

The Board of Zoning Appeals of the City of North Royalton met on **Monday, May 19, 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, City Engineer Mark Schmitzer, Secretary Julie Broestl.

**(BZ08-12) Thomas and Veronica Dodd** request a variance to **Chapter 1480 “Sidewalks”, Section 1480.01 “Construction Required: Waiver”, paragraph (a) and (b)**, of the City of North Royalton Codified Code, for relief from the required sidewalk that should be installed in front of this new home located at **8213 West 130<sup>th</sup> St., PPN: 481-01-033**.

Chairman Price: Anyone?

Mr. Thomas Dodd 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. Dodd: Yes sir.

Chairman Price: State your name and address.

Mr. Dodd: Thomas Dodd, 8213 West 130th Street. Just wanted to address the Board with regards to some of the factors in our consideration for the application for our variance. Going on most of the factors that are listed in the packet that was sent home with us when we applied for the said variance. Statement A; there can be beneficial use of the land with or without the variance. B; variance is not substantial and does not apply to reasonable use of the land. C; the variance will not substantially alter the essential character of the neighborhood and adjoining properties will not suffer detriment. D; the variance will not adversely effect the delivery of government services, there will be no impact. E; the variance does not to any zoning provision and acted after creation of an existing condition or circumstance on the subject property. F; no special conditions exist however; adjoining properties on West 130th Street do not have sidewalks. Property owner’s predicament can not be obviated thru another method is point G. H; the granting of the variance create a nonconforming lot, I’m not sure of the definition in the Zoning Code of a nonconforming lot. I; no special conditions or circumstances exist as a result of any owners actions. J; in the opinion of the homeowner the spirit and intent of the zoning requirement would be observed. A sidewalk has been installed along Streamside Drive, which connects to the existing subdivision. The proposed sidewalk along West 130th Street would connect to no adjacent properties, since adjacent properties along that street have no sidewalks. Thank you sir.

Veronica Kovach-Dodd 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?

Mrs. Kovach-Dodd: Yes I do.

Chairman Price: Name and address please.

Mrs. Kovach-Dodd: Veronica Kovach-Dodd. I am the co-owner of the property at 8213 West 130th Street. Mr. Chairman, committee members and interested parties. In regard to the variance being sought for waiving concrete sidewalk installation in front of my property on West 130th Street, I hope you know that I am opposed to this happening because of the following points. Currently there are no existing concrete sidewalks on adjacent properties. We do have sidewalks running the length of our property along

Streamside Drive. This is the area most used by other residents for walking, riding their bikes, baby carriages, things like that. Proposed sidewalk could cause a stumbling hazard for those using it, which would end abruptly against a neighboring property which has a significant crack in their driveway, which has caused their concrete driveway to sink into the ground somewhat. Therefore, an addition to the proposed sidewalk drop, there would be an additional ground level change. For someone walking on this proposed sidewalk, this could be a cause for concern and could cause harm. This would cause a liability to the homeowner. Should the widening of West 130th Street occur, the concrete walk would then need to be replaced and an additional cost to the property owner. In conclusion, I the property owner, along with my husband feel that it would be in the best interest of all concerned to postpone the construction of any sidewalk at this location at this time. Thank you very much.

Chairman Price: Thank you. Anyone else? Is there a motion to move to the open meeting?

Moved by Paula Recker, seconded by John Ranucci to **move BZ08-12 to the regular order of business.**

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

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

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

**(BZ08-13) David and Karen Brenner and Champion Windows** request 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 **rear yard setback** requirement for a **patio enclosure** that they wish to construction onto the back of their home which is located at **10104 Hawley Drive, PPN: 481-15-049.**

Daryll Brooks 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. Brooks: I do.

Chairman Price: State your name and address.

Mr. Brooks: My name is Daryl Brooks. Address is 1205 Heart Street, Akron, Ohio. I represent David and Karen Brenner and Champion Windows. We propose to construct a 12 x 13 vinyl patio room on an existing concrete pad. Everything installed to Code. That is it.

