

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

ALSO

**PRESENT: Gregory J. O'Brien, Law Director
Michael Gero, Building Official
Don Ramm, City Engineer**

Chairman Moreal stated that there were two sets of Meeting Minutes to approve. He stated that at this time he would like to ask the Board if there were any corrections, changes or additions to the January 21, 2021 meeting.

There were no changes or corrections to the January 21, 2021 Meeting Minutes.

A motion was made by Pasquale Monteleone, seconded by Charles Bredt, to approve the Minutes of January 21, 2021.

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

Chairman Moreal stated that he would like to ask the Board if there were any corrections, changes or additions to the February 18, 2021 meeting.

Mrs. Fortlage stated that she had one thing. On Page 23 of the February 18, 2021, the middle of the page, she requested the change of the word "improve" to "approve."

A motion was made by Carol Fortlage, seconded by Pasquale Monteleone, to approve the Minutes of February 18, 2021.

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

Chairman Moreal stated that this evening's Old Business, 6824 Dora Blvd., the applicant has withdrawn from this evening's meeting.

Chairman Moreal stated that the Board will jump to Item 3 on the agenda.

8112 Brookside Road, Erol Sommer – Homeowner Erol Sommer was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present. There were none in attendance.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Mr. Sommer stated that the side that was neighboring to his home, he was also part owner. It was his parents who live there.

Chairman Moreal asked Mr. Sommer to explain to the Board why he was requesting the variance.

Mr. Sommer stated that if he would put the generator in the backyard, it would be much more visible and much louder to both neighbors. He stated that by putting it in the side yard which was located where there were trees there. He stated that behind the trees, it would be located there if you were looking from the west. He stated that his parents had no objection to the generator because they would not even see the generator. He stated that the generator would not be visible from the front or from the back or from the side. He stated that it would probably cut down the noise dramatically being by those trees having the walls on either side. He stated that it was also really close to the gas line and meter going in there. He stated that the estimate he was given was based on that connection which was really close at that point.

Chairman Moreal stated that a lot of times the Board likes to request some screening, but it looked pretty dense in the area.

Mrs. Fortlage asked if there would be any removal of plant life in order to put the generator in.

Mr. Sommer stated that there would be no removal of plant life.

Chairman Moreal stated that he didn't have any issue with it.

A motion was made by Councilperson Walchanowicz, seconded by Pasquale Monteleone, to approve the variance.

ROLL CALL: Yeas: Walchanowicz, Monteleone, Moreal, Fortlage, Bredt

Nays: None

MOTION CARRIED

8801 East Pleasant Valley Road, CSA America Testing & Certification, LLC - Keith Rintamaa, Nick Keyes and Manny Satija were all in attendance on behalf of CSA America Testing & Certification and sworn in.

Mr. Rintamaa stated that Rich Weiser was on but somehow he got kicked out of the call. He stated that he was back in. The Secretary did not see him on the call.

Chairman Moreal asked the applicants to explain the reason for the variances.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Mr. Rintamaa stated that he worked HWH, and they were the company working with CSA on the project. He stated that the east side yard setback first of all, they will address that one. He stated that they requested a variance because a lot of the variances were due to the fact that there's a big land form that would restrict the development of about the northern third of the property, the large ravine that is shown cutting across from lower left to upper right. He stated that they went through a lot of iterations to get a functional layout that would work for the workflow that CSA was needing.

Mr. Rintamaa stated that the east side yard setback, they have kept it as far from the property line that they could and felt that they handled the design the best they could. He stated that the existing building was within the setback limit as well, and they were just relying on the limitation of site development.

Chairman Moreal asked about the building to the east, do they own that.

Mr. Rintamaa stated that they did not. He stated that the CSA was the owner of the building to the west.

Mr. Bredt asked about the east side variance, and if any of the existing trees have to be removed.

Mr. Rintamaa asked if it was towards the ravine or the decorative landscape trees at the front of the building.

Mr. Bredt stated that it would be towards the ravine.

