

**MINUTES OF VIRTUAL MEETING  
BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE  
April 16, 2020**

**AGENDA:**

**Old Business:**

**Approval of Minutes of Regular Board of Zoning Appeals Meeting held on February 20, 2020.**

**New Business:**

- 1. 6527 Brecksville Road, Independence Square Shopping Center** – Requesting a variance to 1151.08(d)(2) of 4” to permit a pylon sign to be 8’4” (8’ permitted, 8’4” requested)
- 2. 5115 Brookside Road, Jerry Narduzzi** – Requesting a variance to 1143.02(b)(2)(B) of 48 sq. ft. to permit an accessory building to be 192 sq. ft. (192 sq. ft. requested, 144 sq. ft. permitted).
- 3. 4799 Chestnut Road, Matt Snyderburn** – Requesting a variance to 1143.02(a)(2) to permit an additional accessory structure (not permitted).
- 4. 6803 Bradford Circle, Suleika & Ken Stray** – Requesting a variance to 1165.02 to permit a deck to extend 5’ and 6’ into the rear building setback (not permitted).
- 5. 9103 Hillside Road, Dennis Messina** – Requesting a variance to 1143.02(b)(1)(B) to permit a 55’ x 40’ garage to be constructed on the property (36’ x 24’ permitted, 55’ x 40’ requested), a variance to 1143.02(b)(1)(A) of 4’ to permit the height of a building to be 19’ (15’ permitted, 19’ requested) a variance to 1143.02(b)(1)(C) of 2 additional parking spaces (5 spaces permitted, 7 spaces requested) and a variance to 1165.01 of 5’ to permit a 10’ side yard (10’ requested, 15’ permitted).
- 6. 5725 Brookside Road, Dale Veverka** – Requesting a variance to 1143.02(a)(3) of 3’ to be 7’ from the rear lot line (7’ requested, 10’ permitted).
- 7. 8004 Hillside Road, Tim Keller** – Requesting a variance to 1143.02(a)(2) to permit an additional accessory building (not permitted); a variance to 1143.02(b)(2)A of 5’2” to permit an accessory building to be 17’2” in height (12’ permitted, 17’2” requested) and a variance to 1143.02(a)(2)B of 176 sq. ft. to permit an accessory building to be 320 sq. ft. (144 sq. ft. permitted, 320 sq. ft. requested).
- 8. 6715 Brookside Road, Thomas Cramer** – Requesting a variance to 1163.05 of 9’ to permit a garage addition to be at 16’ (25’ permitted, 16’ requested).

- 9. 4200 Rockside Road, Apex Pinnacle Services, Inc.** – Requesting a variance to 1151.09(c)(2) of 2.5 sq. ft. to permit a wall sign to be 32.5 sq. ft. (30 sq. ft. permitted, 32.5 sq. ft. requested) and a variance to permit two wall signs on the building (not permitted).

**Late Addition:**

- 10. 6618 Brettin Drive, Khaled Tabbaa** – Requesting a variance of 4’ to 1143.02(b)(1)(A) to permit the height of a garage to be 19’ (15’ required, 19’ requested).

The virtual meeting was called to order by Chairman Mark Moreal at 5:40 p.m. and the following responded to Roll Call:

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

**ALSO**

**PRESENT:**           **Gregory J. O’Brien, Law Director**  
                          **Michael Gero, Building Official**  
                          **Kathleen Colan, Moderator KC Design**

Chairman Moreal stated that he would ask the Board if there were any corrections, changes or additions to the February 20, 2020 meeting.

**A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to approve the February 20, 2020 Minutes.**

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

The Secretary stated that the first item on the agenda was withdrawn.

Chairman Moreal went on to the next item on the agenda.

**5115 Brookside Road, Jerry Narduzzi** – Homeowner Jerry Narduzzi was in attendance and sworn in. The Chairman asked if there were any neighbors present. There were no neighbors in attendance.

Chairman Moreal asked Mr. Narduzzi to explain why he needed the variance.

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Mr. Narduzzi stated that he was trying to use the out building to keep lawn equipment, and he just couldn't get all of his lawn equipment into a 12' x 12' building. That was the reason for wanting the building to be 12' x 16'.

Chairman Moreal stated that he looked at Mr. Narduzzi's property last month, and he looked at it again, and Mr. Narduzzi has a lot of property there. He didn't see any issue where Mr. Narduzzi wanted to put the building; and size wise the Chairman thought it was well needed.

Councilperson Walchanowicz stated that he would have went bigger.

Mr. Narduzzi stated that the problem was that he was running out of money.

Mr. Monteleone asked Mr. Narduzzi if there was any reason that he wanted the building so far to the right on the property line.

Mr. Narduzzi stated that there was a batch of trees there, and he wanted to tuck the building by those trees instead of sitting in the open. He stated that he thought it would be 16' or 17' feet off the property line.

Mr. Monteleone stated that was a good idea putting it behind the trees.

Chairman Moreal asked if there was anyone else who wanted to speak.

Mrs. Fortlage asked what was the size of the lot.

Mr. Narduzzi stated that it was kind of an "L" shaped lot, but there was 257 feet in frontage, and 403 feet in depth; but it was kind of an "L" shaped lot, only 110 feet would go back to the full 403 feet; and the rest of it went back 260 feet.

Mrs. Fortlage thanked Mr. Narduzzi.

**A motion was made by Carol Fortlage, seconded by Charles Bredd, to approve the variance.**

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

**4799 Chestnut Road, Matt Snyderburn** – Homeowner Matt Snyderburn was in attendance and sworn in. The Chairman asked if there were any neighbors present. There were no neighbors in attendance.

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Chairman Moreal wanted Mr. Snyderburn to explain to the Board why he needed the variance.

Mr. Snyderburn stated that he wanted to put some coverage next to his pool that he just put in. He stated it would be a nice seating area next to it.

Law Director O'Brien asked if there was going to be any plumbing in the structure.

Mr. Snyderburn stated that there would be no plumbing in the structure.

Councilperson Walchanowicz stated that he was there the other day and looked at the location of everything. He stated that it looked great. He talked with the neighbor next door, and he had no problem with it whatsoever. He stated that Mr. Snyderburn did a great job with what the backyard looked like. He stated that it would just improve the beauty of his property.

Mr. Monteleone stated that he wanted to thank Mr. Snyderburn for the nice prints. He stated that they helped the Board out when they were making their decision. He stated that he was concerned about the property line. He stated that he looked at the overview, and it looked like Mr. Snyderburn had a lot of room. He asked if the structure was going to be on the cement or into the lawn area.

Mr. Snyderburn stated that it would be located on the cement.

Chairman Moreal stated that Mr. Snyderburn had extensive landscaping on his drawing. He asked if Mr. Snyderburn planned on following through with the landscaping.

Mr. Snyderburn stated that he was going to follow through with the landscaping.

The Chairman stated that per the sketch, the Board could assume that he was going to install all of that landscaping.

Mr. Snyderburn agreed.

Law Director O'Brien stated that given the area, and he agreed that it was a very nice setup there; but in addition to making it subject to the landscape to be what was on the drawing, they should have it reviewed by the City's Planner, Jeff Markley. They could make it subject to his review and approval.

Chairman Moreal agreed.

Mr. Bredt asked if the structure was already under construction.

Mr. Snyderburn stated that he did start the structure, but it was just bolted to the concrete; so he could unbolt it.

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Mr. Bredt stated that his question was why did Mr. Snyderburn start the project? He asked why he didn't get a permit first?

Mr. Snyderburn stated that he had set up for the Zoning meeting last month, and with everything that went on the meeting was canceled. He stated that his buddy that was supposed to help him build the structure; he wouldn't have been able to start it. He had a job starting, and he wouldn't have been able to do it until well into July. He stated that it ruined his whole schedule of getting it done. Personally, he didn't think he would need a permit for a structure. He stated that he sees a lot of outdoor coverings on patios; and he didn't know he needed it at first.

Mr. Bredt thanked Mr. Snyderburn.

Chairman Moreal asked if anyone else had anything.

**A motion was made by Pasquale Monteleone, seconded by Chairman Moreal, to approve the variance, subject to the installation of the landscaping as depicted in the application and review and approval and recommendation of any additional landscaping by the City Planner, Jeff Markley.**

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

**6803 Bradford Circle, Suleika & Ken Stray** – Chris Molnar of Northeast Ohio Deck was in attendance and sworn in. Homeowner Ken Stray was also in attendance sworn in.

