

The Board of Zoning Appeals of the City of North Royalton met on **August 11, 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, Paula Recker, Tony Caraballo, John Ranucci, Prosecutor Donna Vozar, Zoning Inspector Joe Hartman, Assistant City Engineer Dan Collins, Secretary Julie Broestl.

Chairman Price: Can I have a motion to excuse Dan Kasaris for cause.

Moved by Paula Recker, seconded by John Ranucci to excuse Dan Kasaris for cause.

Chairman Price: Call the roll.

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

**Ayes – all. Nays – none.
Motion carried. (4-0)**

(BZ08-22) Elwood and Constance Mayer request a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”, Section 1270.19 “Area of Garage”, paragraph (d), and Section 1270.04 paragraph (g)** of the City of North Royalton Codified Code, for relief from the required **side yard setback, maximum size and height** allowed for a **detached garage** that he wishes to construct on his property located at **14233 Bennett Road, PPN: 487-02-003.**

Chairman Price: Would you like to give your story?

Elwood Mayer 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?

Elwood Mayer: My name is Elwood Mayer, and I live at 14233 Bennett Road. I’m tearing down 1900 square feet and I want to put up 1700 square feet. The old garage is dilapidated. The new garage is also going to be able to house a motor home along with my mother’s, my wife’s, and my car. I also need a variance for height because the motor home. The reason for the size is because the number of vehicles, with my mother living with us now. The third variance, the side yard, I will waive that and stick with the standard 10-feet off the property line. That is all I have to say.

Chairman Price: Anyone else wishing to be heard? Is there a motion to move BZ08-22 to the Open Meeting?

Moved by Paula Recker, seconded John Ranucci to **move BZ08-22 to the regular order of business.**

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

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

Ayes – all. Nays – none.
Motion carried. (4-0)

The Board of Zoning Appeals of the City of North Royalton met on **August 11, 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 8:04 pm

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

Chairman Price: Can I have a motion to excuse Dan Kasaris for cause.

Moved by Paula Recker, seconded by John Ranucci to **excuse Dan Kasaris for cause.**

Chairman Price: Call the roll.

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

Ayes – all. Nays – none.
Motion carried. (4-0)

(BZ08-22) Elwood and Constance Mayer request a variance to **Chapter 1270 “Residential Districts”, Section 1270.05 “Schedule of Area, Yard and Height Regulations”, Section 1270.19 “Area of Garage”, paragraph (d), and Section 1270.04 paragraph (g)** of the City of North Royalton Codified Code, for relief from the required **side yard setback, maximum size and height** allowed for a **detached garage** that he wishes to construct on his property located at **14233 Bennett Road, PPN: 487-02-003.**

Moved by Paula Recker, seconded by John Ranucci, to **approve a variance of 1072-square feet more than the maximum square footage allowed as prescribed in Section 1270.19(d) with regards to this proposed detached garage.**

Chairman Price: Discussion?

Paula Recker: Mr. Chairman. Looking over the packet and I would like to thank the applicant for such a nice application, and also after viewing the property in person, I think that the owner has proven practical difficulty.

John Ranucci: Mr. Chairman.

Chairman Price: Yes.

John Ranucci: I agree with Paula. When I went out to look at the property, considering what they are taken down and putting up, the square footage ends up being a little less, but it would add to the character of the neighborhood. They display practical difficulty. I will be approving this variance.

Tony Caraballo: Mr. Chairman. I have some questions on this. The height that you are seeking for this.

Paula Recker: That's the next variance.

Tony Caraballo: Am I ahead of myself a little bit?

Chairman Price: A little bit. We are talking square footage now.

Tony Caraballo: Okay.

Chairman Price: Do you have any deals with that?

Tony Caraballo: Well that I don't know. Was the height on this, Joe, contribute to the actual square footage?

Joe Hartman: Square footage is length and width only.

Tony Caraballo: Thank you. After going out there and seeing the layout of this property, in which you are tearing down and putting on, it really looks just about the same thing there, so yes, I will be approving the square footage.

Chairman Price: I will also. The lay of the land and the size of the buildings that are there now, you will be less than what is there. Plus there are no complaints from the neighbors. I don't think that it will effect the aesthetics at all. Any other discussion?