Chairman Price: That's it?

Mr. Brooks: Yes.

Chairman Price: Okay. Thank you. Anybody else? Can I have a motion to move BZ08-13 to the open meeting?

Moved by Paula Recker, seconded by John Ranucci to **move BZ08-13 to the regular order of business.**

Chairman Price: Call the roll.

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

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

**(BZ08-14) Petros Homes** request 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 **rear yard setback** requirement for a **deck** that they wish to construct on this property located at **4660 Brookhaven Drive, PPN: 486-25-015.**

Mr. Scott Lamphertel 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. Lamphertel: I do.

Chairman Price: State your name and address.

Mr. Lamphertel: Scott Lamphertel, 4283 Wiltshire Road. I work for Petros Homes. We are requesting a variance for the rear setback. There are a couple limitations on the lot. One, the 50-foot rear setback. With the total depth of the lot only being 140 feet deep and an almost 50-foot setback in the front, leaves it for a 41-foot wide house. The rear property grade is a one to one slope away from the house. The rear door exits the house possibly 5-foot above grade. So, a deck is about the only thing that we can put on the back of the house to make use for egress for that back door. If we would go to a hard surface the grade limits the use of the back yard. So this is why we are requesting the use of a deck. It is approximately 16-foot wide by 18-foot deep on the back of the house. I also have pictures if anybody on the wishes to see any existing picture of the house and grade.

Dan Kasaris: Yes. Thank you.

Paula Recker: We got those.

Julie Broestl: Scott, could you please spell your last name.

Mr. Lamphertel: L-A-M-P-H-E-R-T-E-L.

Chairman Price: Label them A thru D for the record.

Dan Kasaris: One quick question. Is this the rear of the house. Is it approximately a 7-foot drop?

Mr. Lamphertel: A 5-foot drop.

Chairman Price: Anyone else? A motion to move.

Moved by Paula Recker, seconded by Dan Kasaris to move **BZ08-14 to the regular order of business.**

Chairman Price: Call the roll.

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

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

**(BZ08-15) Misty Garcia** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.27 “Swimming Pools”, paragraph(b)(1)(E)**, of the City of North Royalton Codified Code, for relief from the **required distance from a dwelling** for an **above ground pool** that she wishes to construct on her property which is located at **9581 Yorkview Drive, PPN: 482-02-036**

Misty Garcia 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?

Ms. Garcia: Yes.

Chairman Price: State your name and address.

Ms. Garcia: Misty Garcia. 9581 Yorkview Drive. We wish to put an oval swimming pool in the back of our home. We can't do the 15-feet from the residence. I took several pictures from our home to where our backyard slopes off. We only have 19-feet and it slopes dramatically. We have stairs and we had a beautiful backyard when we bought, had we known what we were getting into when we wouldn't have bought the home. It has a ton of water that collects back there. And there is a swale between our two neighbors and then a creek in the back. The creek over floods and comes into the yard. This past spring we actually had a pond in the back yard that had ducks swimming in there. It is just very severe. It looks dry but when you walk down there you will sink into the ground. There is absolutely no way that we could put a swimming pool down there. The kids can't really play too much in the front yard. There really is no where else to put the pool. The pool wouldn't impose on any of the neighbors on the side. We have enough feet that is stated in the Code. We have no neighbors in the back of us. It wouldn't be an eye sore to any neighbors in the back. We just really want a swimming pool to enjoy in the back of the house for the kids. We really don't have any other options besides to put the pool 5-feet from the home. The width of the pool is 12-feet so minus that we would have 7-feet. We have no choice. There is no window that a kid could jump out of into the pool. We have one window, the kitchen sink window. If I was to have this granted, we are very cautious. We are going to have an automatic cover.

Chairman Price: Thank you. Anybody else? Do I have a motion to move.

Moved by Paula Recker, seconded by Dan Kasaris to **move BZ08-15 to the regular order of business.**

Chairman Price: Call the roll.

