

The Board of Zoning Appeals of the City of North Royalton met on **April 28, 2008**, to hold a Public Hearing, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 8:00 pm

Present: Chairman Neil Price, John Ranucci,
Paula Recker, Tony Caraballo, Councilman Dan Kasaris,
Prosecutor Donna Vozar, Zoning Inspector Joe Hartman,
Assistant City Engineer Dan Collins, Secretary Julie Broestl.

(BZ08-09) Michael Margevicius requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations**, of the City of North Royalton Codified Code, for relief from the required **side yard setback** for an **accessory structure** that he wishes to construct on his property located at **14160 Heather Lane, PPN: 487-09-005**.

Mr. Michael Margevicius approached the microphone.

Chairman Price: 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. Margevicius: I do.

Chairman Price: State your name and address.

Mr. Margevicius: My name is Mike Margevicius and my address is 14160 Heather Lane. I never did this before so I need some help here.

Chairman Price: Relax and just tell these folks what you want to do.

Mr. Margevicius: Okay. We are doing a backyard renovation. Part of the backyard renovation includes the construction of a shed. The backyard renovation has other parts that include an attached gazebo to the back of the house, a stamped patio of concrete, and adding a small water fall with a pond, a small fire pit, and then this shed. Because of the size of the lot and the location of the lot, we have a corner lot, and a small backyard. We are constrained on space and the majority of the property is in the front. If you looked at the plot plans you probably saw that. So, we want to put the shed as part of this entire backyard renovation. If we were to move it the full 10-feet off we would be constrained on what some of our other plans are. In addition to that there are drainage issues regarding the way the water swales down to the sides of the property line. By moving the shed back and toward the edge we can help divert some of the water that comes back towards the back of the house. Those are some of the bigger things that we have going on. Any questions?

Chairman Price: Thank you. If there are questions it will be on the second half of the meeting. Can I have a motion to refer this to the open meeting?

Moved by Paula Recker, seconded by Dan Kasaris, to move BZ08-09 to the regular order of business.

Chairman Price: Call the roll.

Dan Kasaris: Yes.
Chairman Price: Yes.
Paula Recker: Yes.
John Ranucci: Yes.
Tony Caraballo: Yes.

Ayes – all. Nays – none.
Motion carried. (5-0)

(BZ08-10) Michael and Alice Walsh request a variance to **Chapter 1286 “Design Standards”, Section 1286.02 and 1286.03**, of the City of North Royalton Codified Code, for relief from the required **access to an existing public street** for the **lot split** of this **vacant land** located at **PPN: 482-03-005 York Road**.

Chairman Price: Anyone wishing to speak?

Mr. Michael Walsh approached the microphone.

Chairman Price: 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. Walsh: I do.

Chairman Price: State your name and address.

Mr. Walsh: Michael Walsh, 9066 York Road.

Chairman Price: Are you going to speak also?

Richard Plant approached the microphone.

Mr. Plant: Yes. Richard Plant. 9163 York Road.

Chairman Price: 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. Plant: Yes I do.

Chairman Price: Yes sir.

Mr. Walsh: We are trying to get a variance so I can split these lots up.

Mr. Plant: If you look at the diagram I own the home at 9163 York Road and it has approximately two acres. I'm looking to add onto my yard by buying additional property directly behind my property, and some of the neighbors on Potomac want to add onto their backyards. So, it would end up that two-thirds of the property would still be vacant which has access through Shenandoah. So, really it's just making that a smaller piece of nonconforming land smaller. We are not trying to change the way it is set up now but we are just trying to make our backyards a little bit bigger. More green space.

Mr. Walsh: We want to attach each parcel to their lot. Does everyone understand that?

Chairman Price: Anyone else? Thank you.

Mr. Dan Rusek approached the microphone.

Chairman Price: 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. Rusek: I do.

Chairman Price: Name and address please.

Mr. Rusek: Dan Rusek. I live at 9486 Potomac Drive. My property is adjacent to the property that Mr. Walsh is interested in selling, and I am one of the interested buyers and we are very interested in being able to extend our lot to expand the green space so that we don't have people building homes behind us. Thank you.

Chairman Price: Anyone else? Do I have a motion to refer BZ08-10 to the open meeting?

Moved by Dan Kasaris, seconded by Paula Recker, to move BZ08-10 to the regular order of business.

Chairman Price: Call the roll.

Paula Recker: Yes.
Dan Kasaris: Yes.
Chairman Price: Yes.
Tony Caraballo: Yes.
John Ranucci: Yes.

Ayes – all. Nays – none.
Motion carried. (5-0)

(BZ08-11) Ellet Sign Company and Timber Ridge Plaza request a variance to Chapter 1284 “Signs”, Section 1284.10 “Location and Supplementary Area Regulations for Signs in Business Districts”, paragraph (d)(BZ08-11) Ellet Sign Company and Timber Ridge Plaza request a variance to Chapter 1284 “Signs”, Section 1284.10 “Location and Supplementary Area Regulations for Signs in Business Districts”, paragraph (d), and Section 1284.03 “Classifications and Definitions”, paragraph (c)(2)(A), of the City of North Royalton Codified Code, for relief from the amount of signage allowed and height requirements for the proposed signage at Timber Ridge Plaza located at York Road and Sprague Road, PPN: 482-01-011 and 482-01-001.