Chairman Moreal asked for an explanation of the variance request.

Mr. Stray stated that they just moved in sometime in October. It was a newly constructed house in Chestnut Woods, and when they moved in they didn't realize how steep the grade was going to be in the backyard. He stated that there was the West Creek Conservancy behind their backyard; so there was not a neighbor back there. They thought they would like to have a nice deck that they could enjoy the conservancy aspect as well as the house.

Law Director O'Brien asked if the house or the deck would encroach into any easement or the conservancy area?

Mr. Stray stated that it would not encroach into the easement or the conservancy area.

Law Director O'Brien asked the Building Official if the variance request was anything they would need the Homeowners Association of Chestnut Woods to weigh in on.

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Building Official Gero stated that he was not sure if the Homeowners Association reviews decks or not. He stated that he didn't believe so; but they may have to check with that. He stated that they were only going past the building line, and it would strictly be a City issue as far as the building line. There would not be any encroachment in any easements or anything like that.

Law Director O'Brien replied, okay, great.

Mr. Monteleone asked Mr. Stray if he had a deck on the house already. He stated that he checked a while back, and he didn't go back to review it.

Mr. Stray stated that there was nothing on the house.

Mr. Monteleone stated that if they would disturb something back there, he wanted them to be careful and make sure they don't abuse that area.

Mr. Stray agreed.

Mr. Molnar stated that the lots have the 35' rear building setback, and some of the other lots back there have that 20' rear easement that the City allowed for a 40' rear setback as well. He stated that this lot was in the 35' setback where it would only go into the building setback and not into the rear drainage easement.

**A motion was made by Charles Bredt, seconded by Chairman Moreal, to approve the variance.**

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

Chairman Moreal stated that he was going to jump around a little bit and go to Number 9 next.

Building Official Gero stated that he wanted to advise the applicant that they will be contacted as far as their permit being issued by the Building Department.

Mr. Molnar thanked the Building Official.

The Chairman asked if the applicant for Number 9 was available. The Secretary stated that he was.

**4200 Rockside Road, Apex Pinnacle Services, Inc.** – Michael Holsman of Apex Pinnacle was in attendance and sworn in.

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Chairman Moreal asked Mr. Holsman to explain why the variances were needed.

Mr. Holsman stated that first of all the building where the two signs were located, the name has changed. He stated that the signs would be the same except they have changed the location of the two proposed signs for the one that was on the east side of the building to be towards the front leading edge because right now it can't be seen from the street for the most part because of the trees.

Mr. Holsman stated that the other sign that was on the front of the building, the new proposed sign would be centered on the front; and then it was also noted in the ABR meeting that they should, if everything would be approved, that there should be the proper address to the left of the gas pipe that goes up the side wall. He stated that it would be similar to the one that was on the west side of the building.

Chairman Moreal asked the Building Official if that was true about the address.

Building Official Gero stated that the applicant received an approval from the Architectural Board today, subject to getting Zoning approval. The Fire Department requested that the address be put on that side of the building since there is no indication except for the address on the west side of the building which would not be the approach route for anybody coming down Rockside, any of the safety services coming down Rockside Road. That was the subject to.

Councilperson Walchanowicz stated that it was almost a necessity to move it so the safety forces could see the numbers.

Building Official Gero agreed.

Mr. Holsman stated that in the earlier meeting it was also stated that the sign would not have to be illuminated. Building Official Gero stated that the address would not have to be illuminated.

Mr. Bredt asked if the address counted as a sign on its own.

Building Official Gero replied no. It was the building address. The building has to have its address indicated on it.

Mr. Bredt asked if there was any provision or exception based on the size of the numbers.

Building Official replied no. He stated that the other buildings that they dealt with addresses on, those were actually the names of the buildings.

Mr. Bredt stated that he went out there, and there were no existing signs on that building at this point. He asked if everyone concurred with that.

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Several people replied yes.

Mr. Bredt stated that Mr. Holsman stated that he was going to take the sign down, but it was already down.

Mr. Bredt stated that one thing that he noticed when he was out there is that it appeared that the band around the top of the building had been repaired multiple times and has various shading of the paint or whatever the finish was. He asked if it was their intention to re-paint all of the approximate 15 holes that were on the building.

Mr. Holsman stated that the answer was yes. He stated that was why the customer requested the signs be removed early because they have a painting contractor starting shortly who was going to do all of the repair work and make everything look good.

Chairman Moreal stated that it looked pretty rough when he saw it, and he was glad that Mr. Bredt brought that up.

Chairman Moreal stated to the Building Official that there were two previous signs on the building that they took down; and they wanted to put up two new signs. Was it the same ownership.

Mr. Holsmand stated that the primary tenant which was Alpha Healthcare was now OneDigital.

The Chairman stated to the Secretary that he was assuming the applicant was before the Board for the variance for the two previous signs.

The Secretary stated that she assumed that they were before the Board.

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

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

Mrs. Fortlage wanted to ask a question. She stated that the Board received a memo at 5:00 p.m. from Don Ramm, and she didn't know if the other Board members saw the memo. She stated that the numbering was confusing because it referred to an Item 9 which the Board just worked on and talks about a driveway alignment. She asked if anyone had read that enough to know what he was really talking about.

Councilperson Walchanowicz stated that it was news him.



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The Secretary asked if Don Ramm was talking about the late addition, Mr. Tabbaa?

Chairman Moreal stated that it couldn't be Item 9.

Mrs. Fortlage stated that she was reading the e-mail from Don Ramm that Debi forwarded; and it started with Number 5, Number 7 and then 6, 8 and 9. She stated that she couldn't follow it. She stated that Number 9 talked about the downspouts of a new garage.

The Secretary stated that was the late addition, Mr. Tabbaa. He should have been Number 10. She stated that Don must have numbered it incorrectly.

Mrs. Fortlage stated that Number 5 was a proposed garage. Number 7 was okay. She stated that the only one wrong was Number 9 should be Number 10.

The Secretary replied correct.

The Chairman asked if everyone was all set.

The Secretary stated that they were all set.

Mrs. Fortlage stated that there was something from Don Ramm about the Tim Keller matter.

**8004 Hillside Road, Tim Keller** – Homeowner Tim Keller was in attendance and sworn in.

Chairman Moreal stated that he wanted to start with the additional accessory building variance. He stated that he didn't meet Mr. Keller, but he did peak over there today and stopped over there the other day; but nobody came out, and he didn't want to contact Mr. Keller or reach out with everything going on. He came around the back. The Chairman stated that he saw few accessory building or what they could call accessory buildings. He stated that there were a couple of pop up tent structures. There were a couple of lean-to's; and he saw a red shed in the back. He asked what were Mr. Keller's plans.

Mr. Keller stated that the building he was going to build would replace what was a pool shed for the original owners. They had an in ground pool years ago, and it housed the filter and the heater and such. It's probably 50 years old, and that's where the new structure, that's where I want to put it. So, the old one will be razed, and then the new one will be put there. That will allow me to get rid of the temporary shed that I have that's about a 10' x10' and has some lumber and a lawnmower and stuff in there. So, that would go away.

Mr. Keller stated that the other one that was down over the hill in the backyard, he was not sure what that was originally. He knows that for years it was used as a stall for a couple of horses. He stated that his wife actually lived five houses up the road. She grew up on Hillside Road; and

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she had a horse along with the young girl that lived in the house that they were living in now. They had horses together; and that was the building that they had the horses in down there.

Chairman Moreal asked about the other lean-to; he noticed two of those.

Mr. Keller stated that directly behind the garage, it was a pavilion that they had that they had put up. He stated that he put some steel siding on it. He uses that for his firewood for the winter time to stage his firewood. He stated that if that was a problem, he could take that steel siding off of that and cover the wood in some other manner.

He stated that the other one that would sit next to the temporary shed, the canvas shed, the 10' x 10' that one would go away first thing. He stated that the other thing, he thought it was an old tractor shed. He was not sure what that was. He stated that shed is as it was when they bought the property.

