

The Board of Zoning Appeals of the City of North Royalton met on **March 23, 2009**, to hold a Public Hearing, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price **at 7:30 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.

(BZ09-02) Craig and Julie Barbeck request a variance to Chapter 1480 "Sidewalk Construction", 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 on this property which is located at 4655 Akins Road, PPN: 487-26-004.

Julie Barbeck approached the microphone.

Chairman Price: Would you raise your right hand please. Do you swear to tell the truth, and nothing but the truth, so help you God?

Mrs. Barbeck: I do.

Chairman Price: Name and address.

Mrs. Barbeck: Julie Barbeck. 4655 Akins Road.

Chairman Price: Okay.

Mrs. Barbeck: My husband and I are requesting this variance because we feel it's a safety hazard when there are no surrounding sidewalks in the area, and then just have one segment with a step up. We have small children and there are other children in the area as well as adults and to just have one section that would drop off to nowhere could be a hazard. So, that is why we are requesting the variance.

Chairman Price: Okay. Thank you. Anybody else? If no one else, do I have a motion to move BZ09-02 to the open meeting?

Moved by Paula Recker, seconded by Dan Kasaris to move BZ09-02 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
Dan Kasaris: Yes

Ayes – all. Nays – none.

Motion carried. (5-0)

Chairman Price: Do I have a motion for adjournment of the Public Hearing?

Moved by Paula Recker, seconded by Dan Kasaris to adjourn the Public Hearing of March 23, 2009.

Chairman Price: Call the roll.

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

Ayes – all. Nays – none.

Meeting adjourned. (5-0)

The Board of Zoning Appeals of the City of North Royalton met on **March 23, 2009**, to hold an Open Meeting, in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price **at 7:36 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 January 26, 2009?

Moved by Paula Recker, seconded by Dan Kasaris to approve the minutes of January 26, 2009.

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

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

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

Old Business:

(BZ08-35) Verizon Wireless, Schnellz Wells, and SBC Tower Holdings request a variance to Chapter 1290 “Wireless Telecommunications Facilities”, Section 1290.05 “Other Districts”, paragraph (b)(4), for relief from the maximum square footage allowed for an equipment shelter that they wish to construct on this property located at **10922 State Road, PPN: 489-11-001**.

Chairman Price: This was tabled. Do I have a motion to remove from the table?

Moved by Paula Recker, seconded by Dan Kasaris to remove BZ08-35 from the table.

Chairman Price: Call the roll.

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

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

Chairman Price: Do you have a letter from Verizon?

Julie Broestl: Chairman. I do not have a letter but I do have an e-mail that Mark T. Morris, who is the Attorney for Verizon, and it says: Julie, Thank you for the reminder. I have spoken with my client and since Verizon has recently acquired Alltel, and since Alltel is already on this tower Verizon will be withdrawing its application. Would you like me to send a letter or will this e-mail suffice? I did talk with him on the phone. He said that it would be no problem to send a letter. I called him again but I still did not receive a letter.

Chairman Price: Donna do you have any comments?

Donna Vojar: Yes Mr. Chairman. Since the applicant is aware of the fact that this matter is before the Board, and the fact that the secretary did advise him that we would need in writing in a formal letter rather than an e-mail, it is my recommendation that the Board go forward tonight and based on the fact that the applicant is not here and has not provided the information that was previously requested I would suggest that the Board take that into consideration along with the e-mail that was submitted.

Chairman Price: We have a variance for BZ08-35, Verizon Wireless, they request a variance to Chapter 1290 "Wireless Communications Facilities", Section 1290.05 "Other Districts", paragraph (b)(4) for relief from the maximum square footage allowed for an equipment shelter that they wish to construct on the property located at 10922 State Road. Seeing as how they have requested to be withdrawn and we do not have any further communication except for the e-mail, do I have a motion to approve?

Paula Recker: There is a motion to approve when it was originally brought to us.

Chairman Price: We took it off the table.

Paula Recker: Yes, and the original motion would thus then still apply.

Chairman Price: Comments? No comments? Call the roll.

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

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

New Business

(BZ09-02) Craig and Julie Barbeck request a variance to Chapter 1480 "Sidewalk Construction", 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 on this property which is located at 4655 Akins Road, PPN: 487-26-004.

Move by Paula Recker, seconded by Dan Kasaris to approve a variance for relief from the sidewalk installation requirement as prescribed in Section 1480.01(a) and (b) of the Zoning Code with the condition that a waiver be signed and held on file in the Building Department stating agreement to install sidewalks when the City of North Royalton mandates the owner will comply.

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

Paula Recker: Mr. Chairman. I think on the record I would like to have the applicant agree to abide by the condition.

Chairman Price: Will the applicant step forward please.

Julie Barbeck approached the microphone

Chairman Price: Do you agree to this condition to sign the waiver?

Mrs. Barbeck: When would that occur?

Julie Broestl: I will send you the agreement in the mail Julie. So, it will go out tomorrow and you just send it back to me Okay?

Mrs. Barbeck: Okay. Thanks.

Chairman Price: Any other questions?

Dan Kasaris: Mr. Chairman. I walked Akins Road many times. There are no sidewalks on Akins Road at all from the City line until you get almost to Ridge Road. Although I am a strong proponent of sidewalks. In my mind it makes no sense to force these people to put a sidewalk on this part of Akins Road when there are no sidewalks near or around it. Therefore, I believe that the waiver should be granted based on the character of the neighborhood. It would be unreasonable to require the land owner to construct a sidewalk in the front of their property at this time.

Chairman Price: Thank you. Anybody else?

Paula Recker: Mr. Chairman. My own personal opinion is to grant the waiver due to a lot of what Mr. Kasaris has just stated. Also the applicant would still have beneficial use of their property and come the time the City would include sidewalks I am sure the applicant would abide by the condition.

Tony Caraballo: Mr. Chairman. Seeing that there are no sidewalks along Akins Road, I do believe that if they were to be installed it would be quite a hazard for anyone walking up and down the street with the height difference. Seeing that she will meet the conditions set forth with the waiver I will concur with granting the waiver.

John Ranucci; Mr. Chairman. I concur with my colleagues for all the same reason. It really wouldn't make any sense to put a sidewalk in the middle of Akins with nothing else around it. I will be agreeing to the waiver.

Chairman Price: Likewise. I agree with everybody else. This is not a variance that is going to change the character of the neighborhood. Being as how the applicant is willing to sign the waiver agreement to the sidewalk I will vote for it. Anybody else?

Donna Vozar: Mr. Chairman, if I may. The findings of fact are as follows; the applicant was here and no resident were here to object. The evidence was presented that this will not be a substantial detriment to the City or in any way to adversely affect the governmental services. There are conditions which exists which are peculiar to the land which was illustrated by both the application and the applicant. The Board does find that practical difficulty has been established which is pursuant to the Ordinance. Mr. Chairman if the Board has nothing else to add we can call roll.

Chairman Price: Anything to add? Call the roll.

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

Ayes – all. Nays – none.

Variance granted. (5-0)

Chairman Price: Anything under miscellaneous?

Moved by Paula Recker, seconded by Dan Kasaris to adjourn the meeting of the Board of Zoning Appeals of March 23, 2009.

Chairman Price: All in favor.

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Ayes – all. Nays – none.
Motion carried.

Meeting adjourned at 7:43 pm.

Approved: _____
Chairman Price

Date: _____

Attest: _____
Secretary Julie Broestl