Mr. Albert Hadadd approached the microphone.

Chairman Price: 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. Hadadd: I do.

Chairman Price: Name and address please.

Mr. Hadadd: Albert Hadadd. 3041 East Waterloo Road, Akron, Ohio, 44312. The request is for the number of ground signs. Two on Sprague Road, at the main entrance, and two on York Road, which we would consider the main entrance to Timber Ridge Plaza. It is part of a Plaza make over and we want to retain those four signs. The second part of the request is for the height. The two existing signs that read Timber Ridge are both eight-feet high, again one on York and one Sprague. The replacement signs would be the same size and height and same location as the existing.

Chairman Price: You said same size and height?

Mr. Hadadd: Same square footage is what I mean. Same height, same width, which means the same square footage. 8 x 10 or 80-square feet and the same location.

Chairman Price: That’s it?

Tom Jordan approached the microphone.

Mr. Jordan: Tom Jordan with the City of North Royalton. Normally, we do not support typically this many ground signs, but it’s a unique nature of the size. It is the second largest commercial strip in the City of North Royalton. It fronts both York and Sprague. Major tenants who take up over third to half the space in the site is Regos, as did Topps, requires separate signs. We also encourage the owner to do a larger sign in order to

accommodate the various tenants within the development. The Timber Ridge sign, which had only read Timber Ridge before, will now have all the tenants listed within the center. That is an effort to reduce the number of signs that would over all be allowed, or possibly be allowed, out on the street. So, it's just a unique nature of the size and the unique nature of the site requires this number of signs. Thank you.

Chairman Price: Thank you. Anyone else? Do I have a motion to move to the open meeting?

Moved by Paula Recker, seconded by Dan Kasaris, to move BZ08-11 to the regular order of business.

Chairman Price: Call the roll.

Tony Caraballo: Yes.
Chairman Price: Yes.
Dan Kasaris: Yes.
John Ranucci: Yes.
Paula Recker: Yes.

Ayes – all. Nays – none.
Motion carried. (5-0)

Public Hearing was adjourned at 8:16 p.m.

The Board of Zoning Appeals of the City of North Royalton met on **April 28, 2008**, to hold an Open Meeting, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 8:17 pm

Present: Chairman Neil Price, John Ranucci, Paula Recker, Tony Caraballo, Councilman Dan Kasaris, Prosecutor Donna Vozar, Zoning Inspector Joe Hartman, Assistant City Engineer Dan Collins, Secretary Julie Broestl.

Chairman Price: We need to make a motion to excuse Paula Recker and Dan Kasaris.

Moved by John Ranucci, seconded by Neil Price, **to excuse Paula Recker and Dan Kasaris, from voting on the minutes of March 31, 2008.**

Chairman Price: Call the roll.

Chairman Price: Yes.
Tony Caraballo: Yes.
John Ranucci: Yes.

**Ayes – all. Nays – none.
Motion carried. (3-0)**

Chairman Price: I need a motion to approve the minutes of March 31, 2008.

Moved by John Ranucci, seconded by Tony Caraballo, to approve the minutes of March 31, 2008.

Chairman Price: I have a motion and a second, call the roll.

Chairman Price: Yes.
John Ranucci: Yes.
Tony Caraballo: Yes.

**Ayes – all. Nays – none.
Minutes approved. (3-0)**

Chairman Price: Now under old business.

(BZ08-07) Cristina Lungociu / Italgranite requests a variance to **Chapter 1284 “Signs”, Section 1284.12 “Location of Signs in Industrial Districts”, paragraph (a)**, for relief from the **allowed signage** that she wishes to display on this property which is located at **11683 Royalton Road, PPN: 483-18-011.**

Mr. Peter Bruckner approached the microphone.

Mr. Bruckner: Peter Bruckner. I am the owner of the property. 3588 Greenview Drive, Medina.

Chairman Price: Could 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. Bruckner: Yes I do. There is a sign out there now and for the past twenty years with the sign on the same posts. That is some kind of problem. I just came home. I drove all the way from Florida to get here. I really don't know what's going on with this whole thing. There is some kind of letter that I have here. If you need a sign or something you need a written notice and we never got a written notice why they don't like the sign. We have two signs. One from Sportstown and this. It is a U-shaped building and about 200-feet in the back. They could see that sign and where the shop is, and that is why they put the signs there. I want to know why I'm not allowed to have the signs there. I don't know why okay.

Chairman Price: Donna, would you care to comment?

Mrs. Vozar: Sir, just so you understand. There is only one ground sign allowed on your lot and that is why this matter is before us here. You have two tenants, is my understanding, and you are allowed to have one ground sign. Unfortunately, the one ground sign that is there is being taken up by one of your tenants. Your tenant has now made application to put up another ground sign, so a variance is required. You are only allowed one ground sign on that property.

Mr. Bruckner: Are there rules or are do you make up the rules?

Mrs. Vozar: There are rules.

Mr. Bruckner: I would like to see those rules. I need them on paper.

Mrs. Vozar: I would be happy to give you a copy of the Code. It is actually 1284.12. I will be happy to give you a copy of the Code. The reason that you are here is that the Board of Zoning Appeals can grant variances to the Code. Which means, your tenant has made a request to this Board to ask to allow two signs on that property. In order for that to happen evidence has to be brought to this Board, through testimony, and there are various factors that this Board determines whether or not you presented that and that you have carried your burden. In this case the only evidence that we have heard is from you. The applicant did not speak at the last meeting, I believe, because it was tabled. So, usually the applicant comes forward and talks about why.

