

**MINUTES OF BOARD OF ZONING APPEALS
CAUCUS ROOM & VIA ZOOM
CITY OF INDEPENDENCE
March 16, 2023**

New Business:

- 1. 4425 Valley Woods Drive, Tim Godfray** – Requesting a variance to 1143.02(a)(1) to allow a second accessory structure (not permitted).
- 2. 6626 Bexley Court, Bob & Debbie Calevich** – Requesting a variance to 1165.02 to allow an encroachment past the rear building line of approximately 4’ into the rear yard.
- 3. 5407 Brookside Road, Theresa Salupo & Michelle Metz** – Requesting a variance to 1143.02(b)(1)(A) to allow a height of 20’ (15’ permitted); Requesting a variance to 1143.02(b)(1)B to allow a 3-car garage to be 40’x 24’ (36’x 24’ permitted); Requesting a variance to 1165.01 to allow a side yard to be 2’ (15’ required).

The meeting was called to order by Chairman Mark Moreal at 5:33 p.m. and the following responded to Roll Call:

PRESENT: **Mark Moreal, Chairman**
 Councilperson Chris Walchanowicz
 Pasquale Monteleone, Jr.
 Charles Bredt

ABSENT: **Carol Fortlage**

ALSO
PRESENT: **William Doyle, Assistant Law Director**
 Anne Lynch, City Planner
 Michael Gero, Building Official

Chairman Moreal stated good evening and welcome to this evening’s meeting of the Independence Board of Zoning of Appeals, the 16th day of March 2023.

At this time, I’d like to ask the Board if there are any corrections, changes or additions to the February 16, 2023, meeting?

There were none.

A motion was made by Councilperson Walchanowicz, seconded by Pasquale Monteleone Jr., to approve the minutes of the Board of Zoning Appeals meeting of February 16, 2023.

ROLL CALL: **Yeas: Walchanowicz, Monteleone, Moreal**
 Abstain: Bredt
 Nays: None
 MOTION CARRIED

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Chairman Moreal stated before we get started, I'd like to read the Board of Zoning Appeals opening statement.

The Board of Zoning Appeals is a quasi-judicial body and, as such, its role is similar to a judge in a court case. The Board will hear evidence and testimony that is factual and will make decisions based upon the facts which are presented, and the rules as set forth in the Zoning Code principles of Ohio law.

The City of Independence has adopted a Zoning Code and, per the City's Charter, has appointed a five-member Board of Zoning Appeals. This Board is empowered to hear and decide appeals and to authorize variances from the strict terms of the Zoning Code where the variance will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the Zoning Code will result in practical difficulty or undue hardship, depending on the type of variance requested.

With this being stated, the Board's proceedings are relatively informal; but, in order to conduct an orderly meeting and allow all parties of interest, mainly contiguous property owners (or their legal representatives), the opportunity to present the evidence, certain procedures need to be followed:

All interested parties must be sworn in. The applicant will be asked to present evidence to support the requested appeal, the Board will ask questions, and then all interested parties (contiguous property owners) may present evidence concerning the appeal and ask questions regarding previously presented evidence. Any party may ask questions to another party.

It is the applicant's burden to produce evidence to support the application. The Board will not make the applicant's case for them. In order to prepare appropriate meeting minutes, each person who speaks will need to state, for the record, his or her full name and address. The meeting may be continued by either the applicant or the Board. The Board must base their decision upon facts and not on expressions of concerns or non-factual matters. The action of the BZA does not become final until 30 days after the date of the meeting that the minutes are approved by the BZA. Any appeal may be made to the Cuyahoga County Court of Common Pleas by an interested party within 30 days of the date the minutes are approved.

4425 Valley Woods Drive, Tim Godfray – Tim Godfray was in attendance and sworn in.

Chairman Moreal stated first on tonight's agenda, 4425 Valley Woods Drive, Tim Godfray. Requesting a variance to 1143.02(a)(1) to allow a second accessory structure, which is not permitted.

Are there any neighbors present?

The Secretary stated none.

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Building Official Gero stated before we go any further. Will, do you want to advise the applicants of the situation we have here with only 4 members present please?

Assistant Law Director Doyle stated yes, is the applicant in the actual room?

Councilperson Walchanowicz stated yes.