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

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

**(BZ08-16) Quinn Development/James Quinn** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.19 “Area of Garage”, paragraph (d)**, of the City of North Royalton Codified Code, for relief from the **maximum size** allowed for a **garage** that they wish to construct on this property located at **10278 Buckeye Trail, PPN: 485-23-035**.

Mr. James Quinn 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. Quinn: I do.

Chairman Price: State your name and address.

Mr. Quinn: Jim Quinn. 20902 Fawnhaven Drive. We are here this evening to request a variance to maximum size allowed for a garage for a home that we are constructing on Buckeye Trail. The home is around 4000-square feet, and the maximum allowed is 1200-square feet. We exceed that by 100-square feet. Due to the style of the home and the fact that the family that will be residing there have three children that are at the age of driving. Two twin girls and a boy 16. It will be on a cul-de-sac, in this City you are not allowed to park on cul-de-sacs. Situation is with a home of that size and family they pretty much do need that size. Now a days, the new home styles have grown quite a bit, if you noticed in the City. Some developments have larger size homes. This area here tends to have larger size homes which need more garage space for all the things that they have. That is why we are requesting this at this time.

Chairman Price: Thank you. Anybody else? Do I have a motion to move BZ08-16 to the open meeting?

Moved by Paula Recker, seconded by Dan Kasaris to **move BZ08-16 to the regular order of business**.

Chairman Price: Call the roll.

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

**Ayes – all. Nays – none.**

**Motion carried. (5-0)**

Chairman Price: Do I have a motion to adjourn the Public Hearing?

Moved by Paula Recker, seconded by John Ranucci to **adjourn the Board of Zoning Appeals Public Hearing of May 19, 2008**.

Chairman Price: Call the roll.

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

**Ayes – all. Nays – none.**

**Meeting adjourned at 8:48 pm**

The Board of Zoning Appeals of the City of North Royalton met on **Monday, May 19, 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 8:48 pm

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

Chairman Price: Do I have a motion to approve the minutes of April 28, 2008.

Moved by Dan Kasaris, seconded by Paula Recker, to **approve the minutes of April 28, 2008.**

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

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

**(BZ08-12) Thomas and Veronica Dodd** request a variance to **Chapter 1480 “Sidewalks”, Section 1480.01 “Construction Required: Waiver”, paragraph (a) and (b)**, for relief from the required sidewalk that should be installed in front of this new home located at **8213 West 130<sup>th</sup> St., PPN: 481-01-033.**

Moved by Paula Recker, seconded by John Ranucci to **approve a variance for relief from the requirement of Section 1480.01(a) and (b) of the Zoning Code with regards to the installation of this City with the condition that a waiver be signed and held on file in the Building Department stating that the owner will comply if City mandates that sidewalks must be installed.**

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

Dan Kasaris: Mr. Chairman Price. If I may. Julie do you have a letter from the Councilman of Ward 1?

Mrs. Broestl: I have a letter from John Nickell who is the Councilman for Ward 1. Can you pass on to the BZA members that I would not be in favor of granting a sidewalk variance for the West 130th Street property. That is a key property to link the side street to the main street. If by chance we re-do and widen West 130<sup>th</sup> in the future, it would be good to already have a sidewalk in place leading to Sprague Road. Once a variance is given on a sidewalk it is my opinion that we, the City, will never go back and require it later. I am advocating more sidewalks in the City. Especially on unsafe main roads.

Dan Kasaris: Mr. Chairman. I would also like to ask Mr. Hartman what his position is regarding sidewalks.

Mr. Hartman: The Building Department’s position on this is that we would prefer that the sidewalks go in as a connector to Creekside sidewalks. I would have to agree with Councilman Nickell on this same issue.

Paula Recker: Mr. Chairman. I concur with what Mr. Hartman said and I see no practical difficulty with this one, especially seeing that it will attach to another sidewalk.