Mr. Bruckner: I heard just in front of me that they want two signs too. But, I should have had something in writing so that I could go after. Right now I know what to do, so I need a little time to get this thing organized.

Mrs. Vozar: Are you requesting that this be tabled so that you have an opportunity to come back next month?

Mr. Bruckner: Yes.

Mrs. Vozar: We can only hold our cases for so long. If we can't go forward tonight the Board is going to have to vote it down if we don't have sufficient evidence. Of course you could come back before the Board. There are requirements that you would need to do. You would have to come back before the Board at a different date, unless you want to come and present your evidence today.

Mr. Bruckner: I can not. Like I said I drove all day to get here.

Mr. Kasaris: Mr. Chairman. Is the applicant here or is the tenant here?

Mrs. Vozar: She is right there.

Mr. Kasaris: M'am, could you approach the microphone please?

Mrs. Cristina Lungociu approached the microphone.

Mr. Kasaris: Have the Chairman swear you in, and I have a couple of questions for you since you are here.

Chairman Price: Could 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?

Mrs. Lungociu: Yes.

Mrs. Kasaris: May I Chairman Price?

Chairman Price: Yes. Your name please.

Mrs. Lungociu: Cristina Lungociu, and my company name is Italgranite.

Mr. Kasaris: What does your company do?

Mrs. Lungociu: Granite and marble fabrication.

Mr. Kasaris: Granite and marble fabrication. How many employees do you have?

Mrs. Lungociu: We have only two.

Mr. Kasaris: Why do you need the sign?

Mrs. Lungociu: When people ride down the street they need to see what we are doing there.

Mr. Kasaris: So that people will know where you are located at.

Mrs. Lungociu: Sure.

Mr. Kasaris: How long have you been there?

Mrs. Lungociu: December of last year.

Mr. Kasaris: December of last year. Where do you want to put the sign at?

Mrs. Lungociu: In the front of the building.

Mr. Kasaris: Where in the front of the building?

Mrs. Lungociu: Close to the street because the building is in an L-shape. We are in the L-short and really far from the street. If I put it only on the building the people will not see it from the street.

Mr. Kasaris: How large of a sign do you wish to place there?

Mrs. Lungociu: I already have the sign.

Mr. Kasaris: Do you know what the size of it is?

Mr. Bruckner: The sign is 3-feet by 4-feet.

Mr. Kasaris: Mr. Hartman, is there a problem with the size of the sign itself?

Mr. Hartman: It is a V-shaped sign. It is 3-feet by 4-feet. The Building Department, size wise, would have no problem with it. The problem is naturally the two signs.

Mr. Kasaris: Where is your address posted at, on the building?

Mrs. Lungociu: Yes.

Mr. Kasaris: Do you want to put the address on the sign?

Mrs. Lungociu: I already did, but if it is a problem I can...

Mr. Kasaris: So, you need the sign so that when people are looking for you they know where you are located at, because you are set farther back, correct?

Mrs. Lungociu: Yes.

Mr. Kasaris: Without it you feel that it would harm your business, is that correct?

Mrs. Lungociu: Yes.

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: There is a third business in the building, correct?

Mr. Bruckner: Yes.

Mrs. Recker: Mr. Chairman. I would like to suggest to the Board, that due to the confusion and it was wonderful that the owner drove all the way up from Florida, what I would suggest is that we do what the Board needs to do with this application tonight, and I would suggest that the owner of the building, Mrs. Vozar, and Mr. Jordan, get together and decide how they want to handle signage on that property, seeing as it seems the time to correct that. Then have this applicant and this owner come back to us on reconsideration.

Mr. Ranucci: Mr. Chairman. I have a question for Donna. The existing sign that is there for Sportstown, basically is where the problem is that they took the requirements for the other two tenants and went ahead, being first in, and put up a big sign.

Mrs. Vozar: With the consent of the owner of the property, yes.

Mr. Ranucci: That's what I was getting at. The owner knew that the sign was put up already. So, in essence he created this problem.

Mrs. Vozar: It is part of the sign application. The property owner has to be aware of it. The problem, obviously, that we are going to have with this is that there is going to be a third tenant, while this Board again, precedent, all the cases are unique, in this case you might actually have three signs on one lot. I do think that this is something that needs to be reviewed. One of the reasons why the ARB reviewed this actually thought that it was a good idea for the property owner to be involved so that there would be some coordination of signage on this property. That is what the goal is, is to get coordination between all the tenants. Otherwise, theoretically, you could be precluding the third tenant from having any signage what-so-ever, because it would be so over signed.

Mr. Bruckner: The third tenant doesn't want a sign.

Mrs. Recker: This particular tenant may not but, possibly in the future, a tenant might. I still stand on my suggestion that we do what we need to do, and Mrs. Vozar and Mr. Jordan get together with the owner of this property and also the tenant.

Mrs. Vozar: We would be happy to do that.

Chairman Price: Would you be withdrawing your application tonight?

Mr. Bruckner: Like I said, I don't know what is going on and what I need or should do. I have to talk to Sportstown and see if they could put a sign underneath, to raise their sign and put a sign underneath.

