



**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

**ALSO**

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

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

Chairman Moreal stated that he had the Secretary make the one correction.

**A motion was made by Carol Fortlage, seconded by Pasquale Monteleone, to approve the Minutes of April 15, 2021 as amended.**

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

Chairman Moreal stated that before they would start, he would like to read a little summary on what the Zoning Board was all about.

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 unnecessary 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.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

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.

**4520 San Fernando Circle, Craig & Annie McGhee** - Homeowner Annie McGhee and contractor William Coudriet were both in attendance and sworn in.

Chairman Moreal asked Mrs. McGhee to tell the Board why the variances were needed.

Mrs. McGhee stated that they were requesting the variances so that they can have some additional spaces for their cars and vehicles. She stated that they do already have a second structure, but it was located back at the end of the lot line where there pool was located. She stated that this would allow them to park their cars underneath a structure. She stated that they also have obtained a letter from the neighbor stating that she was in support of the variances.

Chairman Moreal asked Mrs. McGhee about the first structure. He wanted to know if it was a pool house.

Mrs. McGhee stated that it was a pool house.

Chairman Moreal stated that he didn't know if the rest of the Board visited the site, but he did. He asked City Engineer Ramm to put on the screen the site plan. He stated that when he talked to Mrs. McGhee she told him that she had walked it off and told him where they would start it. He asked if the overhang would be near the patio or the pool.

Mrs. McGhee stated it would be the patio.

Chairman Moreal stated that on the drawing it looked like it was further back.

Mrs. McGhee stated that it was up against the house. She stated it was exactly where the City Engineer was circling right now. She stated that would be an overhang. She stated that there were times in the summer that it was hot, and they would want a little bit of shade.

Chairman Moreal asked if they would be extending a driveway to the proposed structure.

Mrs. McGhee stated that they would be extending a driveway.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

The Chairman stated that he wasn't sure.

Mr. Monteleone stated that he was concerned because on the drawing it looked like it was farther back. He asked if they were going to use it for a garage more than anything.

Mrs. McGhee agreed.

Mr. Monteleone stated that when he looked at it on the print, it looked like it was farther back. He stated that when he drove by today he thought it was going to be farther back.

Mrs. McGhee stated that it wasn't going to be that far back.

Chairman Moreal stated that it would be far enough just to go past their family room.

Mrs. McGhee stated that they wanted to be able to still have visibility out the windows that they had in the house.

The Chairman stated that they were asking to be 5 foot, and the lot was kind of on an angle at the closest point.

Mrs. McGhee replied exactly.

Mr. Monteleone asked if Mr. Coudriet was going to be building the accessory structure.

Mr. Coudriet replied yes. He stated that the McGhees were using a local resident to do the work. He stated that was good.

Mr. Monteleone asked if the accessory building was going to have electrical in it.

Mrs. McGhee stated that it will have electrical.

Chairman Moreal stated that they would probably need that for the garage door.

Mr. Monteleone asked if they were putting a garage door on the front and the back.

Mr. Coudriet replied yes.

Chairman Moreal stated that he was guessing that they would use the accessory building as a shed also.

Mrs. McGhee stated that it would be nice to put a mower in there, be able to go out the back and have a mower and any other yard equipment so that it would not be in the pool house.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

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

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

**6203 Sunset Avenue, Dennis Puening** – Homeowner Dennis Puening was in attendance and sworn in.

Chairman Moreal asked Mr. Puening to explain why he would need the variances.

Mr. Puening stated that he was just replacing his shed because it was damaged by a tree limb. He stated that he wanted to make the shed a little bigger because he has a riding lawnmower now, and he would want to store it in the shed.

Chairman Moreal asked if the rest of the Board visited the site to take a look. Several members replied yes. The Chairman stated that he went out there and met with Mr. Puening this afternoon. He stated that Mr. Puening had a big tree fall down. He stated that it was still there. The tree had taken out the fence and parts of the shed. He stated that in his conversation with Mr. Puening, he was going to be using the same footprint. He would be coming forward more with the size.

Mr. Puening agreed.

The Chairman stated that Mr. Puening will be replacing what was there, adding on the front end and one of the sides.

Mr. Puening agreed.

Mr. Bredt stated that just for clarification, the existing shed that was damaged. He asked if that shed was currently placed where it was with a variance in place.