Assistant Law Director Doyle stated okay, I wasn't sure if people were going to be coming in the room. So, I'm going to say this for each applicant to the extent that they're not in the room already. As the Chairman noted in his opening preamble, the applicant always has the right to defer consideration of the application for a month. Sometimes applicants choose to take advantage of that when there is not a full 5-person Board because there's the reality that the vote on your application could be 2-2, and a tie is essentially the same thing as a denial. So, sometimes applicants like to take the opportunity to defer for a month for a full Board to be there. Obviously, I can't advise you one way or the other on that, but you should understand your rights and the risk of an even-numbered Board tonight.

Chairman Moreal stated one of our members is missing, and it kind of happened last minute. Any neighbors present on number 1?

The Secretary stated no.

Chairman Moreal stated okay, Commissioner.

Building Official Gero stated 4425 Valley Woods Drive, the Godfray property. They are requesting a variance to 1143.02(a)(1) that prohibits more than one separate accessory structure on the lot. So, what he has is, he submitted an application to put up 2 pavilions in his yard, and one was able to be approved without any issue, it was compliant. The second one is why he's here, to go before the Board and ask for a variance to that code section to allow a second accessory structure.

Chairman Moreal stated okay. Tim, for the record why don't you explain to the Board your reason for this request.

Mr. Godfray stated just to have an extra structure for when I have parties there's coverage.

Chairman Moreal stated since the one is already up Mike, it would be the second one, right? The neighbors were notified, correct? Did you talk to your neighbors about this?

Mr. Godfray stated no because they are far enough away.

The Secretary stated neighbors were notified, though.

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Chairman Moreal stated okay, just want to make sure. Tim, I saw the other one, I didn't see this one as far as (inaudible). Is it the same structure? Same brand, different size?

Mr. Godfray stated it's the same structure, but a different size. This one is longer.

Chairman Moreal stated okay, it's a little bit longer, 12'x 20' I believe.

Mr. Godfray stated I have a picture of the one that's already up.

Chairman Moreal stated I saw it. That's the one in the backyard. Tim, what's the height? There it is, 10' 5". Are they both the same height?

Mr. Godfray stated yes, they are.

Chairman Moreal asked is this strictly for parties, are you looking for this to be a carport, or what?

Mr. Godfray stated once in a while if the weather is inclement or we're getting a snowstorm I might park my vehicle underneath there. I have a 3-car garage, so I stick everything in the garage. What I still don't understand, is how come this is a supplemental building, and I already have a garage attached to the house, and they say that's a separate structure?

Chairman Moreal stated no.

Building Official Gero stated when you have an attached garage, you're allowed to have 1 accessory structure, and that is the pavilion that was approved already. This is the 2nd.

Chairman Moreal stated let's say you had a shed in the backyard, that would be your one building, then you'd be coming to us for 2 more in this case. Right now, it's just for one more.

Mr. Bredt stated I don't see an issue.

Chairman Moreal stated I see it more like an entertainment area. Are you putting pavers underneath there?

Mr. Godfray stated yes, the same type of pavers I have on the other one.

Chairman Moreal stated it's a pie-shaped lot, he's probably 40' from the neighbor's garage, if not more.

Mr. Bredt stated there's no side yard.

Chairman Moreal stated no issues on the side yard at all.

Mr. Bredt stated I'll move approval as presented.

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Mr. Monteleone stated I'll second.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone Jr., to approve the addition of a second accessory structure.

**ROLL CALL: Yeas: Bredt, Monteleone, Moreal, Walchanowicz
 Nays: None
 MOTION CARRIED**

Chairman Moreal stated next, we have 6626 Bexley Court, Bob, and Debbie Calevich. Requesting a variance to 1165.02 to allow an encroachment past the rear building line of approximately 4' into the rear yard. Are any neighbors present?

The Secretary stated no.

Chairman Moreal asked have they been notified?

The Secretary states yes.

6626 Bexley Court, Bob & Debbie Calevich – Sean Kinzel, the general contractor was present and sworn in.

Building Official Gero stated Mr. Chairman, 6626 Bexley Court, the Calevich property is requesting a variance to 1165.02, which requires that each dwelling has a rear yard (inaudible) should be at least 20% of the lot, no less than 40'. In this case, they're covering the porch on the back of the house, and it is encroaching past that into that 40' rear yard by approximately 4'.

Mr. Kinzel stated that's correct, yes. There's an existing deck there now.

Chairman Moreal stated I was there yesterday. They weren't there, but I looked at it.

Mr. Kinzel stated right, so the existing deck was at the setback line, and in order to put the roof over that, the piers for the roof support need to extend past the deck. They are going to add a fireplace enclosure off the existing deck as well, so that's going to be covered under the roof, but it would encroach.