Mrs. Vozar: Mr. Chairman. M'am, is your sign still up?

Mrs. Lungociu: Yes.

Mrs. Vozar: That's right. That would let her have her signage up until this matter is resolved and can be worked out. Sir, what the Chairman is asking you is two things. One, the Board could go forward and vote this matter tonight and based on the evidence may vote it down. Would you prefer to just withdraw your application and both of you would need to consent to that. Basically, meaning that you don't want the Board to hear this and then you would come back at a different date.

Mr. Bruckner: We will come back at a different date.

Mrs. Vozar: The reason why the Chairman is asking you that is because you can't come back next month if this Board goes forward and denies your application. Unless there has been a substantial change in your application, that is what the Code is saying. If you would withdraw your application you wouldn't have that problem when you would come back. That is why the Chairman is proposing that.

Mr. Bruckner: I would like to withdraw it. The sign can stay up?

Mrs. Vozar: That is up to the Building Commissioner to deal. But we would be happy to meet with you, the property owner, and the tenant to discuss all that. But I need both of you to state for the record that you are withdrawing your application at this time, if that is what you intend to do.

Mr. Bruckner: Okay. So, we would have to go together with Mr. Jordan to figure out what we have to do.

Mrs. Vozar: Yes. So, you are withdrawing your application at this time?

Mr. Bruckner: Yes.

Mrs. Lungciou: Yes.

Mrs. Vozar: Great. Okay, thank you.

Chairman Price: Thank you very much. **BZ08-07 has been withdrawn.**

New Business

(BZ08-09) Michael Margevicius requests a variance to **Chapter 1270 "Residential Districts", Section 1270.05 "Schedule of Area, Yard and Height Regulations**, for relief from the required **side yard setback** for an **accessory structure** that he wishes to construct on his property located at **14160 Heather Lane, PPN: 487-09-005**.

Moved by Paula Recker, seconded by Dan Kasaris to **approve a variance of 5-feet less than the side yard setback requirement as prescribed in Section 1270.05 of the Zoning Code with regards to this proposed accessory structure.**

Chairman Price: I have a motion and a second. Discussion?

Mrs. Recker: Mr. Chairman.

Chairman Price: Paula.

Mrs. Recker: I find that this variance is feasible and should be granted, or at least I will be voting for it. Based on the fact that it would give applicant more beneficial use of his property. I did not see any drainage problems either. I would like to thank the applicant for such a wonderful application, it was nicely put together. In regards to that this whole project that he is doing will enhance the character of the neighborhood.

Mr. Ranucci: Mr. Chairman. I would have to agree with Paula. When I went to look at the property I saw a certain amount of hardship with the shed extending out into the back yard, since it is a pie-shaped property. So, I will be approving this variance also.

Mr. Kasaris: Mr. Chairman. I concur with my colleagues on the Board that the application should be granted.

Mr. Caraballo: Mr. Chairman. I think what the applicant proposes to do back there will enhance the property quite nicely. Also, he discussed where he intends to put up his shed and he was going to help with the drainage over there, so I think it will actually benefit everybody around over there. I will be voting yes on this.

Chairman Price: I will agree with everyone. The location of the shed appears to be just about the only location and with the landscaping I don't think that it will have any effect on the aesthetics of the neighborhood. I will be in favor of this. Now, for the new procedure.

Mrs. Vozar: Yes. I would like to present for the Boards consideration the following findings of fact on this variance. The applicant was present and testified. The variance is located at 14160 Heather Lane. They are requesting a variance to 1270.05; regarding the setback. The evidence presented to the Board was the reason to take into consideration the existing condition of the property, the shaping of the lot was peculiar to this zoning district. As a result the requirement for this variance has established the practical difficulty standard since it is an area variance. There is no detriment to any adjoining property. It doesn't change the character of the neighborhood. It will have no effect on the governmental services. Therefore, based on the evidence presented the applicant has established practical difficulty pursuant to North Royalton Code. If there is anything else the Board would like to modify, delete, change from those findings of fact, they are free to do so at this time.

Chairman Price: Any change, conditions? Call the roll.

Dan Kasaris: Yes.
Paula Recker: Yes.
Chairman Price: Yes.
John Ranucci: Yes.
Tony Caraballo: Yes.

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

(BZ08-10) Michael and Alice Walsh request a variance to Chapter 1286, Section 1286.02 Section 1286.03, for relief from the required access to an existing public street for the lot split of this vacant land located at PPN: 482-03-005 York Road.

Moved by Paula Recker, seconded by John Ranucci to **approve a variance for relief to allow a one time variance on this nonconforming lot as prescribed in Section 1286.02 and 1286.03 of the Zoning Code so as to allow the applicants to go forward with their lot split.**

Chairman Price: We have a motion and a second. Discussion?

Mr, Kasaris: Yes. The way the motion was phrased allowing a one time variance for this lot, if the owner wants to come back and sell off another parcel, that would be something he would have to do in that particular point in time. I don't think it needs to be stated a one time variance in the motion.

Mrs. Recker: Per the Law Director, or Mrs. Vozar, that is what she told me to put in this motion.

