because you can sit there on a Sunday and the traffic is going every which way and there is nobody enforcing it. If it was enforced and the worshippers were cited I am sure that St. Albert's Church would be the first to complain.

Mr. Price: Any other comments? Call the roll on the **amendment to the motion.**

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Amended Motion carried (5-0).

Mr. Price: The variance has been amended with a condition that a study be done by Planning Commission to determine whether or not the prohibition of a left-hand turn out of the parking lot would be warranted. Are we ready to vote on the variance request as amended?

Mr. Jankovsky: I have a comment. My concern about this is not so much about the 2 feet that will be left here between the right-of-way and the parking area or the amount of the variance, although I think that it is significant - but my concern is really two-fold...

Mr. Jankovsky: One, in the 20 years that I have been involved in North Royalton government we have constantly, all of the administrations during that time, been talking about the widening of Route 82 and making Rt. 82 more aesthetically acceptable and possibly putting buffer zones between the road and the parking and the businesses and making it look more like the main strip at Hilton Head Island. The object is to make it look more attractive. In my opinion, despite the fact that it is not going to hurt anything right now, it flies in the face of what the long term objective is for Route 82. The other thing is, should this be approved tonight, that I think we are setting a precedent for the east part of the lot. Whether it be 5 feet or 2 feet or whatever, we are going to be kind of tied into that.

Mr. Price: Anybody else?

Mr. Kasaris: Donna, since the Engineer is not here, do you know what the plans are with regard to the widening of Route 82 – what portion would be widened, the north side or the south side?

Ms. Vozar: As the City Engineer was unable to be here tonight he addressed the issues that he anticipated would be raised. I have the memorandum that he did submit and in it he indicates that should it be widened in the future it would not require a taking of the right-of-way along the property as it would occur on the south side of the roadway. That is his projection on the matter.

Mr. Kasaris: Thank you.

Mr. Price: Comments?

Ms. Mastronicolas: Looking at the Church and the gravel parking lot and with all things considered, it had been mentioned that there had been a dedication this past weekend and right next to the Church it looks like the City is doing some really nice things as far the monument to our fallen heroes, and considering the fact that you are making improvements to the Church, I will be voting for this. I think that it will make the whole area that much more attractive to people coming into our town. It is next to the monument and the Church is an icon in our community; therefore, I will be voting for this variance.

Mr. Ranucci: Along with the same comments that Diane just made, I do feel that the variance is probably excessive, but the parking area appears to be only a problem for a few hours each Sunday. If the curbing is placed we eliminate the possibility of anyone parking along that grass area. It would be an improvement to the surrounding area because ever since I have lived here and have driven by the Masonic Temple there it has always looked messy.

Mr. Macosko: Right. People parked every which way there.

Mr. Ranucci: There was never a method for parking there that I ever noticed. I think that the sooner you can pave the east side too it would improve it even more and make it look like a much more finished product. I will be voting in favor of this variance request.

Mr. Price: I also will be approving it although I do think that the variance being requested is excessive. It has been used as a parking lot and, as it has been pointed out, parking has been every which way in the past. It will spruce up the area and make it look a little more dignified for the center of town. With the grass area as a buffer it does give some separation between the parking lot and the sidewalk and the street area. It will primarily be used on Sundays for several hours in the morning and then a few cars will utilize the parking for a few days during the week. The buffer was the big issue and I think that it has been addressed to an adequate degree; therefore, I will be voting for it.

Mr. Jankovsky: I agree with everything that my colleagues have said but I am concerned about the precedent that we will be setting on the north side of the street. The Zoning Code is there to try to protect what the authors of it wanted to see on Route 82...

Mr. Jankovsky: I understand that it is only for a short time on Sunday morning and probably few people going by would even notice it, yet it will set a precedent for any other businesses who would want to come along and have the same type of situation. I am, therefore, very confused on this issue.

Ms. Vozar: Based on the evidence presented before the Board tonight the findings of fact are as follows. The applicant’s representative was present here tonight and testified that they are seeking a variance for the property which is located at 6320 Royalton Road. They are requesting a variance of 18 feet less than the requirement as prescribed in Section 1274.04 (b)(2) of the Zoning Code with regard to the setback of this parking area from Royalton Road. Documentation was submitted from the Building Commissioner and the City Engineer in which they did not object to the granting of the variance. In addition to that testimony was presented that, while the variance is substantial, it is not an expansion of the use of the property but merely altering the topical product on the parking area. There was sufficient basis to request the variance as there are special conditions that are peculiar to the land. There is insufficient parking and this will aid in allowing various members with limited access to get to the building. There was testimony presented regarding the lack of parking and the fact that the parcel, as it exists, does not comply with the parking requirements of the Code. This request for a variance is aimed at trying to maximize the available parking without the necessity of using neighboring properties. The essential character of the neighborhood and the adjoining properties will not be substantially altered. I would also like to point out that this is merely a variance request for the west side of the parking lot as shown on the plan. It does not take into consideration anything on the east side of the property. The variance request is limited to the west side parking lot as shown on the plans. In addition, the Board has amended its variance request and has imposed a condition on this application requiring a referral to the North Royalton Planning Commission for their determination as to the need, if any, for a traffic study based on the evidence that is presented to them. Is there anything else that the Board would like to add?

Mr. Price: Anything to add? Call the roll.

- Mr. Kasaris: Yes.
- Mr. Price: Yes.
- Mr. Ranucci: Yes.
- Ms. Mastronicolas: Yes.
- Mr. Jankovsky: No.

Ayes – Four. Nays – One.
Variance granted (4-1).

Mr. Macosko: Thank you for being so considerate.

Mr. Price: Anything under miscellaneous? Can I have a motion to adjourn.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting of June 28, 2010.**

Ayes – all. Nays – none.
Motion carried.
The Board of Zoning Appeals Meeting adjourned at 8:30 p.m.

Approved: _____
Chairman

Date: _____

Attest: _____