Chairman Moreal asked so, the existing deck, you're not extending that at all?

Mr. Kinzel stated we're not.

Chairman Moreal stated okay, that's what I figured.

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Mr. Kinzel stated we're just going to have the fireplace behind that deck, and then obviously the posts for the roof.

Councilperson Walchanowicz stated it's going to look similar to the neighbors.

Chairman Moreal stated it's going to mimic the neighbor's house pretty much.

Mr. Kinzel stated you can see that the neighbors extend much further past, and then there's another open area (inaudible) for the pool I think on the other side.

Chairman Moreal stated on the other side, yeah.

Mr. Kinzel stated (inaudible) the retention basin behind it. It didn't seem like it was going to be much (inaudible).

Chairman Moreal stated you have a little overhang off the post, is that what it is or is that the post?

Mr. Kinzel stated that's the post.

Mr. Monteleone asked the posts are going to be in the 4' setback?

Mr. Kinzel stated yeah.

Chairman Moreal stated the posts, and whatever, well, it's the posts, the base of the posts, and the roof.

Mr. Kinzel stated the back of the existing deck is essentially the setback line. So, everything beyond that would be encroaching into the 40'.

Chairman Moreal stated so, it's 4' roughly, pretty much.

Mr. Kinzel stated yes, we're working off of 4', but it will be in the area of 3'.

Mr. Monteleone stated because you have to tie all of that back in.

Mr. Bredt asked is the fireplace gas or is it woodburning?

Mr. Kinzel stated it's going to be gas, a ventless unit.

Mr. Monteleone stated yeah, because I don't see a chimney on here.

Mr. Kinzel stated no, it's a ventless unit, and there might be a TV enclosure above it.

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Chairman Moreal stated I don't have an issue with it per the drawing, I'm okay with it.

Mr. Monteleone stated I'd like to make a motion to approve.

Councilperson Walchanowicz stated second.

A motion was made by Pasquale Monteleone Jr., seconded by Councilperson Walchanowicz, to approve the encroachment of approximately 4' into the rear building line.

**ROLL CALL: Yeas: Monteleone, Walchanowicz, Bredt, Moreal
Nays: None
MOTION CARRIED**

Chairman Moreal stated next, we have 5407 Brookside Rd., Theresa Salupo and Michelle Metz. Requesting a variance to 1143.02(b)(1)(A) to allow a height of 20' (15' permitted); requesting a variance to 1143.02(b)(1)B to allow a 3-car garage to be 40'x 24' (36'x 24' permitted); requesting a variance to 1165.01 to allow a side yard to be 2' (15' required).

Any neighbors present?

Mr. Oris stated yes.

5407 Brookside Road, Theresa Salupo & Michelle Metz – Theresa Salupo, Michelle Metz, and their neighbor, Thomas Oris were present and sworn in.

Chairman Moreal asked would you want to come over here? Mike, it's all yours.

Building Official Gero stated 5407 Brookside Rd., the Salupo/Metz property. They are requesting 3 variances. The first one is 1143.02(b)(1)(A), which requires that the height of a garage shall not exceed, exceed rather 15', they want to have an additional height of 5' for a total of 20'.

The second variance is 1143.02(b)(1)B, which states that a 3-car garage shall not exceed 36'x 24', they would like to add 4' to the one dimension to make it 40' x 24'.

Then, the third variance is to 1165.01, which requires a side yard of at least 15' on each lot, they would like to reduce the side yard to 2', which would be a 13' reduction in the side yard at that point.

I'd just like to add that the applicants are working with the Engineering Department because there's some issues with grading and sloping. It's my understanding that you hired or will be hiring a surveyor to come out and give a site plan, and Engineering would be approving the grade and the exact location as far as the structure would go, just due to the topography in the back.

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Chairman Moreal stated when I was there yesterday, I saw a site plan, we don't have one. Amanda, did you...

Building Official Gero stated no, we didn't receive one.

Chairman Moreal stated no, this one right there.

Ms. Salupo stated this is the one that I gave to your secretary. She took it and copied it.

Building Official Gero stated oh, okay.

Ms. Salupo stated so, now you can see it.

Chairman Moreal stated yeah, we never got that, so that would have been nice to have.

Building Official Gero stated yes, we did receive it, but we received it with the building plans.

Chairman Moreal stated okay, so nobody else (inaudible).