Mrs. Vozar: We generally do that just so that the applicant is clear and the record is clear so that the variance is not an ongoing variance. Where anytime they seek to make a change to the nonconforming lot, we want to make sure that this is clear and a one time variance on nonconforming. Otherwise the language could read that it is a variance to allow them to do lot splits on the property whenever they would want. We just want to make it clear. It is on the application and before the Board today. Obviously, if they want to come back and do this again they would need to do so.

Mr. Kasaris: Thank you.

Chairman Price: Question to the Law Department. By virtue of the fact that the property is split, and split into many pieces, is there any guarantees or requirements upon the potential buyers, that they would have to incorporate these added parcels to theirs. Or, would we now have a whole series of little parcels, individual parcels, as back lots, so to speak?

Mrs. Vozar: Obviously, this matter is still pending before Planning Commission, I'm assuming. Can the applicant come forward. Obviously, lot splits need to go before Planning Commission. Is this matter still pending before Planning Commission?

Mrs. Walsh: We understood that this would be the last meeting that we would have.

Mrs. Vozar: You are not on the agenda for Planning for a lot split?

Mrs. Walsh: They tabled it.

Mr. Walsh: Brenda said that she didn't think we would have to go to any other meeting.

Mrs. Walsh: Someone told us that after we set this meeting up that it would be our last meeting that we would have to come to.

Mrs. Vozar: Usually what happens with a lot split is, it goes to Planning Commission and they approve it at that time. If there is an issue where a variance is needed it comes before the Board of Zoning Appeals and then back to Planning Commission to get their approval. I'm not sure what Brenda had told you. But, anyway, what will happen with this is the Board can make a conditional grant of this variance based on the sales going through. Because otherwise we would be creating a lot of little nonconforming lots that did not front property. Have you entered into contracts with all these people?

Mr. Walsh: They said that they were going to put it on each parcel because the one parcel wouldn't

Chairman Price: Who is they, Planning Commission?

Alice Walsh approached the microphone.

Mrs. Vozar: Has everyone been sworn in?

Chairman Price: No.

Mrs. Walsh: I'm Alice Walsh, 9066 York Road.

Chairman Price: 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?

Mrs. Walsh: Yes. The question I have is that you said that this would be a one time deal for the variance. Now, if we would want to do this again, and if we got other people to buy those lots do we have to go back to Planning Commission and then back here again?

Mrs. Vozar: Correct.

Mrs. Walsh: And do this all over again, or can you just give us something that says we can just split it off?

Mrs. Vozar: No. Actually, our application is based on what ever is before the Board today. If in fact you do work it out, and it was my understanding that when you first started this a year ago, you were attempting to get all the property owners all along to buy it up, and it didn't work out.

Mr. Walsh: Right.

Mrs. Vozar: So, the application that this Board has before it is only what is before it, and it is only those lots that are being granted the variance to allow you to split those off. If in fact that you work it out with whoever wants additional lots later, you would need to come back before Planning Commission and then before this Board seeking a variance again.

Mr. Walsh: What if a developer wanted to buy the rest of it, would we have to go through a variance again?

Mrs. Vozar: If you are not doing a lot split, no.

Mr. Walsh: Oh.

Chairman Price: Just ask him for the money.

Mrs. Vozar: Only if you are trying to do something, sir, sir, for the record if you could state your name and you are still under oath.

Mr. Rick Plant approached the microphone.

Mr. Plant: Rick Plant, 9163 York Road.

Chairman Price: You have already been sworn in.

Mr. Plant: Yes. For the record, we all signed intent to purchase a legal document, but we are ready to go. We have been working on this for quite some time. We are all committed to this.

Chairman Price: My question was not intent to purchase; the question was the intent to consolidate the little parcels that you would be acquiring.

Patricia Drum approached the microphone.

Chairman Price: Stand over by the mic a little more. 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?

Mrs. Drum: Yes.

Chairman Price: Name and address please.

Mrs. Drum: Patricia Drum at 9492 Potomac Drive. I did confirm with the county that they will not allow a separate parcel number for the little pieces. They have to be consolidated and our deeds will be rewritten to accommodate the additional land.

Chairman Price: That solved my question.

Mr. Collins: Mr. Chairman. If I may?

Chairman Price: Yes.

Mr. Collins: I just wanted to volunteer some information. The man here who had consulted with the County was correct. In the future should the applicant wish to consolidate further lots, actually lot split his actual piece up further, I guess that would be east bound, I believe that they are going to half to do is have it happen in sequential order. You can't be skipping a lot, because you would have a land locked piece of land and the County wouldn't record it.

Mr. Walsh: Yes, we know that.

Mr. Collins: Just wanted you to know that.

Mr. Walsh: Everybody wanted to buy all these lots, but the guy here in the middle changed his mind. That would create the land locked. Any other questions?

Mrs. Vozar: Does the Board have any other questions?

Chairman Price: Does anyone have any other questions? Go ahead Donna.

Mrs. Recker: Per the minutes this is tabled at Planning Commission. They will have to go back to Planning.

Chairman Price: You understand that? Okay. Consensus?

Mrs. Recker: Mr. Chairman. After listening to all the discussion both at caucus and this Open Meeting, I find that this is the minimum necessary for this variance. I don't have a problem with it. It will help the neighbors and improve their property values. It would be good for North Royalton.

Mr. Ranucci: Mr. Chairman. I also agree with Paula. We are just taking that large lot and making individual smaller parcels. Nothing else is really changing. I will be approving this variance.

