

The North Royalton Board of Zoning Appeals met in the Council Chambers, 13843 Ridge Road, on Monday, July 27, 2009, to hold a Public meeting. The meeting was called to order at 7:30 pm by Chairman Neil Price.

Present: Chairman Neil Price, Paula Recker, Tony Caraballo, Prosecutor Donna Vozar, Joe Hartman, Secretary Julie Broestl.

Chairman Price: Do I have a motion to excuse Dan and Tony?

Julie Broestl: Not Dan and Tony, John and Dan.

Chairman Price: I'm sorry. John Ranucci and Dan Kasaris for cause.

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

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

(BZ09-06) Chris and Cindy Grimm request a variance to Chapter 1270 "Residential Districts", Section 1270.27 "Swimming Pools", paragraphs (B)(1)(e), of the City of North Royalton Codified Code, for relief from the required distance from a residence for a swimming pool that they wish to construct on their property located at 8204 Elaine Drive, PPN 489-25-071.

Chairman Price: Is the applicant here? Would you like to come up and give us a run down of your situation?

Mr. Chris Grimm approached the microphone.

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

Mr. Grimm: Yes.

Chairman Price: Name and address please?

Mr. Grimm: Full name is Christopher Michael Grimm. Address is 8204 Elaine Drive in North Royalton, Ohio.

Chairman Price: And you are asking for a variance for?

Mr. Grimm: We meet all the other requirements for the swimming pool except for being 15-feet away from the back of the house. The front edge of the pool being 15-feet from the rear of the residence. We are within 12-feet, so we have a 3-foot discrepancy. That is why we are asking for the variance sir. We are putting in a 15' x 30' oval pool. They call it on ground type pool made by Well bare. It can be sunken partially into the ground, and that is what it's constructed and made for.

Chairman Price: Anything else?

Mr. Grimm: Joe? I worked with Joe directly when I got all the paperwork together.

Chairman Price: I can tell by the look on Joe's face.

Mr. Grimm: The whole project entailed us tearing out a deck off the back of the house. Put it in a dumpster and had it shipped away. We were constructing a brick pavers patio, with landscaped temper frame around the patio. The patio is roughly the size of 39' x 28', and the pool is going to sit inside of that. On the outer perimeters of the landscaped temper frame we are going to construct a privacy lattice fence with 4' x 8' sheets of that plastic lattice. The smaller diamond, I believe its 1" not the 4" size.

Then we will have an entry gate on one side and an entry gate on the other side.

Chairman Price: Okay.

Mr. Grimm: I can go into more detail if you would like.

Chairman Price: That's alright. Thank you.

Mr. Grimm: Thank you.

Chairman Price: Anyone else? Can I have a motion to move BZ09-06 to the Open Meeting?

Moved by Paula Recker, seconded by Tony Caraballo, to move BZ09-06 to the Open Meeting.

Chairman Price: Call the roll.

Chairman Price: Yes.

Tony Caraballo: Yes.

Paula Recker: Yes.

Ayes – all. Nays – none.

Motion carried. (3-0)

(BZ09-07) Ron Shuck requests a variance to Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b), of the City of North Royalton Codified Code, for relief from the side yard setback requirement for a detached garage that he wishes to construct in his side yard on this property which is located at 7485 Cady Road, PPN: 486-08-007.

Chairman Price: Is the applicant here?

Ron Shuck approached the microphone.

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

Mr. Shuck: I do.

Chairman Price: State your name and address.

Mr. Shuck: Ronald Shuck, 7485 Cady Road.

Chairman Price: And you are here because?

Mr. Shuck: I am here because I am interested in constructing a garage on my property and we require relief from the side yard setback requirement. It's really because of the configuration of my property. We own a little over 9-acres. The area behind my house, and off to the side is a ravine area, so anything on the other side of it is essentially flood plane or over the ravine and you couldn't access it or build a garage there. So, this is at least 300-feet from the nearest property line, but it wouldn't be behind my house because of the ravine and the flood plane that is behind the house.

Chairman Price: Thank you.

Mr. Shuck: Thank you.