The Secretary asked do you want me to make a couple copies?

Mr. Monteleone stated we have it now.

Chairman Moreal stated Mike, before we even get into it, driveway, what's the code on this, that's the surface. Yes, or no?

Building Official Gero asked is a driveway required?

Chairman Moreal stated yes.

Building Official Gero stated no.

Chairman Moreal stated oh okay, so it's not.

Building Official Gero stated a driveway is not required. If they're driving vehicles back there, and they create ruts, then they have to address that.

Chairman Moreal stated okay, that's what I kind of thought. I mean, if you get a vehicle back there and park, store it, like historical, that's fine?

Building Official Gero stated if you pull it out a couple times a year, that's fine.

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Ms. Salupo stated we'll get a driveway someday.

Chairman Moreal stated alright ladies, whoever wants to go first.

Ms. Salupo stated okay, I'm Theresa Salupo. This has been our family lot for a while now, I actually gathered up some pictures so you could see it. The slope situation, I've been cutting this thing for years, since I was a little girl. I had somebody come in the fall time and move some dirt, and when I was looking at the pictures I had and what they are now, it's all clay. It's solid clay where it's at. I have no problem. The builder I have is very confident, the plans and everything there we are really pleased with them.

We are in dire need of a lot of storage. We do have quite a few hobbies, we have quite a few vehicles and cars, a couple of motorcycles, gardening equipment, all kinds of stuff. So, as far as that area, I'm waiting, I actually found out yesterday that the guy I was given the name to; I had to keep calling and going after him. It was 2 weeks ago, and I had him on board, he gave me another name of someone to come survey. He said they were 11 weeks out. He gave me another person; I was kind of sad he didn't tell me right off the bat because I went and presented with all of the paperwork and everything.

Tom, my neighbor here, he's wonderful, and as far as going out and seeing the area, to my knowledge he's okay with the side, and having me over there. It's basically all wooded area, but we take care of each other and stuff. You're probably wondering why you want 2', because it will fit behind the house better. That slope is further down. Any kind of change of grade that we had, we actually had the Engineering Department come out. Don and Matt came out to see it, and their concern was because the dirt was moved, and the builder, if you look on 3A on this picture. The bottom picture is showing you how it's going to go down that hill. It's 8' in the back, it's going to go down, big footers down there, so I have no worry about it moving.

Chairman Moreal stated you're putting block, I'm just looking.

Ms. Salupo stated it's going to be footers and block going down underneath that.

Mr. Monteleone stated that's impressive.

Chairman Moreal stated so, the height is 22', but I guess at the low side is probably 30', right? Charlie, you see that.

Mr. Bredt stated yeah.

Chairman Moreal stated how the lay of the land goes, at one point you'll see whatever this is, that's another 4' maybe. So, 26' I'd say on your neighbor's side, and probably on your side you're going to see 1.26' of structure, I guess.

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Mr. Monteleone stated (inaudible) some dirt.

Councilperson Walchanowicz stated well that's my question. Are they going to backfill that or is that going to be an open space?

Ms. Salupo stated it's going to be backfilled. Inside, they're going to be putting gravel.

Chairman Moreal stated see right here. Okay, so here's the lay of the land, is this going to show? This brick, block, whatever it is.

Ms. Salupo stated no, if they have excess of stuff that they're going to be pulling out, we want to put that around, the porch is going to be on that one side.

Chairman Moreal stated okay, so that's the porch side. So, you're going to build dirt up to here?

Ms. Salupo stated yes.

Chairman Moreal stated then, what about the back? Is it going to go something like this in the back?

Ms. Salupo stated we're hoping to have; there's not much of a hill. We had taken some pictures off of my phone and put them on this little thing here.

Chairman Moreal stated it drops down; I think.

Ms. Salupo stated it's way lower than what I anticipated that they were going to go, which I think is better, it's more structure, and if I anticipate putting the building further back, then we might run into some; it's flat at the bottom of the yard. I know you were looking at that yesterday, but it's very easy to have some water and stuff (inaudible), but it's holding up so far.

Councilperson Walchanowicz stated when I was there today it was muddy, so I didn't want to trench through the mud, but at the very back end of the flat spot that you guys cleared a little bit, to where it starts to drop, how far is the back of that building going to be to that?

Ms. Salupo stated I think he put it on one of these spots here.

Chairman Moreal stated it's got to go past that, it's 40'. It doesn't look like a big enough pad.