Mr. Rintamaa stated that there will probably be a couple. He stated that they were currently going through some survey efforts and trying to identify exactly what would be impacted by the current layout. He stated that there will likely be a couple of trees.

Mr. Bredt stated that it would not be a clear cut issue.

Mr. Rintamaa agreed.

Mr. Monteleone asked if they would be adding onto the building or building a new building.

Mr. Rintamaa stated that the existing building was currently being demolished and then there will be new construction.

Mr. Monteleone stated that he used to mow the grass there when he was 8 years old. It was one of his dad's first accounts. He will have to tell him. That was interesting.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Chairman Moreal asked if Mr. Rintamaa could identify on the drawing where the front loading dock that was mentioned as a variance request.

Mr. Rintamaa stated that it was in the lower corner; they had designed a setback to the building to pull the loading dock off the front elevation. He stated that the site restrictions really prevented any other layout that would work. He stated that if you would be approaching from the west on Pleasant Valley Road, the truck will be concealed. Coming up from the east, they would attempt to put in some landscaping. He stated that it would be back from the front elevation.

He stated that the other part of the reasoning was looking at some other properties up and down Pleasant Valley. He stated that there were a couple of other precedents being set, actually directly across the road at Quasar and then further west, Roe Dental. He stated that those were front facing, forward facing loading docks, but they were set back from the front.

Chairman Moreal stated that he was just curious where it was at. He couldn't figure it out there, but he saw it now.

Mr. Rintamaa stated that he didn't know if Manny wanted to chime in. He stated that the use of the loading dock, it would not be a distribution facility. He stated that it would be a testing and research facility; so it would be somewhat intermittent with the traffic expectation.

Chairman Moreal asked where was the drive that would go to the there. He stated that he saw the parking, he didn't see the drive.

Mr. Rintamaa stated that the existing curb cut that was on the property today will be utilized, it was towards the center of the property. He stated that they will have a drive that will cut in front of the building with an apron.

The Chairman stated that he saw it.

Mr. Rintamaa stated that there would be no new curb cut.

Mr. Monteleone stated that they were basically going to put the driveway in front of the building that was there now. He saw it.

Mrs. Fortlage asked where was the tall stairway?

Mr. Rintamaa stated that the rectangle on the left-hand side would be the office. The smaller rectangle would be the office building, and the small right-angled formation right at the end between the office building and the high bay would be the north stair tower.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Mrs. Fortlage asked if it was on the front of the building?

Mr. Rintamaa stated that it would be on the back of the office building. He stated that the top elevation would be as if someone was standing in the parking lot looking east at the elevation; so the office building would be basically the right third of the building, and then that one tower at Column line 6 would be the north stair tower.

Chairman Moreal stated that it would be located halfway through the building, towards the north end.

Mr. Rintamaa replied correct. He stated that the building would sit up quite a bit from Pleasant Valley; it would vary across the width of the property, but if you would be on Pleasant Valley, generally you would be looking up at the building. The sight line would be pretty obscured seeing the tower.

Mr. Bredt stated that he thought the tower would do a nice job of breaking up the roof elevation too. It would balance.

Mr. Rintamaa stated that was another consideration. He stated that the main point was safe access to the roof. It gives them stair access instead of climbing ladders or going through roof hatches.

A motion was made by Pasquale Monteleone, seconded by Charles Bredt, to approve the variances requested.

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

6224 Ranchview, Terry & Paul Hudak – Architect Tom Paul was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present. There were no neighbors present.

Chairman Moreal asked Mr. Hudak to explain the request for the variance.

Architect Tom Paul shared the screen to bring up the drawings. He wanted to show an aerial of the property. He stated that there was a new French drain that was put in along the west property line to help drain the water that was coming into the yard from the west. He stated that there were a bunch of existing trees up in the corner, and a Cherry tree that was almost between the grouping of trees and the garage. He stated that in order to get the garage the size the homeowners wanted, 36' x 24', and not impact the trees or the Cherry tree, they needed to get it

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

as close as they could to the west property line, which ended up being a 5 foot setback which would require a 10 foot variance.