Chairman Price: Anyone else? Can I have a motion to move BZ09-07 to the open meeting?

Moved by Paula Recker, seconded by Tony Caraballo, to move BZ09-07 to the open meeting.

Chairman Price: Call the roll.

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

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

(BZ09-08) Brian and Stephanie Seidner 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 minimum side yard setback requirement for an accessory building that they wish to construct on this property which is located at 6716 Willow Lake Drive, PPN 487-17-026.

Chairman Price: Is the applicant here? Would you like to come up to the microphone?

Mr. Brian Seidner approached the microphone.

Paula Recker: Take the hat off please.

Chairman Price: Please remove your hat. Raise your right hand please. Do you swear to tell the truth, and nothing but the truth, so help you God?

Mr. Seidner: Brian Seidner, 6716 Willow Lake Drive.

Chairman Price: What is your practical difficulty?

Mr. Seidner: We are looking to construct a shed and we have an irregular lot and because of that and an existing fence that was there when we bought the home, we are too close to our side yard and if we move the shed up we are too close to the house with the 20-foot requirement. So, we are requesting a variance for the side yard as a result.

Chairman Price: Anyone else? Thank you. Can I have a motion to move BZ09-08 to the open meeting?

Moved by Paula Recker, seconded by Tony Caraballo, to move BZ09-08 to the open meeting.

Chairman Price: Call the roll.

Paula Recker: Yes  
Chairman Price: Yes  
Tony Caraballo: Yes

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

(BZ09-09) Nigel Brayer/Living Tree Center For Healing requests a variance to Chapter 1284 “Signs”, Section 1284.10 “Location Supplementary Regulations For Signs In Business Districts”, paragraph (d), of the City of North Royalton Codified Code for relief from the required location for a sign that they wish to erect on this property which is located at 11443 State Road, PPN: 488-08-016.

Mr. Nigel Brayer approached the microphone

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

Mr. Brayer: I do.

Chairman Price: State your name and address.

Mr. Brayer: Nigel Brayer, 11443 State Road. You will see the information in front of you the property I built the clinic on is an abnormally shaped lot, so we needed a variance for all the construction on that, but now we need a variance for the sign to be constructed. Joe, I think that what was originally asked for is what we are going with, is a 5-foot variance from the northern side of the property, and a 15-foot variance from the west portion of the property. From the architectural drawings you will see that if we followed the Code would put our sign right in the middle of the retention basin, which was required from the City for the sewer water disposal. There really is no other possible location for this sign.

Chairman Price: Thank you. Anybody else? Do I have a motion to move BZ09-09 to the open meeting?

Moved by Paula Recker, seconded by Tony Caraballo, to move BZ09-09 to the open meeting.

Chairman Price: Call the roll.

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

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

Chairman Price: I need a motion to close the Public Hearing.

Moved by Paula Recker, seconded by Tony Caraballo, to adjourn from the Public Hearing.

Chairman Price: Call the roll.

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

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

The North Royalton Board of Zoning Appeals met in the Council Chambers, 13843 Ridge Road, on Monday, July 27, 2009. The meeting was called to order at 7:30 pm by Chairman Neil Price.

Present: Chairman Neil Price, Paula Recker, Tony Caraballo, Prosecutor Donna Vozar, Joe Hartman, Secretary Julie Broestl.

Chairman Price: Do I have a motion to excuse Dan and John for cause?

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

Chairman Price: Call the roll.

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

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

Chairman Price: Can I have a motion to approve the minutes of June 22, 2009?

Moved by Paula Recker, seconded by Tony Caraballo, to approve the minutes of June 22, 2009.

Chairman Price: It has been moved and seconded. Call the roll.

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

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

(BZ09-06) Chris and Cindy Grimm request a variance to Chapter 1270 “Residential Districts”, Section 1270.27 “Swimming Pools”, paragraphs (B)(1)(e), for relief from the required distance from a residence for a swimming pool that they wish to construct on their property located at 8204 Elaine Drive, PPN 489-25-071.

Paula Recker: Mr. Chairman. Before I make a motion, I see that we have a number of residents here tonight and I want them to know that all these motions will sound as though they are going to be approved, the language is just normal standard procedure that I will use. Then we will discuss and then vote.