Councilperson Walchanowicz stated right, but it doesn't look like there's 40' from the back of the house to where it drops.

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Mr. Monteleone stated I imagine when they dig out the footers and stuff, that dirt's got to go somewhere.

Several people began speaking at once.

Chairman Moreal stated so, I would say a good 25% of this building right now, if you drop it there it's hanging over. It has to be. When I first noticed I thought it was the side of the house, but no, when you look at this drawing.

Councilperson Walchanowicz stated plus the one drawing looks like it could potentially 4'-6' behind the house.

Ms. Salupo stated it's about 5'.

Chairman Moreal stated okay, so now you're talking 45' from the end of the house, which it would be nice to have it laid out, staked, just to get a visual. I know you're measuring something over there with your pen.

Mr. Bredt stated technical question, I actually found the dimension on A-05. Mike, they're asking for 24'x 40', is not the roof extending over the porch considered part of the building?

Building Official Gero stated no.

Mr. Bredt stated it's not. Okay, good we got that on the record. Second of all, can we go back to the site plan? What is this distance right here from the side of the house to that extended blue line that comes up to the footprint? Is that a couple feet?

Ms. Salupo stated I don't know.

Chairman Moreal stated wait, which one Charlie?

Mr. Bredt stated I have a problem with the 2' side yard, so on the record I'm stating that. What is this distance, and I'm using this blue line since we did not have it, now I understand. What is the approximate distance from the side of the house to that blue line? Approximately. A couple feet?

Several people began speaking at once.

Mr. Bredt stated okay, so I'll tell you where I'm going. Move it over a couple of feet. You've got an open shed roof here, which is not a part of the variance request, and I don't know if there's a window there, but even if there was, you'd be looking under out towards your property. That shed roof that's extended off the building that you're applying for the variance for. Do you follow where I'm going in a convoluted way?

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Ms. Salupo stated yes, it's also lower, that area's lower.

Chairman Moreal stated it drops lower. I know what you're saying, you think you're going to look out the window, look underneath it.

Mr. Bredt asked is there a window in that corner?

Ms. Salupo stated yes, the bedrooms back there.

Mr. Bredt stated okay, I didn't look back when I was there.

Several people began speaking at once.

Mr. Monteleone stated it'd be nice to have 5'.

Ms. Salupo stated so, right on the side of the house, that's where it kind of goes down, and then the hill has always been in that position where it just gradually goes down. I've been, like I said, cutting it, and the other side of the house, over there, we had to move some of the dirt because it was a steeper cliff.

I'm an old lady now, and I don't want to stand there with a weed whacker, so I decided to have the guys bring some dirt over here. So, all that dirt that's there, it was moved, is from our property. It was not brought in or anything. You'd have to go out.

Mr. Bredt stated I was there yesterday.

Councilperson Walchanowicz stated until you get the survey, we're not 100% sure that that's exactly where it's going to sit.

Ms. Salupo stated okay, no problem.

Councilperson Walchanowicz stated that's what I'm understanding, correct?

Ms. Salupo stated when I talked to the gentleman, Todd, he works for Bohning or something.

Chairman Moreal stated Bohning and Associates.

Ms. Salupo stated he took me on a little ride for a couple weeks, and now we actually asked do you have somebody else that you recommend? There was also another name of someone that Amy gave me, from the Engineering Department, so I waited until today to find out what the outcome was going to be. I do have to have it done for my own good too.

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Councilperson Walchanowicz stated right, but the reason I'm asking is if once they survey, is there a potential that the building may be moved to the east a little bit? Could it be moved? Is there any possibility to that once your survey is done?

Ms. Salupo stated I'll tell you the truth. I wish it was back further.

Chairman Moreal stated well, you know what, to be honest with you, you could go back further. Going back further probably; it doesn't help the side yard, but again once you get it surveyed you might find out that you're asking for 2' and it might already be 3' or 4'.

Councilperson Walchanowicz stated that's what I was getting at.

Chairman Moreal stated based on our conversation earlier about the way the land falls off, right now if you plop that where you want it, you'd have to build up in the back. So, at that point go further back and move it over a little bit.

Ms. Salupo stated I like that idea. That's what I really wanted. Remember Tom, we were talking about that?

Chairman Moreal stated I think, and again based on what Mr. Bredt said about the 2', I feel the same way. I know you're a neighbor, and I know you're okay with it, but in 10 years a new neighbor comes in, and they go who allowed this shed to be 2' on the property line. It's a big structure, we're okay with the structure to a point.

