The **Board of Zoning Appeals** of the City of North Royalton met on **January 28, 2014** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Dan Kasaris at 7:00 p.m.

Present: Chairman Dan Kasaris, Anthony Rohloff, Robert Jankovsky, Victor Bull, Dale Gauman, Assistant Law Director Donna Vozar, Building Commissioner Dan Kulchytsky, Secretary Lynn Brinkman.

Mr. Kasaris: Before we move forward I would just like the Board to know that the Mayor has proposed that the Architectural Review Board be done away with. I am in support of this for this will then be one less Board for our businesses to have to come to. As a result of this any variances from the residential code which needed to also go before the Architectural Review Board will come before the Board of Zoning Appeals. We do not anticipate that many. Most of the variances that had to come before both Boards had to do with signs and there were not that many of them. This will go before Planning Commission first and then before Council. Does anyone have any questions?

Mr. Rohloff: When should this take effect?

Ms. Vozar: As soon as Council passes it. As soon as City Council votes on the pending legislation it would then go into effect. I believe that it is on the Planning Commission agenda for tomorrow so it could be before Council next Tuesday.

Mr. Kasaris: We have two items on the agenda. One is under Old Business. For anyone who has never attended a Board of Zoning Appeals meeting we are a quasi-judicial board. If you are here to speak either for or against an application we are required by law to put you under oath or to swear you in. The testimony that we take must be given under oath. I think that we are the only board that must do so. May we then have a motion to approve the November 21, 2013 Minutes as submitted.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **approve the Minutes from November 21, 2013 as submitted.**

Mr. Kasaris: Will the clerk please call the roll.

Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.

Ayes – all. Nays – none.
Motion carried (5-0). **Minutes are approved.**

Mr. Kasaris: May I have a motion to remove the first item under Old Business, BZA13-19, from the table.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **remove BZA13-19 from the table.**

Mr. Kasaris: Will the clerk please call the roll.

Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.
Mr. Rohloff: Yes.

Ayes – all. Nays – none.
Motion carried (5-0). **Item removed from the table.**

Public Hearing / Open Meeting

Old Business:

(BZA13-19) Steven R. Krauth requests 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 side yard setback** requirement for an **accessory building** he wishes to construct on his property located at **6180 Bellarmine Drive,** in a R1-B zoning district, **also known as PPN: 488-01-058.**

Mr. Kasaris: If you recall our last meeting regarding this matter the applicant agreed to amend the variance request so that the structure would be located 3 feet from the side property line, thereby requiring a variance of 5 feet. (Addressing the Building Commissioner) Do you have any input with respect to this matter?

Mr. Kulchytsky: The previous discussion on this matter had started to lean towards the issue of size. Since that meeting I have reviewed the size of the proposed structure and found it to be compliant to the amount of square footage that he is permitted to have. So the square footage or size of this structure is not an issue. There is a swale that exists across the property that would have his drainage go towards his shed if he had to comply fully with the setback required. The 3 foot setback would be an acceptable option and this Board has entertained that option previously. The applicant could place his structure fully in compliance with the Code; however, I feel that the structure would then appear out of character with the neighborhood due to the fact that it would be constructed in a strange, elongated shape.

Mr. Kasaris: Does anyone have any questions for the Building Commissioner or the applicant?

Mr. Rohloff: Is the variance for 2 feet or 3 feet?

Mr. Kulchytsky: The applicant had previously considered placing the shed 3 feet from the property line bringing the structure closer into compliance with the Residential Code of Ohio. There is a fire rating that occurs when it is placed within 3 feet of the property line.

Mr. Rohloff: So what is the amount of the variance being requested?

Mr. Kasaris: The applicant agreed to locate the structure 3 feet from the side property line; therefore, a variance of 5 feet would be required.

Ms. Vozar: Is the applicant here? If you would please re-state that for the record.