Moved by Paula Recker, seconded by Tony Caraballo, to approve a variance of 3-feet less than the minimum required distance from the dwelling as prescribed in Section 1270.27 (B)(1)(e) of the Zoning Code with regards to the location of this proposed swimming pool.

Chairman Price: We have a motion and a second. Excuse me Paula. Donna, from the law department, is everybody aware that there is only three people voting here tonight?

Donna Vozar: Mr. Chairman. For the applicants that are here tonight, our Board, as you have heard, two of our members are not present here tonight for cause this evening, and according to 1264.08, a majority of the Board must concur before a variance can be granted. Therefore, you will need to have all three Board Members present to vote to grant your variance. If forever reason you would prefer to have all five members present, when you come up here and the Board will call you up when it is your time, and you want your matter tabled, you can request it to be tabled. We do not have a meeting in August, so you would not come before us until September. At that time we may have

more members with us. When you are called up here and you wish to have your matter tabled please let the Chairman know. Thank you Mr. Chairman.

Paula Recker: Mr. Chairman, with that said I would like the applicant to come forward.

Mr. Chris Grimm approached the microphone.

Paula Recker: What is your decision after what the Law Director has stated, so you want to go forward?

Mr. Grimm: Yes.

Paula Recker: Mr. Chairman. After reviewing this property, I feel that he has met the requirements for practical difficulty. There are no neighbors here, Obviously, to object to it. It is a lot of record. He owns it. He can put this in only with this variance. I think it will not change the character of the neighborhood. If there is a problem with the neighbors after this pool is in, there have avenues to go forward with that. But, for our purposes, I think this will be fine and he will get beneficial use of his property. So, I will be voting in the affirmative.

Tony Caraballo: Mr. Chairman. He has met all of the other requirements in requirements with regards to the difficulty with the pavers and the decking that he is enhancing the value of the property. I don't see any undo hardship to the neighbors. So, I also will be voting for this.

Chairman Price: I have one question for the applicant. That fact that you are building a pool of this size, 15' x 30', is that a standard pool size? With a smaller pool you would be further away from the house.

Mr. Grimm: Well sir, with an oval pool, I'm not sure. We didn't look into the sizes. If we would have gone with a round we would have been even closer.

Chairman Price: I realize.

Mr. Grimm: As far as the oval, I forget the other shape like the oval, I couldn't tell you one way or the other sir.

Chairman Price: I tend to go along with the other members of the board. Being as how you indicated as how you are going to screen this pool, because it will be sort of exposed and out in the open with that corner lot arrangement. Is that your son in the audience?

Mr. Grimm Yes sir.

Chairman Price: Do you promise not to dive off the deck or the roof into the pool?

Mr. Grimm: He waits until Lake Erie to do that.

Paula Recker: Maybe not until next year Mr. Chairman.

Mr. Grimm: I have handcuffs and a jail cell for that sir.

Laughter from the audience.

Chairman Price: The reasons for the distance from the house is they like to keep down the chances of someone jumping off the roof or the second story into the pool. You aren't going to do that.

Mr. Grimm: I can assure you that that will never happen, as long as I own the property.

Paula Recker: Never say never as a parent.

Mr. Grimm: I will guarantee that will never happen.

Chairman Price: Donna.

Donna Vozar: Yes, Mr. Chairman. Based on the findings of fact and conclusions of law as submitted by this Board, this Board has found practical difficulty has been established. The applicant was here testified with his application. No neighbors objected. He is requesting the minimum variance possible and that was based on the size of the pool. The Board has found that it is the minimal variance and that the character of the neighborhood will not be affected. The variance is still within the spirit and intent of the Code. Mr. Chairman, if there is nothing else I would suggest that you vote.

Chairman Price: Anybody else? Call the roll.

Paula Recker: Yes.  
Tony Caraballo: Yes.  
Tony Caraballo: Yes.

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

Chairman Price: Happy laps.

Mr. Grimm: I do have one question for the Board. I turn in the actual permit tomorrow morning, Joe?

Donna Vozar: Go to the Building Department.

