

The **Board of Zoning Appeals** of the City of North Royalton met on **March 28, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:31 p.m.

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

PUBLIC HEARING

(BZA11-03) Jerry Koch / Royalton Supply requests a variance to **Chapter 1278 “Industrial Districts”, Section 1278.04 “Use Regulations for General Industrial Districts”, paragraph (a)(2)**, of the City of North Royalton Zoning Code, to **allow the applicant to locate and operate a topsoil shredding / screening machine outside of an enclosed building** on his property located at **11528 Royalton Road, also known as PPN: 483-11-007 & 483-11-014**.

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. Ahrens: Robert Ahrens, 11583 Mapleridge Drive, North Royalton. I am assisting Mr. Koch in this request.

Mr. Price: 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. Ahrens: I do. Based on the new information that we were given this evening we would like to request a postponement until the next Board of Zoning Appeals meeting.

Mr. Price: I would say that if you would like to give any information tonight you can do so and then continue it later or you could just give your presentation at the next meeting.

Mr. Ahrens: I think that we would rather do it all at one time.

Mr. Price: Okay. Thank you.

Mr. Price: Anyone else? Can I have a motion to move BZA11-03 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **move BZA11-03 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).

(BZA11-04) The North Royalton Board of Education requests a variance to **Chapter 1610 “Standards (National Fire Code; Ohio Fire Code; Life Safety Code; BOCA National Fire Prevention Code)”, Section 1610.17 “Storage Limits for Flammable Materials”, paragraph (d)**, of the City of North Royalton Codified Code, for relief from the requirement regarding **the maximum capacity allowed for an above-ground fuel storage tank** which is to be located on the property at **10789 Royalton Road, also known as PPN: 483-22-002**.

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

Mr. Presot: I do. My name is Jim Presot. I am the Assistant Superintendent of the North Royalton City Schools. Our school address is 6579 Royalton Road.

Mr. Price: Would you like to explain to us why you are here.

Mr. Presot: As many of you may or may not know, the City of North Royalton and the City of North Royalton School System have entered into a lease-use agreement for a bus storage facility at 10789 Royalton Road. As part of our renovation of our stadium project we needed to move the busses. In light of that we also need to fuel our busses on a daily basis. We exceed better than 500 plus gallons on a daily basis. We currently have a 10,000 gallon underground storage tank. We are asking for a 2,500 gallon above-ground diesel storage tank. We have met with the Fire Department, specifically Mike Fabish, who has written a letter. We have met all of the requirements that he has asked for in terms of safety, the bollards, the double wall tank, the lighting of the area, and so forth. So we are asking for a variance for a 2,500 gallon tank versus the 500 gallon tank which is the maximum allowed per the Code.

Mr. Price: Thank you. Anybody else? May I have a motion to move BZA11-04 to the open meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **move BZA11-04 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: May I have a motion to adjourn the public hearing.

Moved by Mr. Kasaris, seconded by Mr. Ranucci 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 7:38 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **March 28, 2011** to hold an Open Meeting in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:38 p.m.

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

Mr. Price: May I have a motion to approve the Minutes for the February 28, 2011 meeting.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **approve the Minutes for February 28, 2011.**

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). Minutes approved.

OPEN MEETING

New Business:

(BZA11-03) Jerry Koch / Royalton Supply requests a variance to **Chapter 1278 “Industrial Districts”, Section 1278.04 “Use Regulations for General Industrial Districts”, paragraph (a)(2), to allow the applicant to locate and operate a topsoil shredding / screening machine outside of an enclosed building** on his property located at **11528 Royalton Road, also known as PPN: 483-11-007 & 483-11-014.**

Mr. Price: The applicant had requested during the public hearing that this application be tabled. May I have a motion to table this item.

Moved by Mr. Kasaris, seconded by Mr. Ranucci to **table this item until the next meeting in April.**

Mr. Price: Any discussion? 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).

Item tabled.