Chairman Price: I will agree with that too. This lot, with the splits is just taking the big lot and making it a little smaller. I have no problems with this.

Mr. Carraballo: Mr. Chairman. The property owners over here have already committed to buying the other parcels. I think this is also going to help with possible flooding, if they were going to put more homes over there it would be better to leave it as green space. I think that it is going to enhance everyone's property over there and I will be voting yes on this also.

Chairman Price: Dan?

Mr. Kasaris: I will be voting yes on this application.

Mrs. Recker: Why?

Mr. Kasaris: I think it is a good application.

Mrs. Vozar: I'm going to propose the following findings of fact based on the evidence presented to this Board. The property owners were here, Mr. and Mrs. Walsh. The parcel number is actually a vacant piece of lot on York Road. A vacant lot that fronts Shandoah.. They are requesting a variance to allow them to have a lot split and subsequent lot consolidations with neighboring properties, pursuant to Section 1286.02 and 1286.03. This matter came before the Board and the property owners testified regarding the need for the lot split, three neighbors and purchasers of the lot split properties are here seeking to extend their backyard and they are actually seeking to reduce their nonconformity of this lot. They are not enlarging but rather reducing the nonconformity and aiding more green space which is obviously in conformity with the Code and the intent of North Royalton Ordinances. It will be aiding adjoining properties and helping reduce any kind of flooding issues. Neighbor's testified that the adjoining property will be beneficial and they were here intending to purchase the property and required to consolidate the lots. This is a minimum necessary variance in order to make reasonable use of the land. There can be no beneficial use of this property without the variance. It has been vacant for quite some time. Those are my findings of fact. If the Board has anything to add or delete or make any changes or modifications at this time please do so.

Chairman Price: Any changes, modifications or additions, deletions? Call the roll.

Chairman Price: Yes.
Paula Recker: Yes.
Dan Kasaris: Yes.
John Ranucci: Yes.
Tony Caraballo: Yes.

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

(BZ08-11) Ellet Sign Company and Timber Ridge Plaza request a variance to Chapter 1284 “Signs”, Section 1284.10 “Location and Supplementary Area Regulations for Signs in Business Districts”, paragraph (d), and Section 1284.03 “Classifications and Definitions”, paragraph (c)(2)(A), for relief from the amount of signage allowed and height requirements for the proposed signage at Timber Ridge Plaza located at York Road and Sprague Road, PPN: 482-01-011 and 482-01-001.

Moved by Paula Recker, seconded by Dan Kasaris to **approve a variance permitting two ground signs on one parcel which is contrary to Section 1284.10(d) of the Zoning Code regarding Timber Ridge Plaza signage.**

Chairman Price: I have a motion and a second. Discussion?

Mrs. Recker: Mr. Chairman. Based on the discussion in caucus, and also after the explanation from Mr. Jordan at caucus, of the application that shows where these signs are going, and what exactly they are. I find that there will be some practical difficulty on this. I will be voting for this.

Mr. Ranucci: Mr. Chairman. I have a question for the installer and possibly Mr. Jordan. There is going to be four signs put up or two signs?

Mr. Hadadd: There are four existing signs.

Mr. Ranucci: Talk me through these signs. When I drove by, there are the two big Timber Ridge signs, one on York Road and one on Sprague Road. Those we are going to be replacing?

Mr. Hadadd: Yes. Those will be replaced.

Mr. Ranucci: Okay. Then there are two more signs?

Mr. Hadadd: The two other signs are for Regos, those will have new faces applied to them. There is a bigger change to the Timber Ridge Plaza sign. It is going to have the name of the plaza. This is the Timber Ridge sign.

Chairman Price: Talk by the microphone.

Mr. Hadadd: The Timber Ridge signs are going to be removed and replaced by the new Timber Ridge Plaza sign and it also has a marquee for tenants. So, the one on York Road will allow the tenants on York side to be identified like wise along Sprague for the Sprague side.

Mr. Ranucci: Okay.

Mr. Hadadd: The other two signs will have new faces put on for Regos.

Chairman Price: The other two are what, where?

Mr. Hadadd: They are right here in the picture.

Mr. Ranucci: The one that is blank right now?

Mr. Hadadd: Yes. The one that is blank right now.

Mr. Ranucci: I see the other one that is blank right here up by the road. That will be just a Regos sign?

Mr. Hadadd: Yes.

Mr. Ranucci: Now, going back to the application.

Mrs. Recker: Am I correct that it is not really a ground sign?

Mr. Jordan: I don't think that there is any other classification for it.

Mrs. Recker: In the true sense of the word and visualize in your head it is not a ground sign.

Mr. Jordan: I would call it a monument sign.

Mrs. Recker: Okay. And these are just face changes.

Mr. Jordan: The City encourages them to put the one with the multi-tenants so that all the tenants would have a space as they would come and go. Also, the design of a sign was in keeping with the entire plaza is being refaced. The colors. The textures. They will all mimic the new facing on the buildings. Sort of a Miami Vice look. Both on the sign and the building, the new sign will mirror the more earth tones will be installed on the strip sign.

Mrs. Recker: Mr. Jordan or the man from the sign company, why do these signs for Regos have to be there? Why can't Regos go into the marquee sign?