Mr. Krauth: My name is Steve Krauth and I do agree to amend my application to read that the structure would be located 3 feet from the side property line.

Ms. Vozar: Okay.

Mr. Kasaris: May I have a motion to approve BZA13-19.

Moved by Mr. Bull, seconded by Mr. Jankovsky to **grant a variance of 5 feet less than the required side yard setback as prescribed in Section 1270.12 (b) and Section 1270.05 of the Zoning Code with regard to the location of this proposed accessory building.**

Mr. Kasaris: Based upon what we had heard back in November and based upon the statements of the Building Commissioner it is my opinion that the granting of this variance will not affect the delivery of governmental services. The variance will actually be in compliance with the character of the neighborhood. There are some topographical issues, such as with the swale, that creates a need for the variance. Anyone else?

Mr. Rohloff: I want to thank Mr. Krauth for working with us on this variance request. I plan on approving this tonight.

Mr. Kasaris: For the findings of fact I will adopt my previous statement as to why this variance should be granted. I will also state for the record that there was no opposition from any of the applicant's neighbors and in fact there was one neighbor who supported his request. Will the clerk please call the roll.

Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.
Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.

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

Ms. Brinkman: Just a reminder that you will still need to apply for a building permit through the Building Department.

New Business:

(BZA14-01) Leslie and Melissa Foldesi request a variance to **Chapter 1270 "Residential Districts", Section 1270.12 "Yards for Accessory Buildings and Uses", paragraph (b)** and **Section 1270.04 "Area, Yard and Height Regulations", paragraph (g),** of the City of North Royalton Zoning Code, to allow relief from the **maximum height** requirement and relief from the requirement **so as to allow this proposed detached garage to be located in the front yard and less than twenty feet from the residence,** for this **detached garage** they wish to construct on their property located at **11400 Drake Road, also known as PPN: 484-11-007.**

Ms. Brinkman: 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 will recognize anyone in the audience wishing to be heard.

Mr. Kasaris: Are the applicants here? Could you please raise your right hand. Do you swear that the testimony that you are about to give tonight is the truth, the whole truth and nothing but the truth?

Mr. Foldesi: I do. My name is Leslie Joseph Foldesi. We are requesting the variances due to some restrictions relating to the topography of our property. One of the variances being requested relates to the location of the accessory structure. We want to place it in front of our home. The second variance has to do with the height restriction for accessory structures. The third variance relates to the distance of the structure from our dwelling.

Mr. Kasaris: What are the topography problems that lead you to wanting to place this structure in the front yard of your property?

Mr. Foldesi: From the back of our house to the back of our property line there is a significant downward slope. It was measured out and there is a little over 6 feet of difference between where the driveway ends to where we had initially considered locating the garage in the back yard. That results in a couple of different issues with regard to water drainage around the building and safety issues as far as being able to get my recreational vehicles in and out.

Mr. Kasaris: So you are looking at about a 6 foot slope.

Mr. Foldesi: That is correct. It would be a downward slope from the end of my driveway to the location of the detached garage.

Mr. Kasaris: In our packets you provided us with an aerial view of your property. For the record please describe to us what we are looking at.

Mr. Foldesi: My property is the section enclosed within the red box. The driveway goes along the right property line.

Mr. Kasaris: What is to the right and to the left of the box?

Mr. Foldesi: Those are the homes on either side of our property.

Mr. Kasaris: What is the structure that is located at the end of the driveway?

Mr. Foldesi: That is a shed that is going to be removed. That is about a 12' x 16' shed.

Mr. Kasaris: So you will be removing that shed and you will be constructing a new structure in the area where the "A" is indicated on your aerial view. Could you please approach us to explain this aerial view. (A brief discussion ensued.) So the house is facing east and is located behind the letter "A" on this page. The shed that you want to tear down is currently located at the end of the driveway.

Mr. Foldesi: That is correct.

Mr. Kasaris: Where do you want to place this new structure in reference to this box?