We have another question about the height, and we'll get to that. I think before voting on anything it should be surveyed, and it'd be nice to have it laid out so we can get a feel. I'm looking through the window, I don't see 24'x 40', it's nice to put pins in and maybe construction tape. A lot of people do that for us if we ask, it answers a lot of questions.

Councilperson Walchanowicz asked did they give a time frame on a new potential survey date?

Ms. Salupo stated well, that's why I was surprised because he said it's 11 weeks. I told him yesterday; I go you know I needed this by today, and he goes yeah, I kept hem hawing. I wasn't really pleased with, that's the only thing I wasn't pleased with. If you can't do something let me know because times of the essence, and I want to get it done.

Councilperson Walchanowicz stated sure.

Ms. Salupo stated so, I'm going to try the next person that they gave me, and he was nice enough to send another name. If you guys had someone.

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Chairman Moreal stated I was just going to say, Mike, do you have any referrals?

Building Official Gero stated the Engineering Department would have the surveyor referrals.

Chairman Moreal stated oh, okay.

Ms. Salupo stated okay, she gave me 5 names. Amy was very nice; everybody has been wonderful.

Mr. Monteleone stated could you flip a couple? Right there, that's showing the flat, right? Then, here we're showing the grade that's existing, you drew that line, that's on the back side. So, there's going to be exposed cinder block on the neighbor's side if I'm correct.

Chairman Moreal stated because you're not going to be able to back fill (inaudible).

Councilperson Walchanowicz stated it looks like a poured brick.

Mr. Monteleone stated the front side is going to be a patio, the overhang with a deck.

Chairman Moreal stated so, yeah, I know what you're saying. So, this right here, this is the back, that's the front, this is the neighbors property here. You're going to see all this; you can't feather this out unless you go onto his property.

Mr. Monteleone stated, and 2' isn't going to let you.

Chairman Moreal stated right, so that's what you'll be seeing on that side. You might be okay with it, but the next person might not, so that's where the question comes in to play.

Mr. Monteleone asked are we concerned that that's open block? Mike, do we want that to be cultured stone or...?

Building Official Gero stated no, we won't worry about that.

Mr. Monteleone stated okay, just so it's on the record.

Councilperson Walchanowicz asked Charlie, is that a footer underneath the post for the plumbing?

Mr. Bredt stated yes.

Chairman Moreal stated the height. Go ahead Charlie, what do you got?

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Mr. Bredt stated I was going to suggest that we take all 3 parts of the application individually. For instance, without making a motion yet, I don't have a problem with the size, I actually don't have a problem with the height to where it is sitting relative to the neighbor, there's an awful lot of expanse back there, and pushing it back a little bit more will make it less intrusive on the street. I do have a major problem with a 2' setback for all the reasons you're hearing plus the feathering, which I hadn't thought about, but that's absolutely appropriate. You get water running around the edge of it for whatever, you're going to get an erosion issue too.

Chairman Moreal stated with that being said, to Chris' point about the survey, rather than vote I think we should table it until it's surveyed and staked out. But, take back home with you our concerns or thoughts, and say okay let's try to work it out.

Mr. Bredt stated here's the thing though, I don't want the applicant to spend any more money on a design of the building if we don't have a problem with the design of the building, and if at the very minimum it's going to be pushed back and slightly moved to the right subject to the survey. So, in other words I'd be in favor of approving the size, approving the size both footprint and height, but tabling the discussion on the setback from the side until we see that survey.

Ms. Salupo stated that'd be great.

Chairman Moreal asked Will, can we do that? Can we vote on 2 variances and table another one?

Building Official Gero stated in essence it's 3 separate requests.

Chairman Moreal asked, or do we have to vote against the 3rd one?

Building Official Gero stated you can table the 3rd one.

Chairman Moreal asked you can table one of them?

Building Official Gero stated figure it as 3 separate requests. When there's one property coming in for multiple, we just list them all together, but in essence it's 3 separate applications.

Chairman Moreal stated okay. For the record, the height, why so much, we don't know how much it's going to sit down. I mean, you're not going to see this I don't think from the front of your house. It's like an oversight of your roof line, correct?

Ms. Salupo stated yes.

Chairman Moreal asked do we know that?

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Ms. Salupo stated well, it looks like it's going to be, it's lower in that area because of that guy moving stuff out.

Mr. Bredt stated plus, they have a hip roof on that side.

Chairman Moreal stated I know, but...