Mr. Paul stated that it also works down the road, the homeowners were looking to add a pool in the backyard which will be somewhere in the 24 foot to 30 foot diameter range; so in order to get the pool set where it would need to be and the garage, it had to be in the back corner; so they needed the west offset on that variance. He stated that was the reason they were looking for the variance for the project.

Chairman Moreal asked the Secretary if all the adjoining neighbors notified.

The Secretary replied that they were notified.

Mr. Monteleone stated he had a question. It was a two-car garage, and he asked if someone was going to drive back there.

Mr. Paul stated that as of right now there was no intent to put a driveway, and there was no requirement to put a driveway in. He stated that if they needed to, that was another reason to get it over as far as they could. He stated that the idea was if they would do a driveway somewhere down the road, it would be something impervious; and that way it would be as close to the property line as they could get it based on the width they would need so it would not be meandering over into the backyard.

Chairman Moreal asked if they would be 11 foot off the rear yard.

Mr. Paul stated that was correct. He stated that there was a 10 foot storm easement back there, so they were 11 foot off.

Councilperson Walchanowicz asked Mr. Paul if he was the architect or the homeowner?

Mr. Paul stated that he was the architect.

Mrs. Fortlage thanked Mr. Paul for that. She stated that she was trying to look at the paperwork. She stated that she was confused about that also.

Councilperson Walchanowicz stated that Mr. Paul kept saying they, and he thought it was one of the owners.

Mrs. Fortlage agreed.

Chairman Moreal stated that he thought that he was Mr. Hudak.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Mr. Paul stated that he was Tom Paul, the Architect. He stated that Mr. & Mrs. Hudak were on the meeting.

Councilperson Walchanowicz asked if the Hudaks could get on the meeting.

Mr. Paul stated that he shared the link with Mr. & Mrs. Hudak.

The Secretary stated that there was someone on the Zoom call with just a phone number.

Building Official Gero stated that there were two Paul Hudak's on the Zoom call.

The Secretary stated that they were muted.

Councilperson Walchanowicz stated that unless he could ask the homeowners some questions, this was not working well for him.

Mr. Paul stated that he texted the Hudaks to see if they could unmute themselves.

The Secretary stated that the homeowners did submit a letter stating that they give permission to Tom Paul to talk on their behalf this evening.

The Chairman stated that if the Hudaks were there, the Board would like to speak with them.

Mr. Bredt asked Mr. Paul if he had been before the Architectural Review Board.

Mr. Paul stated that he had not been before the Architectural Review Board.

Mr. Bredt asked if there were any issues with the size.

Mr. Paul stated that the actual size of the building was within the zoning. He stated that the only thing not within the zoning was the setback that they were trying to get on the west property line.

Mr. Bredt stated that was what he thought. He thanked Mr. Paul.

Building Official Gero stated that the plan was reviewed for zoning compliance, and that was the only issue.

Homeowners Paul and Terry Hudak joined the meeting.

Chairman Moreal swore in both Paul and Terry Hudak.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Councilperson Walchanowicz asked Mr. & Mrs. Hudak, with construction of the building, will there be gas ran to the building or electric or water, any type of sewers?

Mr. Hudak stated that they were just going to run electric to the garage, and that was it.

Councilperson Walchanowicz asked if the garage was going to be a type of pool house at some point.

Mr. Hudak stated that it would be combination storage, pool house and patio.

Mr. Monteleone asked Mr. Hudak if he would think about parking cars in there.

Mr. Hudak stated that if he would build a driveway going back there, he may.

Mrs. Fortlage asked what sort of doors would be on the building.

Mr. Hudak stated that right now he had one garage door and 2 French doors that he would eventually build, but he had not finalized the plan with Mr. Paul.