Mr. Foldesi: It will be located to the left of the trees on the aerial diagram.

Mr. Kasaris: What causes the need for the structure to be located as such?

Mr. Foldesi: We have a one-car, attached garage on the current home. We have two vehicles and I have a 22 foot recreational vehicle / camper, a small 17.6 foot fishing boat and a truck. I would like to be able to get all of these out of the weather, stored inside and out of site.

Mr. Kasaris: So you want to be able to put the camper, the boat, the truck and the vehicles in the new structure.

Mr. Foldesi: That is correct.

Mr. Kasaris: Any other questions?

Mr. Rohloff: For my clarification could you just briefly describe what you and the applicant are talking about.

Mr. Kasaris: In Exhibit A you have an aerial view that is hi-lighted with a rectangular box. On the right hand side there is a driveway and at the end of the driveway there is a shed which the applicant is going to remove. Looking at this view from Drake Road you see a row of trees to the left of the driveway. The proposed structure is to be located to the right of the "A" indicated on this diagram and to the left of the trees located by the driveway. It will be located in the green area depicted on the diagram.

Mr. Rohloff: Okay. It will be a detached garage.

Mr. Foldesi: Yes.

Mr. Rohloff: It will be about the same size as your house.

Mr. Foldesi: It will be smaller.

Mr. Rohloff: About how much smaller?

Mr. Foldesi: It will be a little less than one half of the size of the house.

Mr. Rohloff: Okay.

Mr. Kasaris: What is the square footage of the house?

Mr. Foldesi: The house is approximately 1,894 square feet.

Mr. Kasaris: (Addressing the Building Commissioner) Do you have anything to add?

Mr. Kulchytsky: The site is rather unique. It does have an odd configuration. It appears that the house was built prior to the subdivision of the land around it thereby creating a house that is located in back of the adjacent houses on either side. The setbacks of the adjacent houses are located much further forward. This house has very little rear yard. Most of the property is located in the front and at the side of the house. The applicant came to the Building Department with his contractor and we discussed various options. We feel that this is an appropriate solution. The applicant did agree to add windows to the front of the structure to make it look like more of a residence. I would further request that they add some ornamental grill at the top to fill in the large area of vinyl siding. It would then, in essence, blend in better with the adjacent houses.

Mr. Kasaris: Do you see any issues with the applicants locating the structure as they have proposed?

Mr. Kulchytsky: No.

Mr. Kasaris: Will this be facing the street?

Mr. Foldesi: The front of the detached garage will be facing east and the end of the garage will be facing the street.

Mr. Kasaris: (Addressing the Building Commissioner) Will the structure be located as far back as the neighboring houses?

Mr. Kulchytsky: Approximately as far back and possibly setback a little further back from the adjacent houses so it will not be out of character with them.

Mr. Kasaris: Thank you.

Mr. Rohloff: (Addressing the Building Commissioner) What is the fire code with regard to the offset between the buildings?

Mr. Kulchytsky: As far as the Ohio Building Code, the Residential Code of Ohio, there is no minimum or maximum distance between a detached garage and a residence.

Mr. Rohloff: So 15 feet is alright.

Mr. Kulchytsky: That is acceptable. As far as the Residential Code of Ohio you could be 2 feet or 15 feet, it would not matter.

Mr. Rohloff: I also have a question about the downspouts discharging into the French drain. It seems that it would be reasonable for this property. We are always concerned about the neighboring properties and drainage issues. Do you feel that there will be any issue with that?

Mr. Kulchytsky: The Engineering Department would of course review the proposal for the French drain and they will give specifications that would accommodate the downspout sizing. The applicant would have to comply with any Engineering requirements regarding storm drainage.

Mr. Rohloff: My concern is that there will be more surface area being altered and more water going into the drain than there would be without the structure.

Mr. Kulchytsky: I do not anticipate any problems. Again, our Engineering Department will review the plans and make their recommendations. We would not approve the plans if the storm water design would be detrimental to the neighbors.