Law Director O'Brien stated that unfortunately where Mr. Keller wanted to raze the old building, and he noticed that it was real dilapidated; that would be a good thing. He stated that the City had in its code some setbacks. He stated that the current structure that Mr. Keller was going to remove and build a new structure, he would actually be building within a riparian setback, and that would require an additional variance. On top of that, a few years ago the City adopted a Steep Slope Ordinance which would prevent against the slopes to prevent further erosion and disruption. Mr. Keller would also be within that area which would preclude any type of development or structures being created. The Law Director asked Mr. Keller if he was aware of that.

Mr. Keller stated that first of all, he asked what was the ordinance for the setback.

Law Director O'Brien asked if it was the riparian setback.

Mr. Keller stated that the Law Director stated that it would violate an ordinance for a setback.

The Law Director stated that it was called a riparian setback. It was in Chapter 13. He could send Mr. Keller the specific code section.

Mr. Keller asked if it was a dimension off the property line or from the house or what?

Law Director O'Brien stated that he assumed that there was a watercourse back there. He stated that there was a stream or creek.

Mr. Keller agreed.

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The Law Director stated that with a stream or a creek, depending on what the drainage area was, determined by the Federal Government and flood zone; but generally throughout the City, and he would assume it was like that on his property. It would be 25 feet from the creek or stream or whatever would be in that area.

Mr. Keller stated that the building would probably be 75 feet from that stream.

Chairman Moreal asked the Law Director why was he stating that there was a riparian setback where he would be putting the shed. He would be putting it in front of the existing, he would not be going behind it.

Mr. Keller stated that he wasn't.

Building Official Gero stated that he was looking at an aerial view of Mr. Keller's property, and he was proposing the structure on the west side of the property. He asked Mr. Keller if that was right? It would be towards the west property line.

Mr. Keller agreed.

Building Official Gero stated that he was looking at a structure that was there towards the west property line, and further back on Mr. Keller's property that was a structure by the east property line.

Mr. Keller agreed.

Building Official Gero asked which structure would he be taking down to replace it with the new.

Mr. Keller stated that it would be the one that was on the west side of the property.

Building Official Gero stated that it would be closer to Mr. Keller's house.

Mr. Keller agreed.

Building Official Gero stated that he was looking at Don Ramm's imaging; and he would not be even close into hitting into that area. He stated that he would only suggest that if there would be any variances granted, that they would be subject to specific placement to be reviewed by the Engineering Department with a correct site plan provided, nothing formal, but at least location wise from the applicant.

Mrs. Fortlage stated and it would be subject to removal of other buildings.

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The Building Official stated that would be the given. If the Board was going to grant Mr. Keller a second building, then he would have to remove the building that he was talking about.

Mrs. Fortlage stated that it looked like there were three buildings there already, if not four.

Mr. Monteleone stated that he had some vinyl sheds up, and he was there just an hour ago, and he was pretty familiar with the lay of the land. He was staying on the flat part, not really intruding into the slope down where he was talking about; but there was a structure way in the back that has been there prior to this. He stated that if he put it where the other building was, he thinks he will be okay.

Law Director O'Brien stated that he was just commenting on the e-mail that the Board received from Don Ramm at 5:01 p.m. today. He stated that unless Don's numbering sequence, like Mrs. Fortlage mentioned would be off; he had a comment on Number 7.

Building Official Gero stated that he thought the Law Director was right in that respect; he just thinks that the location wasn't quite specific enough to be able to compare apples to apples.

Chairman Moreal stated to Mr. Keller that what he was hearing was the existing pool house or shed would be coming down. He wanted to put a new one up oversized in the area. That would be the additional structure to the one that was down in the woods that might have some historic value to you or somebody that you really don't even see that would be staying there on the east side of the property. The Chairman stated that he guessed that the Board would be giving Mr. Keller a variance for an oversized shed, giving him the extra building. He would like to see the other ones, go into the record, it would be a motion to take down all the other pop up ones and the lean to's and so on. So, clean up the backyard, get everything in the shed and keep the other structure in the back and use it for whatever he can.

Mr. Keller agreed.

Mr. Bredt stated that the Chairman already touched on this, the amount of stuff that was scattered around the backyard would have to be stored inside this building so that he wouldn't have the appearance that you get today when you look in the backyard. He asked the Chairman if that was what he was saying also?

The Chairman agreed. He stated that he was okay with the shed, the size, the extra height. He thinks where it will sit you won't see it. It would be screened by the arborvitae on the west side. He would get to keep the other shed, but everything else would come down. He would get the backyard spruced up, and it would be a win-win for everybody.

Mr. Monteleone stated that when he heard Mr. Keller stated that he had heaters and stuff in there, would there be power in the new shed or water of any sorts?

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Mr. Keller stated that he had no plans on putting water in there; but he would plan on running power to it. That will be a separate permit after the structure would be erected.

Mr. Monteleone stated that he apologized. He had that written down, but he didn't read it out loud.

**A motion was made by Pasquale Monteleone, seconded by Councilperson Walchanowicz, to approve the variances, subject to removal of the shed on the west side of the property. The new shed would be in addition to the one that was down on the east side in the woods and all other structures would be removed.**

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

The Building Official stated to Mr. Keller that the Building Department will contact him regarding his permit.

**6715 Brookside Road, Thomas Cramer** – Homeowner Thomas Cramer was in attendance and sworn in. The Chairman asked if there were any neighbors present. There were no neighbors present.

Chairman Moreal asked Mr. Cramer to explain to the Board why he needed the variance.

Mr. Cramer stated that just to clarify, he didn't need 16 feet. He stated that he already had 16 feet; he just needed 9 feet in order to comply.

Chairman Moreal stated that was what he had stated.

Mr. Cramer stated that he wanted to make sure both the Chairman and he were on the same page.

The Chairman asked Mr. Cramer to explain what he wanted to do.

Mr. Cramer stated that the proposal was to keep the garage addition in line with the current house and garage. He stated that Oval Drive, which runs on that west side of his property, there is a curve to the road. He stated that every time the road has been fixed, it would take a little bit more each time. He stated that it was a little close at this time.

The Chairman stated that Mr. Cramer would be putting on a two care addition to the garage, and the way he would stay in line with the frontage of the house or the side of house; he would be 16 feet from the right-of-way, and the code requires 25 feet. He stated that Oval Drive goes on a radius. He asked if that was correct.

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Building Official Gero stated that was correct. Mr. Cramer wanted to extend his house on a square line on a straight line that because the street curves, his setback distance would be reduced.

Chairman Moreal asked Mr. Cramer if he was going to put a driveway in front of there also.

Mr. Cramer stated that right now that was the plan. He stated that if it would need to be modified, he could do that. He stated that it was the plan at this point to continue the driveway.

Mr. Monteleone asked Mr. Cramer if the addition would be made out of brick like the house.

Mr. Cramer stated that it would be brick to match the existing structure.

Chairman Moreal stated that if Mr. Cramer would extend the garage with the driveway; now the driveway width would be somewhere in the neighborhood of 40 feet. He asked if that was correct.

Mr. Cramer agreed.

The Chairman stated that he was assuming that Mr. Cramer was going to do that.

Mr. Cramer stated that was his plan initially. He asked the Chairman if there was an alternative.

The Chairman stated that he didn't have an alternative. He stated that it would be nice to maybe incorporate some landscape through the City Planner to buffer it a little bit from approaching from Brookside or around Oval to give it a little bit, to soften the parking lot basically because that is what it would look like. He stated that there was no way to branch it out. Mr. Cramer would be 40 feet from there to the street because he was only 16 feet deep between the two garages.

Mr. Cramer asked if the Chairman was looking for something between the two garages.

The Chairman disagreed. He stated that probably on the north side he would think. He stated that it could be some little landscaping.

Mr. Cramer asked the Chairman if he had his paperwork.

The Chairman stated that he believed he did.

Mr. Cramer stated that there was a landscape island that would be approximately about 7 feet off the corner of the garage on the north side.

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Councilperson Walchanowicz stated that he could see it. He stated that there was some shrubbery.

Chairman Moreal stated that maybe another idea would be some creative concrete work like stamping or something to break up the parking lot effect. He stated that Mr. Cramer's concrete guy or the City Planner could work something up. He stated that he thought it would be something nice to help with the view or help buffer the look.

Mr. Monteleone asked Mr. Cramer if he was going to put the boxes in the garage or would it go away.

Mr. Cramer stated that those would probably disappear. He stated that they were holding firewood at this point, but it would be removed essentially.