Joe Hartman: Bring it into me and I will review it.

Paula Recker: Good luck. Make an Olympic winner.

Mr. Grimm: Next linebacker for Ohio State.

Paula Recker: No. World championships do not go our way.

(BZ09-07) Ron Shuck requests a variance to Chapter 1270 “Residential Districts”, Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (b), for relief from the side yard setback requirement for a detached garage that he wishes to construct in his side yard on this property which is located at 7485 Cady Road, PPN: 486-08-007.

Moved Paula Recker, seconded by Tony Caraballo, to approve a variance to allow a detached garage to be constructed in the side yard of this dwelling which is contrary to Section 1270.12(b) of the Zoning Code.

Chairman Price: Discussion?

Paula Recker: Mr. Chairman. As always, I went and reviewed this property. I guess the applicant should come up to the microphone.

Mr. Shuck approached the microphone.

Paula Recker: From reviewing your application, and you weren't home when I was there, I'm a little confused. You may own those two lots, but are they two separate parcel numbers?

Mr. Shuck: They are two separate parcel numbers.

Paula Recker: And that is the reason that you have to ask for this variance correct? If you had consolidated those two lots you wouldn't have this problem correct?

Mr. Shuck: My understanding of the variance is that the requirement is that the garage needs to be built behind the house. Behind the building line. Either way it couldn't be built behind the front of the house. Because there is a ravine behind my house.

Paula Recker: I wanted to make sure that you understood all that also. I just wanted to get that on the record.

Chairman Price: Do you wish to go forward with the Board?

Mr. Shuck: I do.

Chairman Price: There is no other place, that I could see, where you could build the garage because the way the land is laid. I don't think that this will effect any services, it will not have a detrimental effect on the neighborhood. There is a practical difficulty in that you can't built the garage anywhere else. Its location isn't going to impact the neighborhood. The conversion of the family room, you will need a garage, so that is the only place you can put it. I will be voting for this variance.

Tony Caraballo: Mr. Chairman. I concur with your findings there. Especially seeing that this applicant owns both of the lots over there. He has nine acres and I don't see any undo hardship to anyone else. I also will be voting yes for this.

Chairman Price: I think I would like to add that I don't see, even though it is not a consolidated parcel, there is not going to be any building behind that area because of the drop off, the river, the wetlands, and all the other restrictions down there, no matter who owns it. The garage area is the only land that's left.

Paula Recker: Mr. Chairman. My two-cents in this is that in my estimation he has met the requirements of practical difficulty.

Chairman Price: Donna.

Donna Vojar: Mr. Chairman. The applicant was present here tonight seeking a variance as indicated. The Board has found that practical difficulty has been established. There is no other location on the parcel that would satisfy the applicant's use of the property for this detached garage. The variance is minimum. The character of the neighborhood will not be altered. The governmental services will not be effected. The special conditions do exists regarding the topography of the land. Based on that the Board has found practical difficulty has been established according to the Code. Unless the Board has anything more to add feel free to go on with the vote.

Chairman Price: Anything else? Call the roll.

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

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

(BZ09-08) Brian and Stephanie Seidner request a variance to Chapter 1270 "Residential Districts", Section 1270.05 "Schedule of Area, Yard and Height Regulations", for relief from the minimum side yard setback requirement for an accessory building that they wish to construct on this property which is lactated at 6716 Willow Lake Drive, PPN 487-17-026.

Moved by Paula Recker. Seconded by Tony Caraballo, to approve a variance of 5-feet less than the required side yard setback as prescribed in Section 1270.05 of the Zoning Code with regards to this proposed accessory structure.

Chairman Price: A motion and a second. Discussion?

Paula Recker: Mr. Chairman. After reviewing the application, the property, and listening to the applicant this evening in the Public Hearing, I was satisfied with my questions at the property. So, between those three, I feel that he has met the character of the neighborhood and it won't change. He will get beneficial use of his property, and a number of other requirements for practical difficulty.

Chairman Price: Could the applicant come forward?

Mr. Brian Siedner approached the microphone.

Chairman Price: Could you explain to me what the practical difficulty is with the fence?