John Ranucci: Mr. Chairman. I know that in the past we have granted these variances. But in this particular case, based on what the Councilman and the Building Department

stated, and it is adjacent to the side street that already has the sidewalk, I don't see any practical difficulty here, so I will be voting against this.

Dan Kasaris: Mr. Chairman. May I.

Chairman Price: Yes Dan go ahead.

Dan Kasaris: Thank you Mr. Chairman. I concur. The fact of the matter is that the part of the lot already has a sidewalk on it. I do not see any practical difficulties in enforcing the sidewalk on the West 130th Street side of the lot. I will also be voting against granting the variance.

Chairman Price: Being as how there are no other sidewalks on West 130th Street and the condition to sign a waiver that a sidewalk will be installed if and when there are decisions made to put sidewalks along West 130th Street, I can't see a real problem. The fact there is a sidewalk and a connector street comes out to West 130th Street, but it also comes out on the other side and you don't have a sidewalk going the other way. So, I will be voting for the variance.

Tony Caraballo: Mr. Chairman. I feel that since the other adjoining property does not have sidewalks and as long as that waiver is signed and in place, and if the City requires the sidewalks or the road is enlarge, the City will require, I will be voting for it.

Chairman Price: Anybody else? Consensus?

Donna Vozar: Mr. Chairman. Would you like me to attempt the findings of fact?

Chairman Price: Please.

Donna Vozar: On BZ08-12 the applicants were the property owners are they discussed the factors as they saw pursuant to Section (e)(1) of 1264.08, they discussed whether or not the property could have beneficial use. They testified that they believe that it would not be substantial. It did not adversely affect the services. There are no sidewalks along West 130th Street. They also raised the issue of the stumbling level grade change, and they believed it was in their best interest postpone the sidewalk. Never the less, the consensus of the Board found that the applicant property owners have not established practical difficulty. They have determined that the comment from the council representative, Mr. Nickell, and also the Building Department, objection to the granting of the variance. Due to the fact that there is a connecting sidewalk available to this lot and exists and attaches on one section of the property. As such no practical difficulty has been established. If the Board would like to add to those findings of fact?

Chairman Price: None being heard. Call the roll.

Chairman Price: Yes.  
Paula Recker: No.  
Dan Kasaris: No.  
John Ranucci: No.  
Tony Caraballo: Yes.

**Ayes –two. Nays – three.**  
**Variance denied. (2-3)**

**(BZ08-13) David and Karen Brenner and Champion Windows request a variance to Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”, for relief from the rear yard setback requirement for a patio enclosure that they wish to construction onto the back of their home which is located at 10104 Hawley Drive, PPN: 481-15-049.**

Donna Vozar: Mr. Chairman. Could I add something first?

Chairman Price: Yes.

Donna Vozar: In reviewing the application, and if you actually look at the application itself, it is actually filled out by the gentleman here who I believed is from Champion, and signed by him. In addition to that, the authority to examine the property, and to come to the hearing, looks like it is signed by him also. My question is, if you look at 1264.08 (e), it requires proof of ownership, legal interest, or written authority. We need to insure the property owners are, oh!, they raise their hands. We need them to come forward and state for the record their name and we want to make sure that they understand that a variance is being requested on your behalf that you consent to it. Mr. Chairman.

Mr. and Mrs. Brenner 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?

Mrs. Brenner: Yes. We are

Chairman Price: Address?

Mrs. Brenner: Sorry. 10104 Hawley Drive.

Mr. Brenner: Dave Brenner. Also the same address.

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. Brenner: Yes. I do.

Mrs. Brenner: We are glad to be here tonight to make sure if we get the variance. What we need is this variance to put on a patio enclosure. It is on an existing pad already.

Chairman Price: You understood what Mrs. Vozar was talking about?

Mrs. Brenner: Yes.

Chairman Price: Do I have a motion?