Chairman Moreal stated that he did speak with the neighbor directly behind Mr. Hudak. He spoke to the elderly gentleman, Mr. Barwacz, and then he also spoke with his son, Gary. He stated that the only thing they talked about, and a lot of times the Board of Zoning Appeals will do this if there were any concerns. He asked if the Hudaks would be willing to put a little bit of foliage behind the garage to screen it, soften it up a little bit. He stated that he could have the Hudaks work with the City Planner.

Mr. Hudak stated that was no problem as long as the foliage would be in the 10 foot easement area.

Chairman Moreal asked Law Director O'Brien if that would be okay.

Law Director O'Brien agreed.

The Chairman stated that he wanted Mr. & Mrs. Hudak to work it out with the City Planner and do something to soften it up, it would be a little privacy for both parties involved that they would not be looking at the back of a building. It would soften the area up.

Building Official Gero asked if there was a fence currently around the property.

Mr. Hudak stated that there was not a fence.

The Chairman stated that there was a shed that was coming down.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Building Official Gero stated that if the Hudaks would be installing a pool, they would need to install a fence around the property, or around the pool at a minimum. He asked if there was an intention of installing a fence behind the garage.

Mr. Hudak stated that he would not put a fence behind the garage. Mr. Hudak stated that the fence would go around the pool area and the deck area.

Building Official Gero asked if it was strictly in that area, and not the whole yard.

Mr. Hudak stated that it was 200' x 100' foot yard, he didn't think he could afford to put a fence around the yard.

Mr. Monteleone stated that the Building Official was trying to help the Hudaks out in case they would have to move it up a little bit for the variance.

Building Official Gero stated that he was thinking about as far as planning and then having to put a fence up; but the foliage back there would probably be beneficial.

Mr. Hudak stated that it was not a problem.

Chairman Moreal stated that he didn't have anything else.

A motion was made by Chairman Moreal, seconded by Charles Bredd, to approve the variance, subject to the City Planner working out a planting design to be installed in the rear of the property.

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

Mr. Hudak stated that he would also like to thank Don Ramm for the help with the drainage issue in the backyard. He stated that they had a French drain put in, and it was draining the yard.

Mrs. Fortlage stated that she was glad to hear something good about water issues.

6227 Dora Blvd., Kenneth Stovarsky – Homeowner Kenneth Stovarsky was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present.

There were no neighbors in attendance.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

Chairman Moreal asked if the neighbors were notified.

The Secretary stated that the neighbors were notified.

Chairman Moreal asked Mr. Stovarsky to explain to the Board the reason for the variance request.

Mr. Stovarsky stated that the living room was quite small, and anytime there were guests over, it was really tight; so he wanted to make a little more room. The only way that he has to do that was to go towards Dora Blvd. He wanted a few more feet in his living room.

Mrs. Fortlage stated that Mr. Stovarsky was putting a bump out, and he was taking out the porch. She asked if that was correct.

Mr. Stovarsky agreed.

Councilperson Walchanowicz asked if Mr. Stovarsky would be adding another porch, or would it just be a front door with steps leading out.

Mr. Stovarsky stated that it would have a little overhang over the front porch, just a small one, not nearly as big. It would be enough to keep the weather off the door.

The Chairman stated that Mr. Stovarsky shows that on the last page of the drawings. He stated that he just saw it now.

Chairman Moreal stated that the request was for 5 feet. He stated that it looked pretty nice to him.

Mr. Monteleone stated that basically Mr. Stovarsky would encroach 5 feet in the front yard. He stated that he didn't see anything wrong with it.

A motion was made by Councilperson Walchanowicz, seconded by Pasquale Monteleone, to approve the variance.

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

A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to adjourn the Board of Zoning Appeals meeting of March 18, 2021.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 18, 2021**

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

**There being no further business, the Board of Zoning Appeals meeting of March 18, 2021
was adjourned at 6:02 p.m.**

Chairman Mark Moreal

Debi Beal, Secretary
Minutes Unapproved at Time of Release 03/22/21