Mr. Rohloff: Thank you.

Mr. Bull: The applicant will also be removing the current shed.

Mr. Rohloff: Right.

Mr. Bull: Your neighbors do not have any problems or concerns with your variance requests?

Mr. Foldesi: No. Not that I am aware of.

Mr. Bull: It will not impact your septic system at all?

Mr. Foldesi: No.

Mr. Bull: Thank you.

Mr. Kasaris: Anyone else wishing to be heard on this item? (No response.) We will then move forward. We have three (3) variances being requested with regard to BZA14-01. May I have a motion with respect to the first variance being requested.

Variance #1:

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance of 2'-2" more than the maximum height allowed for a detached garage as per Section 1270.04 (g) of the Zoning Code.**

Mr. Kasaris: Any discussion? (No response.) I find that the testimony that you have given and the evidence that you have presented tonight has shown that what you want to do is not out of character with the neighborhood. The detached garage will be located back a little farther than your neighbor's homes on either side. The topography of the land, something that you have no control over, results in the need for a variance. The neighborhood will look better without the RV, the boat and the cars being stored outside. The granting of this variance will not affect the delivery of governmental services. This is a large piece of land. It is more rural. I will be supporting this variance request. Anyone else?

Mr. Bull: I concur.

Mr. Kasaris: For the Board I will adopt the statements that I have made as the findings of fact with regard to Variance #1. Will the clerk then please call the roll.

Mr. Gauman: Yes.
Mr. Kasaris: Yes.
Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.

Ayes – all. Nays – none.
Variance #1 granted (5-0).

Mr. Kasaris: I will then entertain a motion with regard to Variance #2.

Variance #2:

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance from Section 1270.12 (b) of the Zoning Code so as to allow the applicants to locate this proposed detached garage in the front yard of their property. This would result in a 15 foot encroachment into the front yard.**

Mr. Kasaris: Any discussion? (No response.) For the Board I will adopt the findings of fact that I made with regard to Variance #1. Will the clerk please call the roll.

Mr. Kasaris: Yes.
Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.

Ayes – all. Nays – none.
Variance #2 granted (5-0).

Mr. Kasaris: I will now entertain a motion with regard to Variance #3.

Variance #3:

Moved by Mr. Jankovsky, seconded by Mr. Bull to **grant a variance from Section 1270.12 (b) of the Zoning Code so as to allow the applicants to locate this proposed detached garage 5 feet from their dwelling which is less than the minimum distance required.**

Mr. Kasaris: Any discussion? (No response.) I will again adopt the same findings of fact that I mentioned for Variance #1 and #2, namely having to do with the topography and the fact that this will not be out of character with the neighborhood. It will not adversely affect the delivery of governmental services. Typically we frown upon constructing a structure in the front yard but in this case, because of the neighborhood and the 6 foot drop in your back yard, the Board supports your final request for a variance. Any additions or subtractions? (No response.) Will the clerk please call the roll.

Mr. Rohloff: Yes.
Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.

Ayes – all. Nays – none.
Variance #3 granted (5-0).

Mr. Kasaris: Anything else? I will then entertain a motion to adjourn the meeting.

Moved by Mr. Rohloff, seconded by Mr. Jankovsky to **adjourn the B.Z.A. meeting for January 28, 2014.**

Mr. Kasaris: Clerk, please call the roll.

Mr. Jankovsky: Yes.
Mr. Bull: Yes.
Mr. Gauman: Yes.
Mr. Kasaris: Yes.
Mr. Rohloff: Yes.

Ayes – all. Nays – none.
Motion carried. The Board of Zoning Appeals Meeting adjourned at 7:25 p.m.

Approved: _____/s/ Dan Kasaris_____
Chairperson

Date: _____March 25, 2014_____

Attest: _____/s/ Diane Veverka____
B.Z.A. Secretary