Moved by Paula Recker, seconded by Dan Kasaris to **approve a variance of 6-feet less than the minimum rear yard setback requirement as prescribed in Section 1270.05 of the Zoning Code with regards to this proposed patio room.**

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

Paula Recker: Mr. Chairman. From reading the application and also physically reviewing the property, and I had a discussion with Councilman Nickell, who is Ward one in regards to drainage, because that area does have its flooding problems and I wanted to be comfortable that this would not interfere with any more of that, I will be voting for this. I see a lot of practical difficulty and also beneficial use of this property.

John Ranucci: Mr. Chairman. I agree with Paula. After reviewing the property and seeing that it will be going onto an existing concrete patio, it is not going to affect the neighborhood and will be a nice addition to the house. I will be voting in favor of this.

Chairman Price: I feel the same way. Being that it is going to be on the same patio, same footprint. There is existing upright members on that patio, enclosing it will not change

the character of the neighborhood, or the backyard. I think this will be a nice addition and I will be voting for it.

Tony Caraballo: Mr. Chairman. I also feel the same way. Seeing that everything is in place and the yard is fenced in, I think it will be beneficial also. I will be voting for it also.

Dan Kasaris: Finally Mr. Chairman. For reasons already stated I will also be voting for it. Thank you.

Chairman Price: Any other discussion? Call the roll.

Donna Vozar: Mr. Chairman. We need to do

Chairman Price: Oh, I'm sorry. Findings of fact.

Donna Vozar: BZ08-13. Both the applicant and the property owners are present here. They both testified on their request to have a variance of 6-feet less than minimum rear yard setback as required by 1270.05. The testimony is that the enclosure will be on the same footprint as the current patio. It will not alter the character of the neighborhood. There are special conditions that exist on this structure which are peculiar to the land. There is the granting of the variance meet the practical difficulty standards that are set forth and the consensus is in approval for this. Anything else that the Board wishes to add?

Chairman Price: No additions. Call the roll.

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

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

**(BZ08-14) Petros Homes** request a variance to **Chapter 1270 “Residential Districts”**, **Section 1270.05 “Schedule of Area, Yard and Height Regulations”**, for relief from the **rear yard setback** requirement for a **deck** that they wish to construct on this property located at **4660 Brookhaven Drive, PPN: 486-25-015.**

Moved by Paula Recker, seconded by Dan Kasaris to approve a variance of 18-feet less than the minimum rear yard setback requirement as prescribed in Section 1270.05 of the Zoning Code with regards to this proposed deck.

Paula Recker: Mr. Chairman.

Chairman Price: Mrs. Recker.

Paula Recker: I feel from viewing the property and from reviewing the application, and I was also fortunate that on the day that I was there the applicant was there also, that they have more than proven practical difficulty. I agreed with the evidence presented tonight by the representative of Petros that, yes I agree, without that deck there will be no egress from the rear of that house. To make any use of the rear of that house this deck has to be allowed. So, I will be voting yes.

Dan Kasaris: Mr. Chairman. May I?

Dan Kasaris: Thank you Mr. Chairman. Based upon the pictures that submitted by the applicant and the application, I believe that there are clearly practical difficulties here with enforcing the Zoning Ordinance upon land owner based on the terrain of the area, the slope. Also, the fact that there is no homeowner behind him. Behind him is a bowling alley lot that is approximately 3000-feet long. I will be voting in favor of the variance request.

Tony Caraballo: Mr. Chairman.

Chairman Price: Yes Tony?

Tony Caraballo: Going out there are seeing the lot, I believe also, that with practical use of that grade that they have back there to enjoy the rear lot need the deck that they proposed. Seeing that there is woods back there and seeing that no one was here to object, yes, I will be voting in favor.

Chairman Price: I also will be voting in favor of it. With the setback that the house has and the short yard that they have vacant land to the rear, and with the elevation or the terrain to the rear, the deck is a practical mechanism to use to enjoy your backyard.

John Ranucci: Mr. Chairman.

Chairman Price: Yes.

John Ranucci: Yes. I also will be approving this for all the reasons stated. The biggest reason is that there only a 50-foot backyard. So, anything he puts back there is going to require a variance. I see the practical difficulty on this application. I will be approving this also.