Mr. Monteleone stated that he would imagine the concrete, the pad would get removed and footers put in.

Mr. Cramer agreed.

Law Director O'Brien asked if Mr. Cramer was the corner lot there.

Mr. Cramer agreed.

Law Director O'Brien stated that with the addition of Mr. Cramer's additional driveway, there would be a lot of concrete there, a lot of impervious surface. He stated that he had a question for the Building Official. He asked when someone comes in to put in a driveway like that, would it go to the City Engineer to look at drainage or no?

Building Official Gero stated that first off, there was a limit as far as the width of an apron. He stated that if the apron would remain the same, and the driveway would be extended over on some type of angle or curb or something like that, or at least the apron would be extended minimally; that would be the preference. Also, any time that there was that much concrete involved and any work in an apron, the Engineering Department does look at it for drainage purposes.

Councilperson Walchanowicz stated that definitely some type of stamped concrete or brick looking concrete, there would need to be a divide.

The Chairman asked if they were good so far.

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**A motion was made by Pasquale Monteleone, seconded by Walchanowicz, subject to the City Planner looking at some concrete ideas for the driveway, along with some landscape planning.**

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

**5725 Brookside Road, Dale Veverka** – Homeowner Dale Veverka was in attendance and sworn in. The Chairman asked if there were any neighbors present, and there were none.

Chairman Moreal stated that he was guessing by Mr. Veverka's request, he saw two things on the application; but he was before the Board for the separate garage or building around the corner on the south side.

Mr. Veverka stated that he was before the Board primarily to see if he could put the addition on the side of the home, make the single car garage a two-car garage. That would be his first choice.

Building Official Gero stated that Mr. Veverka was before the ABR this afternoon for the purposes of extending the garage by approximately 10 feet. It would be towards the north lot line and just putting one bay on the garage. The Board approved that, subject to him getting his variance for the reduced side yard.

Chairman Moreal stated that being said, the request was not correct.

Councilperson Walchanowicz stated that Mr. Veverka had two requests in there that he saw, one for the stand alone garage and one for the attached garage.

Several people began speaking at once.

Chairman Moreal stated that he didn't see that.

Mr. Monteleone stated that his question was there were two there from what he understood.

Mr. Breddt stated that he had Option 1 and Option 2 in his packet.

The Secretary stated that there wouldn't be different options listed on the agenda. When a variance is requested, the applicant would be asking for the first variance, and then if the Board decides to not give the variance, then the applicant can give another option for a variance.



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Chairman Moreal stated that it sounded like Mr. Veverka was looking for the one that was attached to the house. What the Chairman read off isn't the proper request.

Mrs. Fortlage stated that she thought it was Option 1 that he was asking for.

The Secretary stated that was what Mr. Veverka was asking for in March.

Mr. Monteleone stated that the 7 feet was from the back of the corner of the right side of the house. That is what he understood.

Mr. Bredt stated that regardless of how they were labeled, his Option 1 said rear line variance; and his Option 2 said garage addition.

Councilperson Walchanowicz stated that was his Option 2 as well.

Mr. Bredt stated that the garage addition would be what the Board was looking at.

Chairman Moreal stated that the Board would have to amend the request that he just read off on the agenda. He stated that he read off the wrong thing.

Law Director O'Brien stated that they have to make sure that the application and the record would be clear.

Chairman Moreal asked the Building Official to help him out.

Building Official Gero asked what was the request.

Chairman Moreal stated that he saw 5 feet; he was not sure.

Building Official Gero stated that he was only given Option 1, the other option is what he has in front of him. So, working off of memory, Mr. Veverka wants to extend his garage 10 feet. He has approximately a 15 foot side yard currently existing on that house. He stated that it would be on the north side, the north property line, looking at the house, the right side. So, if he would extend it 10 feet, he will be reducing his side yard to 5 feet in the front and just under 5 feet in the back because the house does not sit square against that property line.

Chairman Moreal stated that he didn't really focus on that because he read the agenda as the one in the back. He stated say the Board goes with that, and Mr. Veverka how would that affect the runoff water at all for his neighbors. He would be within 5 feet of the property line. The Chairman asked if the garage would sit a little higher than the house?

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Councilperson Walchanowicz replied yes.

Mr. Veverka stated that it was a little bit.

Chairman Moreal stated that he has no problem with it. He stated that it would work better than the free standing garage in the back. He had an issue where that would have been located, how that would fit in; but he would just want to make sure that he would not be affecting the water especially up towards the Sprague Road area. That was always a tough area. He stated that Mr. Veverka wouldn't want to have issues with the neighbors.

Councilperson Walchanowicz stated that they have to figure that water pitch out.

Mrs. Fortlage stated that they have something from the Engineer. She asked if the Board wanted to hear it. She stated that the Engineer stated that for Item 6, which was this one, just need to be cognizant of the natural lay of the land, and with the 5 foot side yard resulting from the garage addition. He might need to cut a small walk within that 5 foot area to force the yard water runoff down the side yard property line or it may otherwise try to sheet flow onto the adjacent property. The general drainage pattern there is from southwest to the northeast.

Mr. Monteleone stated that it would dump it right in there.

Councilperson Walchanowicz asked Mr. Veverka if he was planning on doing a sidewalk on the side of the garage.

Mr. Veverka stated that he wouldn't do one unless he needed to. He stated that he was not planning to. He was hoping to capture most of the water in the back and drain it into the (inaudible). He stated that he just replaced 75 feet of the basement walls in the home and have all new drain tile, all new footer drains. He stated that hopefully it should be able to try and capture some of that water.

Building Official Gero stated that the garage extension will be on the same pitch as the garage currently is; the roof lines and gutters would be tied into the storm system. He stated that the only concern would be, and this was something that the ABR requested, that the Engineer Department review for runoff and drainage between the houses there. The only area would be that area in between whether or not a swale had to be implicated or some type of drain tile implicated to prevent the stormwater from running through there and running into the north neighbor's property.

Chairman Moreal stated that he was just going to say that because just a swale would not detain that water. He would need some permanent drain tile, a catch basin somewhere, which would not be a big deal; but it would need to be put into the motion or into the record.

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Building Official Gero agreed. He stated that it would need to be reviewed by the Engineering Department and subject to their recommendations.

Mr. Bredt asked Mr. Veverka if he was moving into that house.

Mr. Veverka replied that he was not.

Mr. Bredt asked if it was going to be a rental.

Mr. Veverka stated that it would be either a rental or a flip, he hasn't really decided yet.

Mr. Bredt stated that he thinks that the water, and he was just supporting what everybody has already said, the water issue will be a major source of turmoil if it would not be addressed initially. So, the motion would have to address that.

Mr. Veverka agreed.

Chairman Moreal stated that Mr. Veverka understood where the Board was coming from. He stated that Mr. Veverka knows that being a Councilperson that it would need to be addressed.

Mr. Veverka replied absolutely. He stated that there is a sidewalk that runs from the back of the garage directly north to west; and basically that was kind of like high ground. A lot of the water ends up being trapped in the backyard before it would get to the little side one. He stated that obviously he has to come up with a way to make sure that he would trap that water and move it along.

Chairman Moreal stated that before the Board would go any further, he wanted to amend the request for a 5 foot side yard variance, 15 foot required, 10 foot requested. He asked if that was correct?

Building Official Gero stated that it would not be correct. He stated that what the Chairman should do would be a variance to reduce the current existing side yard by 10 foot. That would be the simplest way since we don't have a survey telling us exactly what the rear side yard would be.

Building Official Gero stated that he thought Mr. Veverka supplied a mortgage survey which gave the Board an idea; but he wanted to say that it stated it was less than 5 foot was the final dimension on that side, on that back corner of the garage.

Law Director O'Brien asked the Building Official if he was saying because of the irregular shape that at the front of the garage, if the variance would be granted, it would be 5 foot; but it would slowly encroach.

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Building Official Gero stated that it would slowly reduce down to under 5 foot of the side yard, the back, only by maybe 4 to 6 inches he believes. He stated that he didn't believe it was a huge amount, but there is a difference. The side yard was not rectangular. The garage would not be parallel to the property line.

Mr. Veverka asked if everyone got the letter from his neighbor.

Mrs. Fortlage replied yes.

Chairman Moreal asked the Building Official to help him with the amendment because if it goes 5 foot and less how should it be worded?

