

**The Board of Zoning Appeals of the City of North Royalton
met on November 29, 2016 to hold a Public Hearing in
the Council Chambers at 14600 State Road.**

The meeting was called to order by Chair Dan Kasaris at 7:00 p.m.

Present: Board Members: Chair Dan Kasaris, Anthony Rohloff, Victor Bull, Christine Ragone, Janice Sadowski, Secretary Diane Veverka. Administration: Building Commissioner Dan Kulchytsky, Assistant Law Director Donna Vozar.

Minutes: Moved and seconded to approve the September 29, 2016 meeting minutes as submitted.
Motion carried.

Moved and seconded to approve the October 27, 2016 meeting minutes as submitted.
Motion carried.

PUBLIC HEARING/ OPEN MEETING

For the benefit of those in the audience, Mr. Kasaris provided an overview of the Board of Zoning Appeals Committee and BZA meeting process.

NEW BUSINESS:

Public hearing notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

- A. **BZA16-41 – Borchert’s Enclosure Systems, Inc. on behalf of property owner Joel Young** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed open porch addition at **11976 Firefly Drive**, also known as PPN: 484-19-067 in a R1-B district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1260.11(b)(4) and 1270.13(b)(4) “Projections into Yards, Unenclosed shelters.” Request is for a variance of 2 ft. more than the permitted 6 ft. projection allowed for a proposed 8 ft. x 40 ft. open front porch.

Ron Borchert of Borchert’s Enclosure Systems, Inc. spoke on behalf of the property owner Joel Young. The homeowner, Joel Young, stated Ron Borchert is authorized to speak on his behalf. Mr. Borchert stated that he received a copy of the letter from the Cleveland Water Department regarding the easement encroachment. He said the porch will enhance the look of the home and does not encroach on the neighbors’ view since they are on a cul-de-sac. The Building Commissioner stated the ordinance permits construction on front porches or projections away from the building face of 6 ft. into the front yard and 3 ft. into a side yard. The Building Commissioner stated the site plan shows that being a cul-de-sac it has unique features. The property is a pie shape and pinched in the front, therefore the house is tight up against the front setback line. Mr. Borchert agreed the shape of the lot is the reason the variance is needed.

The Chair stated the variance is the minimum necessary to make possible reasonable use of the land, the character of the neighborhood will not be altered, the variance will not adversely affect the delivery of governmental services, and special conditions and circumstances exists which are peculiar to the land. For those reasons, the Chair stated he supports the variance request. With no further discussion, the Chair adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance to C.O. Section 1260.11(b)(4) and 1270.13(b)(4) of 2 ft. more than the permitted 7 ft. projection allowed in order to construct an 8 ft. x 40 ft. open front porch.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- B. **BZA16-42 – North Coast Sign & Lighting Services Inc. on behalf of property owner Tan Nguyen (Nail Bar / Laser Wash)** is requesting a variance to Chapter 1284 “Signs”, of the City of North Royalton Zoning Code for proposed signage located at **13395 West 130th Street**, also known as PPN: 483-07-006, in a Local Business district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1284.09(b)(1) allows for 91 sq. ft. of signage. Request is for a variance of 47 sq. ft. more than code allows totaling 138 sq. ft. of proposed signage. The additional signage shall be located on a

secondary façade which does not face the street nor contains a main entrance.

Tan Nguyen and Jim Briola were present to speak on the application. Mr. Nguyen said he recently purchased the property which includes the carwash and front retail building; he is the owner of both buildings. He said he invested a lot of money in this building. He said he recently upgraded the parking lot lighting which also helped the safety of the parking area for the Studio 82 business next door. He explained that a nail bar is a new concept where they offer services such as manicures and pedicures but they also have a liquor license so the customers can have a glass of wine.

He said when you are on Royalton Road approaching from Brunswick you cannot identify the building located on West 130th. Mr. Briola stated he supplied a video with the application which shows the traffic route heading north on West 130th Street. A computer was not requested for showing the video; therefore viewing was not possible. He said the front building blocks the view of the rear building which is set way back and the woods on the south block the view when heading north. We are requesting another sign on the side of the front building that shows there is a carwash behind it. The Building Commissioner stated the sign "Nail Bar / Laser Wash and Self Serve", which is the sign they are seeking, would be on the south façade of the building. To the north of the building is residential. He stated that our ordinances prohibit the installation of signage on the sides of buildings. Mr. Nguyen said he is thinking about putting "Laser Wash" on the monument sign but he stated the size is not very big. The Building Commissioner responded that the planned monument sign, which is internally illuminated, will be located in the same location it is now. The monument sign is 7 ft. tall. The plan shows the words Nail Bar but it has two additional blank spots beneath it which would solve the issue of additional signage for the car wash in the back. This meets the City's requirements and is substantially enough in height to be seen. The Laser Wash portion of the sign can be obviated by putting the Laser Wash signage on the monument sign. Two businesses exist in the front building and a car wash is in the back. The City provides use of a monument sign for buildings with multi-tenant plazas.