Chairman Price: Findings of fact?

Donna Vozar: BZ08-14, variance request. The applicant Petros Homes was present here. It appears from the application that Petros Homes continues to be the owner of the property. Mr. Chairman, if we could verify that for the record.

Chairman Price: Representative from Petros Homes.

Scott Lamphertel approached the microphone.

Donna Vozar: Are you still the owner of the home?

Mr. Lamhertel: Yes.

Donna Vozar: Seeing that they are the owners of the home and they presented testimony, not only are the applicant be also the owner. The applicant testified regarding the setback, the limitations regarding the lot. The size of the lot and the rear grade. The testimony was from the applicant that the only exit from the house and the most beneficial use of the property would be to use the deck as submitted. Photos were submitted. Evidence exhibits A thru D, indicating the rear house and the 5-foot drop. Based on the evidence submitted the findings of fact are that the minimum variance has been request to make reasonable use of the land due to the limitations of the lot, the special circumstances as evidence by the terrain, the slope, justify granting the variance pursuant to Section 1264.08 (e)(1)(f). Without the variance there can be no beneficial use of the property since there would be no exit to the back of the house. If the Board would like to add to the findings of fact?

Chairman Price: None. Call the roll.

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

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

**(BZ08-15) Misty Garcia** requests a variance to **Chapter 1270 “Residential Districts”, Section 1270.27 “Swimming Pools”, paragraph(b)(1)(E)**, of the City of North Royalton Codified Code, for relief from the **required distance from a dwelling** for an **above ground pool** that she wishes to construct on her property which is located at **9581 Yorkview Drive, PPN: 482-02-036**

Moved by Paula Recker, seconded by Dan Kasaris to **approve a variance of 10-feet less than the required setback from a dwelling as prescribed in Section 1270.27(b)(1)(E) of the Zoning Code with regards to this proposed swimming pool.**

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

Paula Recker: Mr. Chairman. Once again, I was there of course, as I am with all properties, the practical difficulty in this is very obvious in my estimation. I call it more of a hardship. I'm sure that when these people bought this house they noticed the backyard and said well, we will do something about it. But, how life progresses and now they have children. You know this is the only place that they could possibly put a pool. It also will help benefit the neighbors who sent them a letter anonymous, which I find a little silly, but okay, it will satisfy some of the neighbors concerns there. In regards to the actual variance, I'm surprised this is all they are requesting, so I think that this is the minimum that can be requested. These people have been very reasonable in their choice of pool size.

John Ranucci: Mr. Chairman.

Chairman Price: Yes.

John Ranucci: I agree with Paula. When I walked the backyard and saw the terrain back there, the pictures didn't do it justice, the drop off the minimum amount of space they have to use. So, I will be voting yes on this rear yard setback.

Dan Kasaris: Mr. Chairman.

Chairman Price: Yes Dan?

Dan Kasaris: I will be voting yes for the variance for reasons previously stated.

Tony Caraballo: Mr. Chairman. I also will be voting yes given the reasons that had already been given ahead of me. Also, the letter that I read from the neighbors, I think that this might alleviate some of that stress. So, I will be voting yes.

Chairman Price: I also will be voting for it. Being a former pool owner, you have a lot of trees back there with leaves. Leaves collect in a pool. Findings of fact?

Donna Vojar: BZ08-15. Findings of fact. The applicant was here and testified that she is requesting an above ground pool and will not meet the 15 feet from a residence. She is unable to do because of the slopping and grading of her backyard, which has a swale between two neighbors and a flooding creek in the back. She did indicate that this will not be a hazard because the only access would be through a kitchen window. They

intend to take whatever safety requirements are necessary. Based on her testimony and the discussion of the Board, the granting of the variance does meet the practical difficulty standards based on that fact that the requested variance is the minimum requested, due to the backyard grade where it slopes dramatically. Without the granting of the variance there can not be beneficial use of the rear property, without the variance is testified by the applicant. In addition due to the lot steepness there are special conditions which exist that are peculiar to the land that are not applicable to other land pursuant to 1264.08(e)(1)(F) Is there anything else that the Board would like to add?