Law Director O'Brien stated that he liked the Building Official's wording. That would be fine because they know where the current structure was located.

Mr. Monteleone stated that at the end of the day they were talking about a 5 foot area that would need a drain tile put in because it would be so small of an area. They would have to say that they would have to put some sort of drainage to get to the backyard. He stated that if you look at the picture that Mr. Veverka sent with the house, it looks like it would need a driveway, so all that water would probably pitch towards the street anyways. You will be left with that area of 5 foot on the side. So, the drain tile, shooting it to the backyard or the front yard would cure the problem. It would not be that much what you are asking to put a garage extension on. It would encroach on the 10 feet.

Chairman Moreal stated that he wanted to get the amendment out of the way. He would make the motion per the Building Official's recommendation.

Law Director O'Brien asked Mr. Veverka when he planned on doing the construction.

Mr. Veverka stated it would be ASAP.

Law Director O'Brien stated that he too didn't focus on, it was the first in his experience where there were actually two applications so he just focused on what was on the agenda. He stated that he didn't want to slow Mr. Veverka up, but it was such a tight area back there; and he doesn't know the area. He didn't walk it. He doesn't generally walk it, but what they would normally do based upon this situation would require someone to get a survey; but they don't want Mr. Veverka to go through the cost of that. He stated that first and foremost they should have the Engineer's office weigh in making sure that he can make this happen. He stated that they don't want to create a problem. He stated that he knows that Mr. Veverka doesn't want them to create a problem. The first person would probably call Mr. Veverka as a Councilperson.

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He asked if there was a chance that they could have the Engineer look at it and give the Board the right information before the Board would vote on it. He stated that he would hate to delay Mr. Veverka.

Mr. Veverka asked if it was possible to have it approved based on the Engineer's study?

Law Director O'Brien stated that it would be as long as he would put into the record that he would accept his conclusion. If he would say that drainage over, he would need "x", and he can't get "x" to happen; he would understand that would fine. He asked Mr. Veverka if he was okay with that.

Mr. Veverka replied that he was okay with it.

Councilperson Walchanowicz stated that Don Ramm needed to be involved.

Chairman Moreal stated that it would be subject to Don Ramm for sure.

Councilperson Walchanowicz stated that it would have to be like a permanent drainage thing because if Dale is not going to live there, or he doesn't rent it, then he doesn't want it to be inherited to the new people who would be there.

Law Director O'Brien stated that he would agree with Councilperson Walchanowicz. It would be catch basins, a renter we find may be less apt to make sure that they would be doing the regular maintenance. It would have to be something of a permanent, low maintenance type of drainage.

Mr. Monteleone stated that especially because it's the 5 feet, and if it would get blocked up, that water would have to go somewhere.

Mrs. Fortlage stated that frankly she didn't understand what Don Ramm said to the Board makes a whole lot of sense. It stated that Mr. Veverka might need to cut a small walk. She stated that she didn't think new concrete would be helpful to the potential problem. She stated that she didn't believe that it was clear enough to vote on.

Chairman Moreal stated that he understood, but he also thought that if the Board would subject it to the Engineer, it would fall on the City Engineer basically. If they can't work something out, Mr. Veverka would come back for Option 1 maybe. He stated that he thinks they have the City Engineer look at it and see what kind of permanent water solution he could come up with; and maybe he would have to have some kind of easement to maintain it. Would that be possible?

Councilperson Walchanowicz stated that his thing was, he knows that Mr. Veverka knows the neighbor; and they were friends. He wants Mr. Veverka to remain friends with him and not have water issues down the road.

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Building Official Gero stated that the other issue was Mr. Veverka knowing the neighbor, but when Mr. Veverka goes and sells the house; and there will be a new person in there, and all of a sudden they don't get along, and stormwater is the biggest issue in the City. It comes from the heavens, but everybody complains about it. It needs to be addressed.

Chairman Moreal stated that he wanted to amend the request, make a motion to amend the request per the Building Official's wording prior.

**A motion was made by Chairman Moreal, seconded by Charles Bredd, to amend the request to read a reduction of the 10' existing side yard.**

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

Chairman Moreal stated that now the Board can move on. He asked if they wanted to make a motion subject to the City Engineer?

Mrs. Fortlage asked if anybody was stating the amendment to the request?

Chairman Moreal stated that it was per the Building Official's wording. The Secretary has that in the Minutes.

The Secretary stated it was reduced by 10' the side yard.

Mrs. Fortlage stated that she got it.

Chairman Moreal asked if there was anything else.

Law Director O'Brien stated that he knows that the Board will make it subject to the City Engineer's approval of the installation of a permanent drainage improvement; but if the Building Official could mention to the City Engineer, or if he could flag it what the Board was talking about, something that would be maintenance free.

Building Official Gero stated that he would make sure that the City Engineer would get a copy of the Minutes.

Mr. Monteleone stated that remember when catch basins get placed, that's when the maintenance would come into play. If they would keep it to a drain tile, it would be underground and stay clean with a sock. If you put a drain in, then you have to make sure there are no leaves and stuff trapped in it. That's probably a little less maintenance.

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Building Official Gero stated that the drain tile system running along there would even possibly solve his rear yard water issue.

Mr. Monteleone agreed.

**A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to approve the variance request, subject to the City Engineer making sure that the applicant addresses the drainage situation and having the applicant provide an extensive landscaping plan presented to the City Engineer.**

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

**6618 Brettin Drive, Khaled Tabbaa** – Homeowner Khaled Tabbaa was in attendance and sworn in.

Mr. Brecht stated that there were a couple of applications in the packets that were dated less than 14 days before the meeting. He stated that in reading the Codified Ordinances, those state that it should be 5 days; and of course, the Board has the right to waive both. He was just curious why the Board got the application added in as late as it did.

Building Official Gero stated that what happened with it was that he was on the agenda for last week; and there was some miscommunication, and the Building Official thought that he did not be on the Zoning agenda; and then he found out that he needed to be back on it. Furthermore, the 14 day requirement was something that was built in for the Building Department and for the Secretary as far as the requirement. The Building Official believes that the code stated that submissions need to be submitted 5 days prior to the meeting.

Mr. Brecht stated that he stated that. He was just curious, and the Building Official satisfied his curiosity.

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

The Chairman wanted Mr. Tabbaa to explain to the Board why he would need the variance.

Mr. Tabbaa stated that the only thing he was requesting was to have the same roof line as his existing home which he just finished it and moved in last December. He stated that as everyone knows, the higher the pitch, the more modern the house will look. He stated that he was trying to match the proposed garage roof lines with his existing house.

Chairman Moreal asked if the garage would be pre-fab?

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Mr. Tabbaa stated that it was not. It would be custom built.

Mr. Bredt stated that the picture in the packet looked like it would be a hip garage.

Mr. Tabbaa stated that the garage they were looking at was his attached garage of his new house, and it was 24 foot wide; and the proposed garage would be across from that one.

Mr. Bredt asked if it would have a hipped roof on it.

Mr. Tabbaa stated that was correct.

Mr. Monteleone stated that the proposed garage would be 36' x 24'. He stated that was a pretty decent sized garage. He asked if it was for car storage? He stated that was a pretty big garage.

Mr. Tabbaa stated that it would be for his (inaudible) with working, the additional one car could be parked in there.

Chairman Moreal stated to Mr. Monteleone that there was no request for the size, it was just the height.

Several people began speaking at once again.

Building Official Gero stated that the size would be permitted for Mr. Tabbaa's property.

Mrs. Fortlage asked if the neighbors were notified.

The Secretary stated that the neighbors were hand delivered notices.

Councilperson Walchanowicz stated that he talked with one of the neighbors the other day, Mr. Sarti to the west; and he was completely fine with it.

Chairman Moreal asked Mr. Tabbaa, the peak on his house would be higher than the garage, or would it be the same.

Mr. Tabbaa stated that it was almost the same. He stated that he had a 10/12 pitch on his house, and the garage would be 10/12; it would be almost the same.

Chairman Moreal stated that in that area with a big structure like that, a lot of runoff water off the roof; the Board wants to make sure there is some proper drainage. He asked Mr. Tabbaa where he would tie it into.

Mr. Tabbaa stated that he would be tying it into the downspout by his existing garage right now.