Mr. Puening agreed.

Mr. Bredt stated that the corner that was 3 feet from the back lot and the corner that was 2 feet from the side lot, he couldn't tell because he didn't go all the way back there. He asked what the existing shed was built on top of.

Mr. Puening stated that it was a concrete pad.

Mr. Bredt asked Mr. Puening if he was going to expand the concrete pad.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

Mr. Puening stated that he was not going to expand the concrete pad. He stated that they were going to use gravel. They will cover the pad with gravel.

Mr. Bredt asked if there were any drainage issues back there.

Mr. Puening replied no.

Chairman Moreal stated to Mr. Bredt's question, the existing points on the west and north, one of them would have to be a little different because the shed would be longer and wider. He asked which way would the new shed face. He asked if the 2 feet that was there now, he asked if that was staying, and the 3 foot will change a little bit. He stated that something will have to change.

Mr. Puening stated that he was going to move the shed forward so the 2 feet end will be a little farther from the shed. He stated that he will move the shed forward.

Mr. Bredt asked if it would be moved towards the house.

Mr. Puening agreed.

Mr. Bredt stated that the back area was all wooded, and it was a deep enough lot, he will move approval.

**A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the requested variances.**

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

**6500 Brecksville Road, Ace Hardware** – Amanda Hanna of Adams Signs was in attendance and sworn in.

Chairman Moreal wanted Ms. Hanna to explain to the Board why the variances were needed.

Mr. Bredt asked if Ms. Hanna represented the sign company.

Ms. Hanna stated that she was representing the sign company. She stated that they were requesting a variance to install channel letters E&H above the Ace portion of the sign on the front elevation. She stated that she believed they submitted drawings. They will also be installing the same channel letters on the side elevation.

Chairman Moreal asked what does the E&H stand for.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

Ms. Hanna stated that it would be to update the signage. She stated that she was not sure what the E&H stood for.

The Chairman asked if it was a corporate or branding thing.

Ms. Hanna stated that the store was doing a complete product re-set and refresh, and they were taking the opportunity to update the signage to reflect their brand standards of E&H Ace Hardware. She stated that they were the same owners, the Buehler family, but they did not start using the E&H designation until a couple of years ago.

Mrs. Fortlage asked if E&H were the franchise or were all Ace Hardware stores changing to E&H.

Councilperson Walchanowicz stated that he thought it was just the franchise owners. He stated that he has seen other ones that Buehlers own, and they were all E&H Ace Hardware.

Mrs. Fortlage replied thank you.

Chairman Moreal asked if there were other Ace Hardware stores that were under the franchise.

Councilperson Walchanowicz stated that the one in Garfield Heights was not owned by them, so it was still a traditional Ace Hardware. He stated that the Parma one that just opened was not owned by them. It was still a traditional Ace. He stated that the couple that he has seen were more southwest that they have, and they were all E&H. He stated that it was their branding now.

Mrs. Fortlage stated that she was reminded earlier that the Board was not about the content of the sign, the Board was about the variances.

Chairman Moreal stated that he was aware. He was just curious.

Ms. Hanna stated that she could find that out and confirm tomorrow. She could send someone an e-mail, but she was not exactly sure.

Chairman Moreal stated that they would just be adding E&H, they would not be putting in all new lettering.

Ms. Hanna stated that they were just adding the E&H only. She stated that they would be channel letters mounted on a raceway. She stated that on the front entrance they would be mounting it above the Ace Hardware, and then on the side elevation it would be in front of it.

Mr. Bredt asked the power for the letters, would it be run through the wall itself or would it be connected to the existing Ace channel letters.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
April 15, 2021**

---

Ms. Hanna stated that she believed that it would be going through the wall.

Mr. Bredt asked if there would be no exposed conduit.

Ms. Hanna replied no.

Mr. Bredt replied thank you.

**A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the requested variances.**

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

The Secretary stated that for the record there were no neighbors in attendance on any of the items this evening.

**There being no further business, the Board of Zoning Appeals meeting of April 15, 2021 was adjourned at 5:55 p.m.**

---

**Chairman Mark Moreal**

---

**Debi Beal, Secretary**  
Minutes Unapproved at Time of Release 04/16/21