Chairman Price: Nothing. Call the roll.

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

Ms. Garcia: Thank you.

Dan Kasaris: You're welcome.

**(BZ08-16) Quinn Development/James Quinn** requests a variance to **Chapter 1270 "Residential Districts", Section 1270.19 "Area of Garage", paragraph (d)**, for relief from the **maximum size** allowed for a **garage** that they wish to construct on this property located at **10278 Buckeye Trail, PPN: 485-23-035**.

Moved by Paula Recker, seconded by Dan Kasaris to **approve a variance of 100-square feet more than the maximum square footage allowed as prescribed in Section 1280.19(d) of the Zoning Code with regards to this proposed garage.**

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

Dan Kasaris: Mr. Chairman.

Chairman Price: Yes Dan.

Dan Kasaris: Based upon the testimony of Mr. Quinn and the application, I will be voting in favor of the application. I don't find the variance to be substantial. It isn't going to effect Governmental services. Due to our parking band in cul-de-sacs, I think that there are practical difficulties with strictly enforcing this Zoning Code with respect to this specific property.

Paula Recker: Mr. Chairman.

Chairman Price: Mrs. Recker.

Paula Recker: I basically concur with Mr. Kasaris comments and also with the evidence presented both tonight and the application and also stated by the applicant. I agree that four car garages are becoming a necessity and I think it is the minimum asked of a variance.

Tony Caraballo: Mr. Chairman.

Chairman Price: Tony?

Tony Caraballo: There was nothing to view here; it was all on the prints I would like to know what the Building Commission thinks about this particular situation?

Mr. Hartman: Thank you. The Building Commission and myself went over this print quite extensively and I believe that it would interfere with the character of the home as it is constructed. Based on the size of the home that is next store the Building Department would be in favor of it.

Chairman Price: I guess I'm up. I don't think that the size of the garage is substantial in these days with the requirements for parking as he pointed out. You need to get the cars off the street. House is under construction, its new and vacant lots on either side. I don't think it will be a detriment to the neighborhood. I do see some practical difficulty with the size of the family and the conditions with the parking. So, I will be in favor of this.

John Ranucci: Mr. Chairman. I will be voting yes for this variance also because of everything already stated.

Tony Caraballo: Mr. Chairman.

Chairman Price: Tony.

Tony Caraballo: I also will be voting yes for this. Given the size of the home that's kind of minimum. So, I will be voting for this.

Chairman Price: Findings of fact?

Donna Voza: BZ08-16. The applicant was here and testified regarding the homeowners. They have numerous teenage drivers. They do need the storage of vehicles and other items. It is on a cul-de-sac and raised the prohibited parking in this area and the problems that would pertain to this property. There were no neighbors here to object. Based on the evidence that was presented the findings of fact are as follows. The Board found that the variance requested is not substantial but rather minimal based on the conditions of the home and the property location. It will not affect government services to the contrary due to the prohibited parking in the cul-de-sac, it may even be beneficial. In addition, it will not be detrimental to the character of the neighborhood. Due to the family size it does justify practical difficulty.

Chairman Price: Nothing. Call the roll.

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

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

Chairman Price: Any other business? Motion to adjourn.

Moved by Paula Recker, seconded by Dan Kasaris to adjourn the Board of Zoning Appeals meeting of May 19, 2008.

Chairman Price: Call the roll.

Chairman Price: Yes.  
Paula Recker: Yes.  
John Ranucci: Yes.  
Dan Kasaris: Yes.  
Tony Caraballo: Yes.  
Ayes – all. Nays – none.  
Meeting adjourned.

Meeting adjourned at 9:08 pm

Approved: \_\_\_\_\_  
Chairman Price

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Secretary Julie Broestl