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It would all drain to the storm sewer.

The Chairman asked if Mr. Tabbaa could do some landscaping there. It was a big structure.

Mr. Tabbaa stated that it was a brand new house, so he hasn't finished the outside landscaping yet. He stated that he would be proposing to put in an in ground pool; so that would follow with some landscaping.

Mrs. Fortlage asked if Mr. Tabbaa would be asking for another building with the in ground pool.

Mr. Tabbaa replied no. He stated that he would only be permitted one more, plus the attached garage. He would only be permitted one more building which was the garage he was proposing.

Mrs. Fortlage stated that the Board knows that, but a lot of applicants don't.

Mr. Tabbaa stated that he would not do such a thing. He stated that there was an existing shed that he was instructed by the Building Official that he has to remove.

Chairman Moreal asked Mr. Tabbaa what would be the pitch on the roof.

Mr. Tabbaa stated that it would be 10/12.

The Chairman asked Mr. Tabbaa if he was able to do a 6/12.

Mr. Tabbaa stated that if he was able to do 6/12, he would not be seeing the Board today.

Chairman Moreal asked Mr. Tabbaa why he couldn't do a 6/12.

Mr. Tabbaa stated that it would not look as good as a 10/12 because it would look like a trailer sitting there. It would be such a long building with a small real low pitch. It wouldn't look that good.

The Chairman stated that he just wanted to ask the question. He stated that he thought he was okay with it. He would like to add into the motion if everyone was done. He asked if everyone was done.

Councilperson Walchanowicz asked if the Architectural Board of Review has seen the proposed garage yet?

Building Official Gero stated that it does not have to go before the ABR, the Building Official has a right to approve small garages.

Councilperson Walchanowicz replied okay.

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Mr. Tabbaa stated that the exterior of the garage will match the house; so there will be stone in the front, and the exterior material will match.

Chairman Moreal stated that he has seen other houses that Mr. Tabbaa has built, and he is sure that he will do it right. If that is all, he will make a motion.

Councilperson Walchanowicz stated that he had another question.

Councilperson Walchanowicz asked if the left elevation lower where he will build it the way the current house sits.

Mr. Tabbaa stated that he would say that it drops from where he will build the garage, it will drop about a foot. He stated that he was trying to be in the same level of the front of the garage.

Councilperson Walchanowicz asked if Mr. Tabbaa would be able to pitch that water, he stated that he was going to tie it in by the house.

Mr. Tabbaa agreed. He asked if Councilperson Walchanowicz was talking about the downspouts?

Councilperson Walchanowicz stated that he was.

Mr. Tabbaa stated that he had enough pitch to connect or tie in the downspouts to the house downspouts.

Councilperson Walchanowicz asked about the neighbors in the back that come off of Sprague since they would be a lot lower. What kind of water would they get going into those people on Sprague coming from that?

Mr. Tabbaa stated that when they did the construction on Brettin, when they did the new road, his front of the house when he bought the property there was a big mound in the front; and he took the mound and put it in the back so that would prevent any water coming from his backyard to any neighbors in the back. He stated that it would be a landscaping mound. So, there will be some pine trees on it. There will be no water going to any neighbors anywhere.

Councilperson Walchanowicz asked the Chairman if he thought it might be something that the Engineering would double checks to make sure there are not any water issues with the neighbors coming off of Sprague.

Chairman Moreal stated that he wanted to subject it to the City Engineer and City Planner getting involved.

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Mr. Tabbaa asked if he could interrupt. He stated that the City Engineer was very familiar with that mound in the back of his property. He stated that they were fine with it.

Chairman Moreal asked Mr. Tabbaa if he was moved into the house.

Mr. Tabbaa stated that he had been there since December.

The Chairman asked if Mr. Tabbaa had final approval. He stated that it wasn't obviously the landscape.

Mr. Tabbaa stated that once they do the landscaping and everything, Engineering would be out.

Chairman Moreal stated that the Engineer will get involved; the Board will subject it to the Engineer anyways.

Mr. Tabbaa stated that was correct. He stated that the Engineer would get the final inspection after. He stated that this house was not the first one that he has built in Independence. He stated that he was very familiar with all the regulations of the City.

Councilperson Walchanowicz said with all this current flooding, they just have a lot of residents who are getting water. So, they just need to cross their "t's" with the drainage to make sure it will be handled properly.

Mr. Tabbaa stated that again he goes back to the Engineering when they do the final inspection, and they say okay, or they will tell him if he would need a yard drain or whatever. All of that will be done.

Councilperson Walchanowicz stated that he understood.

Chairman Moreal stated that if there was nothing else, he would like to make a motion.

**A motion was made by Chairman Moreal, seconded by Monteleone, to approve the variance request, subject to the City Engineer addressing the drainage and the City Planner reviewing the landscape with regard to the construction of the proposed garage.**

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

**9103 Hillside Road, Dennis Messina – Homeowner Dennis Messina was in attendance.**

Chairman Moreal asked if there were any neighbors present.

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Elizabeth Bonness of 9111 Hillside Road was in attendance.

Mr. Monteleone asked if that was to the right or the left of the house they were looking at.

Ms. Bonness stated that as you face the houses, it would be to the right.

Chairman Moreal swore in Ms. Bonness. The Chairman then swore in Dennis Messina.

Chairman Moreal stated that Mr. Messina was before the Board late last summer; and the Board discussed a few things. The Board tabled the matter. The Board had Mr. Messina go back and ask for moving things around, changing the size, trying to make it smaller and so on. The Chairman stated that Mr. Messina was before the Board for all the requests, and he wanted Mr. Messina to explain to the Board why he needed the variances.

Mr. Messina stated that he has 8 collectible cars. He has them in various places. He stated that he had 2 of them in his back patio, which he would rather have his back patio for barbecuing and grilling. Plus, he has a few tires on the side of the house that he would rather put inside into this garage. He has a car trailer, and he is just looking to put everything in one spot.

Councilperson Walchanowicz stated to Mr. Messina that his plan was to clean up the side of the house, put the cars away, and make everything look nice, clean and proper.

Mr. Messina replied correct. He stated that he was putting it 30 feet from the back property line. He will put some trees around the garage even. He stated that basically his lot, if you would go 3 houses down, 3 houses up, he has the biggest lot of all.

Councilperson Walchanowicz stated that it was a big lot.

Mr. Monteleone stated that he was on Mr. Messina's property today, and he did notice that there was a garage a few houses up. He did notice that he has a garage door that went from his main garage door, correct him if he's wrong, and goes to his patio.

Mr. Messina agreed.

Mr. Monteleone asked Mr. Messina if that is how he would access to the new garage.

Mr. Messina stated that he would go down the side to the garage.

Mr. Monteleone stated that once Mr. Messina would move that stuff, he would have just enough room to slide through.

Mr. Messina agreed.

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Mr. Bredt asked why 10 feet on the side as opposed to the 15 feet required.

Mr. Messina stated that he could go 15 feet. He was thinking 10 feet from the fence, and on the other side of the fence he has 2 feet from the property line. So, he basically has 12 feet, and he just put down 10 feet thinking it was close to 15 feet; but he could go 15 feet, that would not be a problem.

Chairman Moreal stated that he would rather see it at 15 feet. He stated that he was out there the other day, and he know last year Mr. Messina was talking about hooking it up to the house, keeping it up front on the big slope. He has a unique yard as far as the pitch; the elevation drops drastically as you would go further back to the back of his property which abuts to the National Park. The Chairman stated that he was out there last year, and he was out there again, Mr. Messina still shows it, he would be allowed to be 10 feet off the rear yard. Mr. Messina shows it at 30 feet, but really the Chairman measured it the other day, and he would be 38 feet from the rear yard. He stated that he didn't know why; and personally the further back Mr. Messina would go, he thought it would level out better and it would be a lower sight line for the neighbors. He would say to be safe, stay 12 feet off the rear yard. Mr. Messina would be picking up 26 feet he believed. The Chairman stated that he thought it would be better for everybody involved.

Mr. Messina asked the Chairman if he wanted him to do 12 or 20 or what.

Building Official Gero stated that the Engineer reviewed the application, and there were some notes in the e-mail that he sent that there was a swale on the back corner of the parcel; and he actually recommended that it be moved up to 35 or 40 feet off the rear line closer to the house rather than back towards the rear line to keep it entirely out of the drainage swale.