Mr. Jordan: I can answer that. Getting back to the chicken, egg, was that Mr. Rego actually was a key player. He made the major investment in the Plaza. Part of Mr. Rego's lease with the owners of the strip center, was that one; the whole place would be refaced, and that part of the re-facing bit, he would be entitled to the same signage that Tops had when they were there. So, the money being generated off of the Rego lease is really paying for the entire re-facing. Also, it is not untypical for the major tenant, all the

other tenants in that center are basically going in there because of foot traffic generated by the large supermarket. So, that is the reason for the major tenant to be allowed the single sign.

Mr. Ranucci: Mr. Chairman. I have a question for Joe Hartman. Did I hear something in caucus that the smaller signs that are on that tree lawn, is that part of this issue?

Mr. Hartman: Are you talking about the directional signs at entrance number two on Sprague Road?

Mr. Ranucci: I guess this additional Rego sign is different from then the directional signs that you were talking about?

Mr. Hartman: Okay.

Mr. Ranucci: Going back to the variance again. Are we approving the one additional ground sign, it looks like four signs total, so are we approving three more signs or, I'm kind of confused.

Mr. Jordan: I refer that back to Donna. There is a question of being grandfathered in or not. Why don't take this and what the variance is actually for?

Mrs. Vozar: It is my understanding that this Board is actually hearing the fact that there are going to be two ground signs, rather than the one. The other ones are grandfathered. So, what this Board will be doing is granting the number of variance. Two ground signs is what you are seeking a variance, rather than the one. The other is the height requirement.

Mr. Ranucci: Okay.

Mr. Jordan: Some of the signs are grandfathered. At any one time you would only see two signs. Because unless you are both on York and Sprague Road at the same time.

Mrs. Recker: In this particular case, that is what I am saying, visually what you would see at those two entrances are four signs, correct? But what you are asking this Board for is two additional signs along with the two that are grandfathered in and that are already there, correct?

Mrs. Vozar: Mr. Hartman, correct me if I'm wrong, but there will be two signs at each road entrance, on York Road and on Sprague Road. One Rego, and one major tenant sign?

Chairman Price: That is a total of six then.

Mrs. Vozar: No, a total of four signs.

Chairman Price: You have three entrances.

Mr. Jordan: One of the entrances doesn't have that large sign.

Mrs. Vozar: One does not?

Chairman Price: Which one?

Mr. Jordan: Entrance number two.

Chairman Price: Western most, Sprague Road entrance.

Mr. Jordan: That's correct.

Chairman Price: That's not going to have any signs accept in and out.

Mrs. Vozar: Correct. Directional signs and that is not before the Board.

Mrs. Hartman: If I may add to that Mr. Chairman, the two smaller signs that are at entrance one and three were Tops signs, right now they are blank. Those signs were approved by Planning, so at this point in time the Building Department does not feel that it is an issue. The only issue that we have is the fact since the Ordinance changed in regards to how many signs you could have at an entrance. The two Timber Ridge signs, one needs a variance, the next would be a height variance, because they are over the seven foot. Does that help?

Chairman Price: No. This grandfathered business. What happened to the old rule where that if a building is vacant it losses its grandfathered clause, or standing, at a certain period of time?

Mr. Jordan: The question of being vacant. Tops actually has an active lease on the site.

Mrs. Vozar: Let me just clarify. The Law Department has made a determination and the Building Commissioner has made a determination, the only thing that this Board has before it is the number of signs, a variance of two signs and the height variance. The decision has been made by the Law Department and the Building Commissioner after reviewing this matter and all the documentation that we have before us, and this is all that is before this Board now. Mr. Hartman?

Mr. Hartman: That is correct.

Mr. Kasaris: Mr. Chairman.

Chairman Price: Yes Dan.

Mr. Kasaris: I find that granting of the variance is necessary. I find that there are practical difficulties that are involved here. If we don't grant the variance for the large signs, which is what we are talking about, these signs are necessary to proper advertise the businesses in the area, and this is an important corner of our City located in Ward One. I think that not to have the area properly signed would do a disservice to the property owner. I don't think it adversely affects the area or Governmental Services in any way. The height of the signs are staying the same. Signs are in the same location that the old signs were in, therefore, I will be voting for these variances.

Chairman Price: Question on the signs. These pedestal signs, are they going to have Regos name on it or just the tenants?

Mr. Jordan: Just the tenants.

Chairman Price: So, you have Regos name on the western side of the building, on the northern side of the building, on the ground signs at the entrance, to the west and the York Road side, and you also have two large signs that have their name on it?

Mr. Jordan: The large signs will not have Regos name on it. The large signs will have Timber Ridge Plaza and the other tenants under.

Chairman Price: So, those oval shaped signs will be removed and the new square signs will be put in their place, at the same entrances?

Mr. Jordan: Correct.

Mrs. Recker: Mr. Chairman. In listening to what you are saying and indicating, that you are finding these redundant with this amount of signage for Regos on the building and then as signs at the entrances, is that what I am hearing you say?

Chairman Price: Not exactly.

Mrs. Recker: What then are you actually speaking of?

Chairman Price: I'm trying to fill in the blanks to what we have been given in the application.

Mrs. Recker: I don't disagree that the application is very confusing.

Chairman Price: Are the signs at the west entrance going to remain, or will they have Regos name or nothing, or taken out, or are they just in and out signs?