Mr. Seidner: We would have to totally take out the fence on the one side and reconstruct it to widen it from where it is currently to be the ten-feet from our neighbor's property line in order to do that. And we tried to move it up so that it was ten feet away but then we got to close to the house. So, we are no closer to our neighbor's house, it's just the way the property angles out, due to the irregularity of the lot.

Chairman Price: Is that a fence that is a structure that is pretty solid?

Mr. Seidner: Yes, a concrete base.

Paula Recker: Mr. Chairman. We forgot to ask him if he would like to go forward because there are only three of us. As Mrs. Vozar has stated, you could go forward or wait until September.

Mr. Seidner: I would like to go forward please.

Chairman Price: Based on the construction of the fence and the fact that the neighbors are not opposed, or that no one is here to voice an opposition to it. It will not change the appearance of the neighborhood. You are not going to notice the 5-feet from the street, or traveling down Ridge Road. And no governmental services will be disrupted from this. Aesthetics are not going to change, and with the fence being there already, I think practical difficulty of moving it or taking it out and rearranging it, or realigning it, is something that would be difficult in putting up this shed. So, I will be voting in favor of this.

Tony Caraballo: Mr. Chairman.

Chairman Price: Tony.

Tony Caraballo: As you were saying, the irregular lot, with the angle and the way it comes in, to move a shed anywhere else would cause more headaches for you. Also, with the fence in place and permanent with the cement anchors. I don't hear any objections from the neighbors. I'm sure they were informed of this. There would be no hindrance to governmental services, so, I will also be voting yes for this.

Chairman Price: Donna?

Donna Vozar: Mr. Chairman. The applicant is here tonight requesting a variance as indicated in the application. No neighbors appeared and objected to this. Based on the evidence presented the Board finds practical difficulty has been established. The variance is minimal and the character of the neighborhood would not be affected. It is not

noticeable from the road as indicated by the Chairman. Governmental services will not be affected and there are special conditions that exist regarding the land that is irregular in lot size. Also, the existing fence that is there. As such, the Board has found that practical difficulty has been established. If there is nothing else, Mr. Chairman, I would go forward with the vote.

Chairman Price: Anything else? Call the roll.

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

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

(BZ09-09) Nigel Brayer/Living Tree Center For Healing requests a variance to Chapter 1284 “Signs”, Section 1284.10 “Location Supplementary Regulations For Signs In Business Districts”, paragraph (d), for relief from the required location for a sign that they wish to erect on this property which is located at 11443 State Road, PPN: 488-08-016.

Moved by Paula Recker, seconded by Tony Caraballo, to approve a variance of 5-feet less than the required distances from another business as prescribed in Section 1284.10(d) of the Zoning Code with regards to the location of the Living Tree Center For Healing sign.

Chairman Price: We have a motion and a second.

Paula Recker: Mr. Hartman. Is the variance request correct? Is it 15-feet?

Joe Hartman: 15-feet from where?

Paula Recker: The first variance, is it 15-feet?

Chairman Price: Will the applicant come up to the microphone please?

Donna Vozar: From the business.

Mr. Nigel Brayer approached the microphone.

Joe Hartman: Me or the applicant?

Paula Recker: Mr. Hartman.

Joe Hartman: What they are going to need is a variance from the north property line of 5-foot.

Paula Recker: So, this variance should read 5-feet, not 15 feet?

Joe Hartman: That’s correct.

Paula Recker: Mr. Chairman, with that information I would like to amend my motion to

Chairman Price: Wait.

Donna Vozar: Mr. Hartman, I think you may need to clarify. On variance number one, it currently reads a variance of 5-feet less than the required distance from another business, is that the correct variance amount?

Paula Recker: Or should it read 15-feet?

Chairman Price: That would be from the driveway side, the Avalon driveway side.

Joe Hartman; That is supposed to be 5-foot.

Chairman Price: 5-feet is correct as written.

Joe Hartman: That is correct as typed.

Donna Vozar: So, the second variance reads 15-feet as required from the street pavement. Is that correct?

Joe Hartman: That is correct.

Donna Vozar: So, as it exists, that is correct.