Chairman Moreal stated that where Mr. Messina was asking to put it, it would be in the right spot.

Building Official Gero stated that the Engineer stated that it looked like there was a shallow swale in the corner of this parcel, a portion of the proposed garage would be located in it. He stated that there would likely just need to be a little grading work to promote positive draining from the yard around the corner of the garage, but the center of the swale looks like it could still be located within the parcel boundary. So, it looks like there will be some grading work that will need to be done if it would be located where Mr. Messina was proposing it.

Law Director O'Brien stated that as members of the Board, especially collectors, they often times come in and say they want to clean up their yard; which it's my understanding that your yard, no disrespect, could use a lot of cleaning up. That is great that Mr. Messina wants to move stuff into the proposed new building; but he asked if there was any assurance that Mr. Messina

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could give the Board that he would not collect more stuff and put it outside because you now have more room to collect.

Mr. Messina stated that he was 68 years old, and I can barely walk as it is. I walk with a cane. I had knees replaced. I had hips replaced, and I have a back problem. I am not going to be doing any work.

Law Director O'Brien stated he heard Mr. Messina. He stated that it wouldn't be a problem for Mr. Messina to say that if he did get the Board's approval that he could put it into the record that he was not going to store any additional cars in the current location, they will all be in the garage. The tires will be in the garage, and there won't be any additional storage of any tires outside of the garage.

Mr. Messina agreed. That's what he wants to do.

Chairman Moreal stated to the Law Director, to that statement, he would like to see it conditioned on no exterior storage, everything being removed. Once the garage would be built, if it would be built, that Mr. Messina would have a time limit to move everything out, either throw stuff out, put stuff in, no outside storage on the side or back of the property.

Councilperson Walchanowicz said this is all part of our, it will be part of our beautification policies now. We are trying to limit residents having stuff collected on the sides of houses where you can see it and everything.

Chairman Moreal stated just to clarify for the public and everybody because I sometimes get confused on the 5 parking spaces permitted, 7 requested. Again Mike, how are you getting this because Mr. Messina has a two-car garage. Would this be a five-car garage. Would that be how it works?

Building Official Gero stated that basically that would be the size of it. He stated that Mr. Messina would be allowed to have a 36' x 24' garage on there. Mr. Messina was looking at something 55' x 40'. So, it would be called a five-car garage.

Mr. Bredt stated that the site plan has the right being 40'; but when you would add the dimensions up it would be 36'. He asked which was it?

Chairman Moreal asked Mr. Messina if he was hearing that. The Chairman stated that Mr. Messina's request was for 40' x 55'. Like Mr. Bredt stated, it measured 36' x 55'.

Mr. Monteleone asked Mr. Messina if he would have 15' doors or 12' doors.

Mr. Messina stated that he would have 10' doors.

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Building Official Gero asked if the doors would be 10' tall.

Mr. Messina agreed.

Building Official Gero asked how about wide?

Mr. Messina stated that they would be 12' wide.

Chairman Moreal stated to Mr. Messina that the way he would see it, and it would look aesthetically pleasing, 4', 12', 4', 12' would be 36'. The Chairman stated that he was looking at 36' by 55' and not 40'.

Mr. Messina stated that if he has to.

Mrs. Fortlage asked which was it? Mr. Messina presented it both ways.

Mr. Messina stated that he could do that.

Mr. Monteleone asked would it be 36' x 40' or 36' x 55'?

Mr. Bredt stated that no matter how Mr. Messina would cut it, the garage would be twice as big plus as what would normally be reviewed.

Chairman Moreal asked right now where would they be at? They would be at 36' x 55', and what was that? It would be 1,980. The Chairman asked what was 24' x 36'?

The Secretary stated it was 864.

The Chairman stated that it would be double.

Mrs. Fortlage stated that it would be more than double.

Chairman Moreal stated that personally now that it came out, there's a better comfort level at 36', and Mr. Messina would only be making it 12' wider and the length would kind of go away. He stated that he thought it would be laid out east to west, long ways to the back. It would be 36' x 55' lengthwise.

Mr. Bredt stated that it would make him feel much better on the face, the street elevation. He stated that the depth he totally agree, storage would go away given the depth of the lot, and with what was behind it; but he was amenable, more inclined to agree when he could push the whole building back. Mr. Bredt stated that he apologizes, he did not get the soil information until just

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right before the meeting. He stated that he wanted to see that building pushed back somehow, not (inaudible).

Chairman Moreal stated the Engineer mentioned that there would have to be some grading or something to kind of work this swale; if the building is pushed back, how can the swale be reworked? There would always be a way.

Mr. Bredt stated that as he recalls when they went out there last summer, there was actually, he didn't know what the right engineering term would be, but there was an old culvert that he recalled that parallels the National Park system that runs east to west across the back of a couple of yards down there. He stated that Mr. Messina could build right up to the edge of that.

Mr. Messina stated that he has been there over 60 years, and there was no culvert pipe back there at all.

Ms. Bonness stated that Mr. Messina was correct. She agreed with him. She stated that to her knowledge, there was no pipe back there at all. She stated that in fact, Mr. Messina used to have some big trees back there that he lost in a storm; and they would have been all over that culvert. There was no culvert back there.

Mr. Bredt replied okay.

Councilperson Walchanowicz asked if they could push the building back as far as the Engineering Department would say they could; and then at that point.

Mr. Messina stated that it was fine by him.

Chairman Moreal asked the Law Director if that was something that the Board could work into the motion?

Law Director O'Brien stated that he was sure that Mr. Messina would appreciate it, and he was sure that Ms. Bonness appreciates everybody going to meet everybody's expectations. After the Board hears from Ms. Bonness if she has anything to add, he would suggest, and he knows that he is not going to be on anybody's Christmas card list when he states this; he would suggest tabling the matter, and have the Engineer tell the Board how far back, and he has heard a couple of comments from the Chairman and Mr. Bredt, that you would like it as far as back. It would go down, and that would make sense as you would lose visual of it; and have the Engineer tell the Board how far it can go back. Maybe it would be a simple grading change or some additional improvement that Mr. Messina could do at very little cost to move it even farther back. Maybe he could alternate that swale somehow. That is what he would suggest.



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Mr. Messina stated that he cuts the grass back there, and there was hardly any swale whatsoever back there. He has no water build up anywhere at all.

Chairman Moreal stated that he wouldn't be against approving it or making a motion to the Engineer looking at it; but legally he thinks he can.

Mrs. Fortlage stated that she would be in favor of tabling it, and the reason was that they still have another math problem. She stated that if she heard it correctly, the Board was looking at a request to have a total of 7 spaces for 8 cars and a trailer; and she thought she saw a truck there. They can't get all the storage inside if that is what the request was to build it for spaces. She stated that the math didn't work.

Chairman Moreal stated that what he would say would be if the Board would approve it for what the request was, with the revised size, the Board would subject it to no outdoor storage; so Mr. Messina would use his front yard as he would use his front yard, his driveway, his garage. He stated that there would be no outdoor storage. That is what he would put into the motion if everyone would agree on it.

Mrs. Fortlage stated that based on the request, there would be 8 cars and a trailer with the request for 7 cars storage space. It wouldn't add up.

Chairman Moreal stated that the request was 7 parking spaces, Mr. Messina could tell him he has 30 cars.

Several people began speaking at once again.

Mr. Monteleone stated that pickup truck could go inside his garage.

Mrs. Fortlage stated that those were 2 of the spaces that were counted.

Law Director O'Brien stated that Mr. Messina was putting into the record that he agrees to this. He stated that he was certain that at some point Mr. Messina would move and sell the house. So, if that's the Board's goal, the next person coming in could be a collector; and because nothing was in the record per se in the chain of title. The Law Director stated that he would certainly like to document something and put an affidavit like they have done with other applicants. The Law Director stated what they would do was file an affidavit with the Recorder's office so that when Mr. Messina would go to sell the property, while he was sure that Mr. Messina would tell them; but in the event he doesn't or forgets, you would see that in the chain of title.

Mr. Messina stated that he won't be selling the house. He will be dying there.

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Law Director O'Brien stated that is great, not that Mr. Messina was dying; but it was great that (inaudible).

Chairman Moreal stated that was a great idea from the Law Director, if he would put all that into the record and it would run with the property.