Mr. Nguyen said the visibility is not good from West 130th and Royalton Road intersection. He wants a sign that would attract the attention of traffic on Route 82 from that distance. He said the sign on the south part of the building is a lot higher and the visibility would attract that attention. He added that signage for the Nail Bar is on the front façade of the building. The Applicant responded that the traffic flow on West 130th is not very high. He said as a business owner putting a sign on the building would help his business tremendously for exposure. The Building Commissioner stated the sign is of substantial size. Ms. Vozar addressed the Applicant stating that City Council enacted a sign ordinance which takes into consideration the business owner. They do not want to have signs that are akin to billboards. She added that one option for new businesses to gain attention is to use temporary signage. Temporary signage allows you the opportunity to do that; however to put up a permanent sign as proposed is more akin to a billboard. Ms. Vozar said if the Applicant wants to get visual from Rt. 82, it is quite a distance. Signage is supposed to let people know where your business is, it is not to divert people's vision when they are driving; signage is not meant to be distracting. The Building Commissioner stated there is more than enough signage that is compliant within our ordinances. The addition of the signage to the south of the building would be a distraction and potential hazard because it is like a billboard; this can be obviated through other means. Mr. Briola stated it does not qualify as a billboard. The Building Commissioner stated in the Local Business District there are no signs on the side of a building except on a corner building that faces two streets which is permitted. Mr. Rohloff stated that the visibility of the sign will be on a very narrow aspect depending on which way you are coming from. The Building Commissioner stated the sign is 25 ft. He explained using the overhead lighting and tile squares in Council Chambers as to the proportion of the proposed sign. Mr. Briola asked what the possibility is of having a sign with smaller letters; he could provide the Board with the necessary art work. The Chair responded if the Applicant agrees, he could come back next month for an alternative, and this could be continued. The Applicant responded as a business owner, he has to have visibility of what and who you are. The business has been there 20 years and most people do not even know a car wash exists in that location. Mr. Rohloff asked the Applicant if the monument sign would be illuminated 24/7. Mr. Nguyen said it would be on a timer and only illuminated at night. Mr. Nguyen and Mr. Briola stated they would be willing to come back next month with an alternative plan.

Moved by Mr. Bull, seconded by Ms. Ragone to continue this until the next meeting on December 15, 2016. Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Continuance granted.**

- C. **BZA16-43 – Robert and Michelle Shaheen** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed addition at **4121 Pine Hill Court**, also known as PPN: 489-27-026 in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.04 (d) “Area, Yard and Height Regulations” and 1270.05 “Schedule of Area, Yard and Height Regulations”. Request is for a variance of 13 feet less than the minimum 60 ft. front yard setback requirement.

Rob Shaheen stated the proposed addition is on the front of their house. He said his mother-in-law will be moving in with them and they would like to build a family room and kitchen area for her. The home is on a cul-de-sac. He stated their home is currently the closest one to the curb at 60 ft. He stated the neighbor is 90 ft. and the other homes on the cul-de-sac are 75 ft. The Building Commissioner asked the Applicant if the entry to the garage faces the rear yard and do the vehicles have to be driven around the side of the home into the rear yard. The Applicant responded yes. The Building Commissioner stated the home layout has a unique configuration; it has limiting factors since they have a sunroom and a pool off the back of the home and it is on a pie shaped lot. The Building Commissioner passed a copy of the topography EXHIBIT A to the Board. He added that it would be hard to do an addition to the home in any location other than the front. The Building Commissioner asked the Applicant where the entry to the future in-law suite would be located. The Applicant responded she would have two options. If she parked in the garage, she could enter the house through the garage or she can enter through a separate man door located to the side of the garage.

The Chair stated granting this variance would not adversely affect the delivery of governmental services, special conditions and circumstances do exist which are peculiar to the land and the structure involved which are not generally applicable to other lands or structures in the same zoning district. The character of the neighborhood would not be substantially altered. Adjoining property owners will not suffer a substantial detriment as a result of granting this variance. The predicament cannot be obviated through some other means other than a variance. He stated for those reasons he supports the variance request. With no further discussion the Chair adopted his findings as the findings of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance to C.O. Section 1270.04 (d) and 1270.05 of 13 ft. less than the minimum 60 ft. front yard setback requirement in order to construct a 17 ft. 1 in. x 12 ft. addition.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- D. **BZA16-44 – NFL Group LLC on behalf of property owner Jacqueline Berger** is requesting a variance to Chapter 1270 “Residential Districts”, of the City of North Royalton Zoning Code for a proposed detached garage at **5854 Bunker Road**, also known as PPN: 489-02-014 in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.12 (b) “Yards for Accessory Buildings and Uses”. Request is for a variance of 7 feet less than the minimum 10 ft. side yard setback requirement for a detached garage.