Mr. Monteleone stated well there's staircases (inaudible), I don't know if you noticed.

Chairman Moreal stated it does drop down, but when the guy comes in to build it, is he going to raise the; what's finished height? It's 20', but...

Councilperson Walchanowicz stated it could be a 10' ceiling.

Chairman Moreal stated you'd hate to be in the front yard and see this peak sticking up. I don't know if it will. You've got a ranch and a low lying roof to begin with, so I don't know how much it sits down.

Councilperson Walchanowicz asked will the upstairs be used as storage or will it be like a hobby/craft area?

Ms. Salupo stated like storage.

Councilperson Walchanowicz asked do you plan on gas, water, electric, or any of that there?

Ms. Salupo stated not right now, just going to basically use it for storage.

Several people began speaking at once.

Councilperson Walchanowicz stated I'm with Charlie, I'm good with the height, I'm good with the size, and the look of the structure, but I think, like I mentioned earlier, the survey would be huge because they're asking for 2', and that may completely change the side yard variance if the survey states they need to move right.

Mr. Monteleone stated I have a feeling that when they go to survey, they're not going to want to pin that thing within 2' because you're going to need some sort of taper. It's not going to be a 2' just drop right off. You're talking maybe a 6' drop in that back corner.

Mr. Bredt stated this is a variance with a 15' requirement too.

Mr. Monteleone stated I think the surveyor is going to want to push that thing over maybe 4' or 5' because I think you need at least 5' to taper.

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Chairman Moreal stated well the surveyor doesn't really care, he's going to set the pins.

Ms. Salupo stated our intention is to have all of that covered up. That I think is what my builder was putting down on how it was going to be. The correct level, the yard right now, our intention was to have all that block covered.

Mr. Monteleone asked with dirt?

Ms. Salupo stated yes, with dirt, but because it's too deep he can't.

Chairman Moreal stated there's no way he can do that. If you were 7.5', split it. If you could do something like that, then I could see you doing it. Then, it's a good comfort level on our part, really, I think.

Mr. Monteleone stated you're supposed to be 15'.

Chairman Moreal stated halfway is not structurally ideal.

Mr. Monteleone stated I say if you can go 5', I think in this situation, it'd be the best.

Councilperson Walchanowicz stated if I'm wrong, correct me, but if it's 2', and we get water rolling through there it's going to wash away her neighbor's property, and not their property.

Mr. Bredt stated yep, and that 2', even though the neighbor is probably amenable to it, you're going to have to be on his property to build that. I'm not hearing any objections, so I would guess that you've already worked that out consensually.

Ms. Salupo stated he supports it.

Chairman Moreal stated we know, but we also have to think about down the road.

Ms. Salupo stated, and I think that section over there on your side is actually lower.

Mr. Bredt stated well, there was a topo at the very beginning if you could go back to that. It might be better to just table the whole thing because when the surveyor shows you where you can possibly put it, and you decide how much of a variance on the side yard you really do need to make all these comments we've made appropriate, you may change the design of the building height also a little bit.

Chairman Moreal stated here's the thing about tabling it. I know we get 2' out of the way, but they can't really do anything unless they say hey, we're going to stay 15' off and go with it.

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That's fine, and then everybody is happy, but we're not trying that, we're trying to see what we can do. Get a survey and kind of lay it out and see where this thing fits best.

Councilperson Walchanowicz stated we're just trying to help.

Several people began speaking at once.

Building Official Gero stated the surveyor's only going to give you a topo. It's not necessarily going to plot out the; I think the applicant needs some direction that maybe 2' would not be acceptable, maybe at least 5' would be acceptable or something to that degree.

Chairman Moreal stated I'm thinking we're hearing that, that's why we've all said, I mention 7.5' halfway. I'm just throwing that number out there. You go 15' you're good.

Mr. Bredt stated yeah, you won't have to ask for that.

Chairman Moreal stated so, you mentioned 5'.

Mr. Monteleone stated 5'-7' if you could.

Chairman Moreal stated no matter what ladies, you are going to have to build that land up. If you got it where it's at right now when you drop it there, there's got to be some building up and putting footers, the whole bit. So, whether it's there or there.

Councilperson Walchanowicz stated one question that I don't think we've asked yet is where's the water going to go when it rains and comes off the roof? What kind of drainage are you going to have?

Chairman Moreal asked are you doing gutters?

Building Official Gero stated that is something the Engineering Department would address in Architectural Board of Review. It's not really a BZA issue.