Joe Hartman: That is correct.

Donna Vozar: Does the applicant agree with that?

Mr. Brayer: I do.

Chairman Price: Another question for the applicant, with only three of us here

Mr. Brayer: I accept.

Chairman Price: I had to ask. Based on the drawings that you submitted with your application, where exactly is this sign to go?

Nigel Brayer approached the bench and showed the Board where the sign is intended on going.

Chairman Price: So, as you describe this sign, it is in the center of the lot from State Road side.

Mr. Brayer: No, it's not exactly in the center. Here is the driveway right here. That is the first variance. This is the Avalon driveway.

Julie Broestl: Please get back to the microphone.

Donna Vozar: Mr. Chairman. Could you please have the applicant get back to the microphone and describe it and then if you could even initial that and hand it to the secretary and just mark it exhibit one, so that we are all clear about what we are talking about.

Chairman Price: Instead of reiterating what the lady just said, could you do just that?

Donna Vozar: If you could please state where on the exhibit one, which will be marked as exhibit one, and circle it and indicate that that is where the sign location is and hand it to the Board. Just initial it and the Board will have the record of where that sign will be located.

Mr. Brayer: Okay, it's going to be 20-feet from the Avalon business driveway.

Chairman Price: Which is on the left side of the property as you are facing it.

Mr. Brayer: Correct. Then it is going to be 10-feet from State Road.

Chairman Price: Curb. There is an access road in front. So, it will be 10-feet from the Curb.

Mr. Brayer: Correct.

Chairman Price: With the big bush that is in the right front corner of the lot, if that was removed, would it give you any more flexibility in placing that sign with less of a variance?

Mr. Brayer: No, because it wouldn't help us any because we would still need a variance on the one side and a variance on the other. The bush doesn't make a difference because then we would be asking for 3-feet instead of 5-feet, but it is still a variance.

Chairman Price: That's what I mean. It would be less of a variance though.

Mr. Brayer: This bush isn't even there yet, by the way.

Paula Recker: There is a bush there now. It's overgrown but it is there.

Mr. Brayer: It will be cut down and made smaller.

Paula Recker: Mr. Hartman. Am I correct that to go along with this landscaping discussion, that he is required by Code, should this sign be approved, he then thus has to landscape on both sides of the sign.

Joe Hartman: That is correct.

Paula Recker: Mr. Chairman. I feel that he needs room to put enough landscape bed in to make a decent landscaped design. So, to aesthetically do that sign.

Chairman Price: I agree. The pond that is in the front, the size, the shape, the depth, is all required by who?

Mr. Brayer: By the City, a retention basin.

Chairman Price: The EPA, or City engineer?

Mr. Brayer: Yes. Many people.

Chairman Price: Maybe Mr. Hartman will know this. EPA requirements the size of the retention pond to fit the particular building or the lot size?

Joe Hartman: EPA very possibly. It's an engineering question and I wouldn't know it.

Chairman Price: Somebody has to decide on the size of the hole in the ground. I am assuming whoever it might be; they have dictated that the hole has to be the size that it is now, which limits where the sign is to be placed.

Joe Hartman: That's correct.

Chairman Price: Rather it's the EPA, engineer, or whoever it might be, because of the requirement to have that detention basin, the area for a sign is limited. Unless we want to put it on pontoons and float it in the pond, I don't see any other area that we can put it. I would put a condition on this, however, that if the sidewalks are installed at some later date, which is there is a lot of talk over, that there is an agreement to move the sign to a safe distance from the sidewalks.

Mr. Brayer: I'm not sure how that would be possible because we would still have the pontoon issue to deal with. We can leave that for the future.

Chairman Price: If there is a sidewalk would you be willing to move the sign to a safe distance?

Mr. Brayer: Absolutely. That still doesn't leave many options but it's a possibility for sure.

Chairman Price: I would like to add that as a condition to the variances.

Moved by Chairman Price, seconded by Paula Recker. **that if sidewalks are installed at a later date that the applicant move the sign to a safe distance from the sidewalk.**

Tony Caraballo: Mr. Chairman.

Chairman Price: Tony.