Mr. Hadadd: They are directional. There are three entrances to this particular parcel. One on York Road. Two entrances on Sprague Road. Regos will have two directional signs, entrance and exit. One existing Regos sign, which will be grandfathered in, and the multi tenant sign. Entrance number two the west.

Chairman Price: Hold it right there. The application that we were given indicates four signs. There are three blank ones. The oval shaped sign, at the east entrance.

Mr. Hadadd: There are four signs there all together. Two directional signs, we do not need a variance for.

Chairman Price: We are not going to count the directional signs. What's the third sign?

Mr. Hadadd: No. There are two. There are four signs at the west entrance. Two directional signs and no Regos

Chairman Price: We are talking the east entrance.

Mr. Hadadd: East entrance, okay.

Chairman Price: Right now, here, there are four signs.

Mr. Hadadd: There are four signs at this area.

Chairman Price: Correct.

Mr. Hadadd: Two directional signs. One Regos sign.

Chairman Price: Which doesn't have anything in it, its blank.

Mr. Hadadd: Correct.

Chairman Price: And the big Timber Ridge Plaza sign. Now, the Timber Ridge sign is going to be replaced with the square, rectangular shaped, and only lists the other tenants in the shopping plaza.

Mr. Hadadd: Correct. Regos will not be on that sign.

Chairman Price: But they will be on that little one?

Mr. Hadadd: Yes.

Chairman Price: And it will also be on the two corners of the store, up big?

Mr. Hadadd: That is my understanding.

Chairman Price: Now, there will be nothing except directional signs at the western entrance on Sprague.

Mr. Hadadd: Yes.

Chairman Price: Now, when we get down to York Road it is the same as the east entrance on Sprague? And as far as anything being grandfathered, it has already been decided by all other authorities?

Mrs. Vozar: Correct.

Chairman Price: I will be voting for it.

Mr. Ranucci: Mr. Chairman. After figuring out what we were going to vote on, I will be voting for this also.

Mr. Caraballo: Mr. Chairman. Given the size of the property, and the number of the tenants, I think that the signs that they are going to reface, the ones that were actually to Code when they were installed, we decided that these will be grandfathered in. Given that they are going to reface these signs to conform, and with the new construction and facelift of the plaza I think it will be a great idea. I will be voting for this also.

Chairman Price: Anyone else? Donna?

Mrs. Vozar: Just so that we are clear. We are going forward on the first variance, which is the variance for the number of signs. We are actually talking about a variance permitting two ground signs on one parcel which is contrary to Section 1284.10(d) of the Zoning Code regarding the Timber Ridge Plaza signage. We had a representative here from the property owner who testified and also Tom Jordan, the Community Development Director testified. The evidence presented indicates that the plaza is being made over. Mr. Jordan testified that this is a unique major tenant area that does require greater signage and the proposal is minimal compared to the unique nature of the property. It is the minimum necessary to make possible reasonable use of the land. It does meet the requirements for practical difficulty standards pursuant to the criteria established under 1264.08(e). If there is anything else that the members would like to add or delete from the findings of fact that was presented please do so.

Chairman Price: Any changes? Call the roll.

Dan Kasaris: Yes.
Tony Caraballo: Yes.
Paula Recker: Yes.
Chairman Price: Yes.
John Ranucci: Yes.

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

Mrs. Vozar: Mr. Chairman. Regarding the findings of fact regarding variance number two; which is the variance of one foot more than the maximum height allowed as prescribed in Section 1284.03(c)(2)(A) of the Zoning Code with regards to the Timber Ridge Plaza. The findings of fact are the same as in variance one, except for the aspect regarding the height requirement. Evidence was presented that this was a refacing. There are cost factors brought into consideration of this, it also brings into consideration the number of tenants that are there and based on that the additional height is reasonable and meets the requirements for practical difficulty pursuant to the criteria for North Royalton Ordinances. Anything else, feel free to add.

Mr. Ranucci: Mr. Chairman I have

Moved by Dan Kasaris, seconded by Paula Recker to approve a variance of one foot more than the maximum height allowed as prescribe in Section 1284.04(c)(2)(A) of the Zoning Code with regards to the Timber Ridge Plaza ground signs.

Chairman Price: Any more discussion?

Mr. Ranucci: Mr. Chairman. I just have a question on the application here. It says that the applicant wishes to make these three ground signs 8-feet in height. Are we only talking about two?

Mr. Hadadd: There are only two signs that will be 8-feet.

Mrs. Recker: Well, the application reads three.

Chairman Price: But the variance says different.

Mrs. Vozar: It is an error. Mr. Chairman, for the record. So that we can clear this up. The applicant is here and testified under oath that he is only seeking it on the two. It was a typographical error.

Chairman Price: Call the roll.

Tony Caraballo: Yes.
Dan Kasaris: Yes.
Chairman Price: Yes.
Paula Recker: Yes.
John Ranucci: Yes.

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

Chairman Price: Any other business?

Moved by Paula Recker, seconded by Dan Kasaris to **adjourn the Board of Zoning Appeals meeting of April 28, 2008.**

Chairman Price: Call the roll.

John Ranucci: Yes.
Chairman Price: Yes.
Paula Recker: Yes.
Dan Kasaris: Yes.
Tony Caraballo: Yes.

**Ayes – all. Nays – none.
Meeting adjourned. (5-0)**

Approved: _____
Chairman

Date: _____

Attest: _____
Secretary