Nick Lesch with NFL Group, LLC spoke on behalf of Jackie Berger. He stated he is requesting a variance of 3 ft. The property owner has a very narrow lot of 80 feet. They are installing a new driveway and replacing the existing garage with a two-car garage. He stated the original cinderblock garage which they are replacing was built on the property line. If they had to move over the required 10 ft. side yard setback, the garage would need to be further back and it would be in line with the house blocking the view of the entire back yard. A notarized affidavit from the neighbor to the east, Mr. Kilbane who resides at 4818 Bunker Road, was included in submittal packet. It stated he had no objection to the variance request. The Building Commissioner stated the barn/garage which was torn down was located directly on the property line. The Applicant’s desire to move it over 3 ft. is a positive for relocating the detached garage. He added that the parcel is 20 ft. narrower than the typical parcel in a R1-A district. Jacqueline Berger stated she wants to improve her property. The structure which was taken down was a 1930’s cement cinderblock barn that was dangerous and was about to fall down. EXHIBIT B and C show where the garage was along the fence by the temporary orange construction fence. The wood gated fence will go back up. The Applicant will only have a detached garage and a red barn on the parcel.

The Chair stated that the variance is not substantial, the character of the neighborhood would not be substantially altered, adjoining property owners will not suffer a substantial detriment, it will not adversely affect the delivery of governmental services. Special circumstances and

conditions exist which are peculiar to the land because of the narrowness of the parcel. He added that the predicament could not be obviated through any other method other than a variance. With no additional discussion, the Chair adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Ragone to **approve a variance to C.O. Section 1270.12(b) of 7 ft. less than the minimum 10 ft. side yard setback requirement for a detached garage.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

- E. **BZA16-45 – Martin and Kathleen Mone'** is requesting a variance to Chapter 1270 "Residential Districts", of the City of North Royalton Zoning Code for a proposed accessory structure located at **9430 Chesapeake Drive**, also known as PPN: 482-03-044 in a R1-A district. The variance being requested is as follows:

Variance: Codified Ordinance Section 1270.12(b) "Yard for Accessory Buildings and Uses". Request is for a variance of 5 feet less than the minimum 10 ft. rear yard setback requirement for an accessory structure.

The property owners Martin and Kathleen Mone' were present to speak. Ms. Mone' stated they are seeking a 5 ft. variance in order to put up a shed. She said a ravine is located behind their house and they would need to stay off that area and locate the shed in the only flat area available. She said she wants to locate it between the two trees so they would not have to cut the tree down. She stated she spoke to the neighbor and he said he did not have an issue with the requested variance. The Building Commissioner stated that the site slopes almost 7 ft. across the back. The site is a unique lot; it is smaller than what is typical for an R1-A lot which is 100 ft. x 200 ft. deep. This lot is 100 ft. x 170 ft. deep therefore it has 30 ft. less of backyard. They have approximately 50 ft. from the back of their house to the rear property line. A typical R1-A house would have 80 ft. Since they are locating the shed higher up in the flatter section of the yard, he said he does not see any drainage issues.

The Chair stated special conditions and circumstances exist which are peculiar to the parcel which are not generally applicable to other parcels in the same zoning district. He said the variance request is not substantial, it is the minimum necessary to make possible reasonable use of the land, the character of the neighborhood will not be substantially altered, the adjoining property owners will not suffer substantial detriment, this will not adversely affect delivery of governmental services, and the predicament can't be obviated through a means other than the variance. He said he supports the variance request. With no further discussion, he adopted his findings for that of the Board.

Moved by Mr. Bull, seconded by Ms. Sadowski to **approve a variance to C.O. Section 1270.12(b) of 5 ft. less than the minimum 10 ft. rear yard setback requirement for an accessory structure.** Roll call: Yeas: Five. (Rohloff, Ragone, Bull, Kasaris, Sadowski). Nays: None. **Variance granted.**

ADJOURNMENT:

Moved by Mr. Bull, seconded by Ms. Ragone to **adjourn the BZA meeting of November 29, 2016.**
Motion carried.

Meeting adjourned at 8:00 p.m.

APPROVED: /s/ Dan Kasaris
Chairman

DATE APPROVED: December 15, 2016

ATTEST: /s/ Diane Veverka
B.Z.A. Secretary