Tony Caraballo: Also, seeing the size of the retention basin as required by who, I don't who required it yet, we haven't been told,

Chairman Price: It's just required.

Tony Caraballo: Just required by the engineer or EPA.

Donna Vozar: It is the Engineering Department and any input they would get from other governmental entities is also taken into consideration. But it is the Engineering Department that has the jurisdiction over that and the City of North Royalton, if that helps.

Paula Recker: And by Code.

Tony Caraballo: Again, you are going to be landscaping that, I think it will be a nice enhancement to the area. Given so, you are limited to where you are to put the sign, and I think we all deemed that if it doesn't go in the pond it is the only place that we can put it. It won't be a hindrance to the side with the Avalon drive at this point. I do like the condition that Chairman Price has put on it in regards to the sidewalks, if they are installed at a later date, that we are in agreement that you would move the sign if it has to even go in the pond, so be it. Perhaps you would have to anchor it to the bottom, but you will have to deal with it if sidewalks must go in at a later date. Given so, I will concur and also be voting for this.

Chairman Price: I would like to ask another question, will this sign in relation to State Road, will it be perpendicular to State Road or parallel to State Road.

Donna Vozar: Perpendicular.

Chairman Price: So it will run along the driveway.

Donna Vozar: Correct.

Chairman Price: Front to back. Donna?

Donna Vozar: The applicant was here and presented his application. No neighbors were here tonight to object to this. A condition has been imposed and the applicant has agreed that in the event that sidewalks are installed the sign would be removed at the applicants cost to another location. Practical difficulty, according to the Board, has been established based on the topography of the area. The existence of the retention location and its place and size of the lot all warrant granting variance number one. Based on that, Mr. Chairman, unless the Board has anything else to add continue with the vote.

Chairman Price: Anything else? Call the roll.

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

Ayes – all. Nays – none.  
Variance one granted.

Moved by Paula Recker, seconded by Tony Caraballo, to approve a variance of 15-feet less than the required distance from the street pavement as prescribed in Section 1284.10(d) of the Zoning Code with regards to the location of the Living Tree Center For Healing sign.

Chairman Price: We have a motion and a second.

Paula Recker: Mr. Chairman.

Chairman Price: Paula.

Paula Recker: Before I discuss this variance, I meant to do this in the first variance, I have watched the progress from Planning Commission to construction of where you are as of today, and I would like to comment that it looks wonderful. You have done an excellent job, it is an excellent improvement to that whole area and to the businesses of North Royalton. Thank you for that. In regards to this variance, as with the first variance, in this particular case, I think in the years that I have sat here, I think that this whole application and this property meet the definition of hardship. He has to have a retention pond, and North Royalton needs that. When the retention pond went in I said where in heaven are they going to put a sign? So, because of hardship and it will enhance the neighborhood and given him beneficial use of the property, I am very happy to vote yes on this.

Tony Caraballo: Mr. Chairman. For all of the reasons stated by Mrs. Recker, and the retention basin is a definite positive for the city. The area will benefit from this, for sure. It is a minimal variance, where else will you put it? I also will be voting yes.

Donna Vozar: Mr. Chairman, is the condition imposed on this variance also?

Chairman Price: I was just going to move to imply it.

Moved by Chairman Price, seconded by Paula Recker, **that if sidewalks are installed at a later date that the applicant move the sign to a safe distance from the sidewalk.**

Chairman Price: Call the roll.

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

Ayes – all. Nays – none  
Motion for condition (3-0)

Chairman Price: The variance is now with the condition. Is there consensus?

Donna Vozar: Based on the evidence presented the findings of facts and conclusion of law as stated in condition number one are restated here. The applicant has acknowledged again, for this variance that he agrees to the condition regarding the sidewalks. Based on that I have nothing further unless the Board has something to add.

Chairman Price: Anything from the Board? Call the roll.

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

Ayes – all. Nays = none.  
Variance two granted. (3-0)

Moved by Paula Recker, seconded by Tony Caraballo to move to adjourn.

Chairman Price: All in favor.

Approved: \_\_\_\_\_

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

Attest: \_\_\_\_\_