(BZA11-04) The North Royalton Board of Education requests a variance to **Chapter 1610 “Standards (National Fire Codes; Ohio Fire Code; Life Safety Code; BOCA National Fire Prevention Code)”, Section 1610.17 “Storage Limits for Flammable Materials”, paragraph (d), for relief from the requirement regarding the maximum capacity allowed for an above-ground fuel storage tank** which is to be located on the property at **10789 Royalton Road, also known as PPN: 483-22-002.**

Moved by Mr. Ranucci, seconded by Mr. Kasaris to **grant a variance to allow the installation of a 2,500 gallon above-ground fuel storage tank of Class I and II flammable liquids on this property which is contrary to Section 1610.17 (d) of the Codified Code.**

Mr. Price: Any discussion?

Mr. Kasaris: In reviewing the application and in listening to the presentation from Mr. Presot, I find that the character of the neighborhood is not going to be altered or will not suffer any substantial detriment as a result of the granting of this variance. This is not going to affect governmental services; in fact, it actually helps governmental services, in my mind, because school bus operations are a governmental service. While the variance is substantial I find that, when you look at the factors set forth in our Code, practical difficulty has been established and I support the variance request. Thank you.

Mr. Ranucci: As Dan (Mr. Kasaris) had stated, the hardship is there. In trying to re-fuel all of those busses you would basically need a fuel delivery every day. There is an obvious hardship. Given the approval of the Fire Department, as long as those three items are met as recommended by Chief Fabish (the tank and the installation shall meet or exceed the prescribed standards and codes as listed; crash protection (bollards) are installed around the tank pad area; sufficient lighting be installed to illuminate the fuel dispensing operations and provide security for the tank), I have no issues with this request.

Mr. Price: I would also have to go along with this request for a variance. The requirements for the issuance of a variance have been met. With the concurrence of the Fire Department and the various restrictions that they have cited to ensure the safety of the site – it actually has to be done. So I will be voting in favor of this request.

Mr. Jankovsky: I agree. I think that the applicant has met all of the criteria that we look for. My only concern was the safety of the tank and our very efficient Fire Chief specifically addressed that issue. The Board of Education has replied that they would comply with his requests so I am also in favor of the variance being requested.

Ms. Mastronicolas: I will also be voting in favor of this variance.

Mr. Price: Mrs. Vozar?

Ms. Vozar: The findings of fact and conclusions of law are as follows. The applicant was present here tonight and the testimony of Mr. Presot was offered. The location for the variance being requested is at 10789 Royalton Road. The variance would allow for an above-ground fuel storage tank that would hold 2,200 gallons more than allowed by our Code. A 2,500 gallon fuel tank would thereby be permitted to be located on this property. There were no neighbors here to object tonight. The Board found the following factors. Pursuant to North Royalton Ordinance 1264.08 (e)(1), under an area variance criteria, there is a benefit from the granting of this variance rather than adversely affecting the delivery of governmental service. The beneficial use of the property without the tank would be severely limited due to the inability of the school district to service its school bus fleet. This is the minimum variance necessary to serve this bus fleet. While it may appear to be a large variance it is in fact the minimum variance necessary to service this bus fleet. Also, due to the conditions imposed by the Fire Chief's letter dated March 21, 2011, which were agreed to by Mr. Presot, those conditions are specifically incorporated into the decision of the Board as a requirement and a condition of the variance. Due to those conditions being met regarding issues of safety, there will be no substantial detriment to any adjoining properties. Based on that the Board determined that the applicant has established practical difficulty according to the criteria set forth in our Code. If the Board should have anything else to add to that Mr. Chairman?

Mr. Price: Any additions? Call the roll.

Mr. Jankovsky: Yes.

Mr. Kasaris: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ms. Mastronicolas: Yes.

Ayes – all. Nays – none.

Variance granted (5-0).

Mr. Price: Anything under miscellaneous? May I have a motion for adjournment.

Moved by Mr. Kasaris, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting of March 28, 2011.**

Ayes – all. Nays – none.

Motion carried.

The Board of Zoning Appeals Meeting adjourned at 7:46 p.m.

Approved: Neil E. Price
Chairman

Date: Apr. 18, 2011

Attest: Lynn M. Brickman
B.Z.A. Secretary