Donna Vozar: Mr. Chairman.

Chairman Price: Donna.

Donna Vozar: If I could just add. One issue, and if the applicant can confirm this on the record. Obviously, as part as your application, you have indicated that you will be removing these other structures that are on the property, an that is a condition. Since it is included in your packet I just want to make sure the applicant understands that. The variance is based on the fact that you will remove those structures and that is how we get to that square footage, is that your understanding?

Elwood Mayer: Yes.

Donna Vozar: And you agree to that?

Elwood Mayer: Yes.

Donna Vozar: That's great. Mr. Chairman. Based on the testimony of the applicant and the packet that has been presented by the property owners, the applicant testified regarding the need for the maximum size of this building was because of the number of vehicles and the motor home size. No neighbors were here to object. Based on the Board Members this complies with all the requirements under our Code for the granting of a variance has established practical difficulties. The property owner has agreed that he will, as a condition, remove all the structures on his property as he has delineated in his application as a condition of the granting of this variance. With those finding of facts, unless there is anything else the Board would like to add.

Chairman Price: Anything else? Call the roll.

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

**Ayes – all. Nays – none.
Variance #1 granted. (4-0)**

Moved by Paula Recker, seconded by John Ranucci to **approve a variance of 4-feet more than the maximum height allowed as prescribed in Section 1270.04(g) of the Zoning Code with regards to this proposed detached garage.**

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

Paula Recker: Mr. Chairman. Once again, just as in variance one, I think the applicant has proven practical difficulty.

John Ranucci: Mr. Chairman. Based on the lay of the land, it actually drops off 2 to 3 feet in the back yard from the front road. The landscaping and the house I don't see any problem with the 4-foot variance being granted. I will be voting for this.

Chairman Price: I also will be approving the variance. The lay of the land and aesthetics are not going to have an impact.

Tony Caraballo: I did have a question on the height of this building, Mr. Mayer. For aesthetic reasons, is this the neighbor?

Elwood Mayer: Yes. He is my brother, he is my neighbor.

Tony Caraballo: His structure is over there, what is the height of that? I mean is this thing going to be much taller than that building?

Elwood Mayer: I think 2-foot. I think his is 17-foot and mine is going to be 19-feet.

Skip Mayer 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?

Skip Mayer: I do.

Chairman Price: Name and address.

Skip Mayer: Skip Mayer, William Mayer, 14265 Bennett Road. Where he is placing his building compared to mine, there might be about a 2-foot height difference. But, like they were saying before, his home is so much higher than my building that you won't see the difference anywhere in the neighborhood. It is quite hidden.

Tony Caraballo: Yes. I did notice that. You can't see anything back there. I didn't know you were neighbors.

Chairman Price: Any other questions? Consensus.

Donna Vozar: Mr. Chairman. If I could state the findings of fact that I believe the Board has indicated. The property owner and the neighbor have both testified. The property owner testified the required necessity for the storage of the vehicles. Specifically, the motor home. The practical difficulty has been established as stated according to variance one. Again, the neighbor has indicated that he has no objection. Based on those findings of fact, is there anything else the Board would like to add?

Chairman Price: Anything else? Call the roll.

Chairman Price: Yes.

John Ranucci: Yes.

Paula Recker: Yes.

Tony Caraballo: Yes.

Ayes – all. Nays – none.

Variance #2 granted. (4-0)

Donna Vozar: Mr. Chairman. Regarding variance number three, could we please have the applicant come on and actually withdraw his variance number three application.

Elwood Mayer: I would like to withdraw the third variance that I will not apply for the side yard.

Donna Vozar: Great. Thank you Mr. Chairman.

Joe Hartman: Mr. Chairman. Can I make a comment?

Chairman Price: Yes.

Joe Hartman: When applying for your permit, you are going to have to give me a site plan that indicates that you are going to have 10-feet off the side property line, not 5-feet. Thank you.

Chairman Price: Anything else?

Moved by Paula Recker, seconded by John Ranucci to **adjourn the Open Meeting of August 11, 1008.**

Chairman Price: All in favor?

Ayes – all. Nays –none.

Meeting adjourned at 8:14 pm

Approved: _____
Chairman Price

Date: _____

Attest: _____
Secretary Julie Broestl