Councilperson Walchanowicz stated okay.

Mr. Monteleone stated understandable.

Councilperson Walchanowicz asked will Don in Engineering tell them like, hey you need some type of drainage on the west side of the building?

Building Official Gero stated we'll figure it out. (inaudible) watercourse back there, and he'll figure out where it will discharge to, if not, they'll have to tie into the existing storm sewer.

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Mr. Bredt stated yeah, you're going to get your water run off at this point going that way.

Ms. Salupo stated, and that's where, basically it's like a creek down there on the bottom.

Mr. Bredt stated, and with that corner being the deepest excavation, all that water is going to be running around that corner, and while we all love Spring showers.

Chairman Moreal stated you don't show gutters, I don't know if that's the plan.

Ms. Salupo stated yeah, there's going to be gutters on there.

Chairman Moreal stated okay, so then you'll take it to the back, and let it go.

Mr. Monteleone stated I have a feeling that the best place is to move it a little bit, at least to 5' or 7'.

Chairman Moreal stated like I said, even if you had to go back, you have to go back, you have to back fill it anyways, so at that point, you might say hey I got all this backyard why don't I move it back a little bit more.

Ms. Salupo stated that's what I would love to do to tell you the truth.

Chairman Moreal stated right, the little I saw, we saw, you're going to have to backfill, so at that point if you're going to backfill 8', backfill 10', move it over, and go back. You get away from the side yard and it's workable.

Mr. Bredt stated you're going to excavate 10' in that corner before you're said and done regardless of how it happens.

Chairman Moreal stated yeah.

Mr. Bredt stated so just to move it off that center, I'll make a motion to approve the footprint of the building only.

Councilperson Walchanowicz stated second.

Chairman Moreal asked what footprint?

Councilperson Walchanowicz stated the 24' x 40'.

Chairman Moreal stated okay.

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Mr. Monteleone asked what about the height variance?

Mr. Bredt stated I'm going to do that as the second motion.

A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the 3-car garage to be 24'x 40'.

**ROLL CALL: Yeas: Bredt, Walchanowicz, Moreal, Monteleone
 Nays: None
 MOTION CARRIED**

A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the height of the building as presented to be 20'.

**ROLL CALL: Yeas: Bredt, Walchanowicz, Moreal, Monteleone
 Nays: None
 MOTION CARRIED**

Mr. Bredt stated I want to make a motion to table the 3rd sideyard variance. How do I do that legally?

Building Official Gero stated so here's the thing, if you guys are not, and I say you guys as a Board; if you're not going to approve a 2' sideyard, you can deny that today, then they'll come back with a 3' sideyard, which would be a different application.

Councilperson Walchanowicz stated that makes it easier.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone Jr., to approve a 2' sideyard.

**ROLL CALL: Yeas: None
 Nays: Bredt, Monteleone, Walchanowicz, Moreal
 MOTION DENIED**

Mr. Bredt stated so, get your surveyor out there and tell them to put the building where you really want it.

Ms. Salupo stated I want someone that's going to get there.

Councilperson Walchanowicz stated all the people that he gave you, just call all of them.

Ms. Salupo stated thanks for your time.

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Building Official Gero stated this is in regard to the 6200 Archwood property, it was back in last March for the chimney vent.

Councilperson Walchanowicz stated yes, the one that was supposed to have a cover over it.

Building Official Gero stated so, he's been sending excuse emails to me, giving me reasons why he hasn't pursued it. So, I sent this this afternoon: I said I need to report to the BZA and the Law Department this evening, the permit for the stone chimney was issued on January 27, 2022, with the notation that the vent must have a chimney enclosure. Your appeal to allow the vent without the enclosure was denied by the BZA on March 24, 2022. If by the next BZA meeting on April 20, 2023, I have not received a copy of a written invoice, proposal, etc. of a contractor to provide a surround or enclosure; or that a surround enclosure has been ordered, and a timeframe as to when it will be installed, I will have no choice but for the Law Department to begin the next steps in taking appropriate action.

Councilperson Walchanowicz stated I'm for it 110%.

Building Official Gero stated that's where we're at with that one, everybody's in line. I'll forward this to you Will.

Assistant Law Director Doyle stated thanks, Mike.

There being no further business, the March 16, 2023, meeting of the Board of Zoning Appeals was adjourned at 6:18 p.m.

Chairman Mark Moreal

Amanda Sharrer, Secretary

Minutes Unapproved at Time of Release 03/21/2023