Councilperson Walchanowicz stated that if it was approved through Engineering having Mr. Messina build as far back as he could.

Chairman Moreal stated that is what he would like to see, and he knows that is what Mr. Bredt would like to see.

The Chairman stated that he wanted to hear from the neighbor.

Mr. Bredt stated that before the Board gets to the neighbor, there was one last question from the application. He stated that Mr. Messina was asking for extra parking spaces; where would they go and on what? There was no driveway drawn there. There was no location shown.

Chairman Moreal stated that the extra parking would be considered inside the garage.

Mr. Bredt stated so those parking spaces would be inside the garage.

Chairman Moreal stated it would be a five-car garage.

Councilperson Walchanowicz asked Mr. Messina if he was going to have a driveway going back to the garage.

Mr. Messina stated that he would not. It would be basically for cold storage, mostly his main concern would be for the winter time to park the vehicles out of the weather.

Mr. Bredt stated that it was considered cold storage, so no heat or electrical.

Mr. Messina replied no.

Chairman Moreal stated to Mr. Bredt if he would notice the request, they would be allowing 5 spaces, that would be the 2 in his garage, the 24' x 36' that he would be allowed. That would be 5, and the Board was calling it a five-car garage and 2 more spaces.

Building Official Gero stated that technically it would be a six-car garage.

Mr. Bredt stated that the elevation has gone from 40' to 36' now.

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Chairman Moreal stated that the Board has a height issue too as a request.

Mr. Messina stated that he will have to get it drawn up with his architect, but he was looking at basically 11 feet tall he could go. He could go 11'6", the walls.

The Chairman stated that he meant the roof height.

Mr. Messina stated that he was going to do a 4/12 pitch on it which would bring it down to less than 17'.

Chairman Moreal stated that so Mr. Messina bought 2 feet from 19' to 17'.

Mr. Messina stated it would be about 16'9", 16'10".

Mr. Monteleone asked if there will be a concrete floor.

Building Official Gero stated that Mr. Messina has to put a concrete floor in it if he was storing vehicles in there.

Mr. Messina stated he was going to put in a concrete floor.

Chairman Moreal asked if there was anything else for Mr. Messina. If not, the Board could hear from the neighbor.

Elizabeth Bonness stated that she objected to the variances last year, and she wanted to continue to object to it. She stated that she truly feels that this a residential neighborhood, and the building would be pretty enormous. She stated that it would literally be at this point, even with losing the 4', it would be bigger than her house. She stated that it would be bigger than Mr. Messina's house. She stated that it would be bigger than the neighbor on the other side's house.

Ms. Bonness stated that she understands Mr. Messina's collection. She stated that they have cars. They store them away from the house, but the building would be bigger. She stated that if they would do the math, and you would start laying it out on a grid; she has heard it called a four-car garage. She has heard it called a five-car garage; and she has heard it called a six-car garage. She stated it would create parking, and it could easily be a seven-car garage; and that would be in addition to the two-car garage that Mr. Messina already has.

Ms. Bonness stated that ever since Mr. Messina built his patio, she understands that he wants to use that area for other things; but as long as it has been there, it has been used for car storage because he has lots of cars as everyone has said. She stated that she objects to it simply because of the size of the building. She cannot see a need for any single resident, especially one that doesn't have 4 teenagers in that all need cars.

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Ms. Bonness stated that certainly for a single household, this building would be pretty enormous. She would have no problem obviously with the standard allowance that would be three cars. She stated that even going to a standard size four-car garage, she wouldn't have a problem; but when you get to this size, it would just be absolutely enormous. She stated that again, her lot is strange in that it is pie-shaped. She stated that when she sits on her back deck, even though Mr. Messina put up a fence that was 6' tall; obviously the building will be very, very visible. She stated that because of the slope of both of the properties, his and hers as well, the building will literally be the only thing that she will see when she sits on her back deck now. She stated that it will certainly destroy the aesthetic of her property. She stated that it would certainly have an adverse effect on the value of her property.

Ms. Bonness stated that she hears Mr. Messina saying he is not going to have anything outside; she will absolutely insist that they would all have to agree, no matter what size building would be built, that there would not be cars parked alongside the garage, behind the garage, on that patio, around that new building, whatever building it would be because again this would be far beyond the needs of a normal person as far as storage space goes. She stated that she was deeply worried about the entire aesthetics of it. She stated that was her objection that from an aesthetic standpoint, she feels that it would be a variance, that if the Board would grant this, they would certainly be opening up themselves to set a precedent for other people to build these in a residential area. She stated that again the size of the building was pretty stinking big. She stated that if they would think about some of the businesses along Brecksville Road; this building would be bigger than some of those business building. She stated that it really was an oversized building.

Chairman Moreal stated that the Board knows that; but he will say that Mr. Messina doesn't have the standard lot, he has an oversized lot. With that being said, Ms. Bonness stated that she would be okay with a 24' x 36' which would be a three-car garage. She would be even moved to go to a four-car, which would bring it to 24' x 48'.

Building Official Gero agreed.

Chairman Moreal stated that if Ms. Bonness stated that she would be okay at 48', and he was just going by what she stated; Mr. Messina was asking for 7' longer; so she was almost there on the length. The Chairman stated that the Board had Mr. Messina down to 36' from 40'. The Board has the roof line down. The Board was trying to work with Mr. Messina and Ms. Bonness's concerns.

Ms. Bonness stated that the Chairman lost her on the math because 36' x 24' would not be just 7' larger than 55'.

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Chairman Moreal stated that Ms. Bonness stated that she would be okay with a four-car garage; and a four-car garage would be 24' x 48'. He stated that 48' would be the length, and Mr. Messina was asking for 55'. There would only be a 7' difference there.

Ms. Bonness stated that what she stated was that she might be okay with a four-car garage.

Chairman Moreal stated that he was just stating what he heard. He stated that the Board was trying to work with Ms. Bonness and Mr. Messina. The Chairman stated that he thinks the Board has made a lot of movement since last year. He stated that they were trying to push the building back because he thinks that the further it goes back, the less Ms. Bonness would see it.

Ms. Bonness stated that actually it would be inverted. When the Chairman was at the house last year, they actually talked about it would be much more aesthetically pleasing if it were attached to the house because then it would give an appearance of being part of a home versus a giant

building at the back of the property. She stated that it would be the only thing she would see from her backyard.

Chairman Moreal stated that the way that the land drops off, it would be a monstrosity attached to that house. He knows that Ms. Bonness would like that.

Ms. Bonness stated that the Chairman states that, but in theory ever since Mr. Messina built the patio, he has had 3 cars parked on it. So, really the Chairman is not talking about much more than the patio that Mr. Messina already has there; and it could be utilized as part of that. She stated that the Chairman was talking about a 12' further addition than what the patio was right now.

Chairman Moreal stated that he took it as 36'. He stated that if he was attaching a garage to his house, he was giving himself 24' x 36' from what he has.

Ms. Bonness stated that he was not including the existing 3 cars.

The Chairman asked why would he? He stated that he would square it up and add 36'. That is what he would do if he would be allowed to do that.

Mr. Monteleone asked would the 36' feet be to the left of the house, attaching it may even look worst to Ms. Bonness when she looks out.

Ms. Bonness stated that it was her opinion, and that is not what counts. She stated that the reality was that a variance was supposed to be based on, the building would be a building that easily at the size that Mr. Messina quoted, easily 6 or 7 cars could be parked inside of it plus the 2 in his

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garage. Ms. Bonness asked the Board if they were telling her that Mr. Messina would never be allowed to park a car anywhere else on his property.

Chairman Moreal stated that he would make the motion on the condition that no outdoor parking on the side or the back of the house at all; and the Board would be trying to beautify the area. The Chairman stated that there would be no tires on the side of the house. It would run with the variance, the motion.

Ms. Bonness stated that in theory Mr. Messina could build a building. He could put 3 or 4 cars in the back, he could put 2 in the front; and meanwhile he has the apron in the front of his house, etc. Would the Chairman be saying that literally he could not park cars up in his driveway because if you start adding those on, he has a double driveway and an apron. He quite often has 3, 4 and 5 cars or the big trailer parked up there.

Mr. Bredt stated that as he looks at the agenda and the amount of variances requested; there are 5 issues that have changed since the agenda was printed. He stated that the side yard has gone from 10' to 15'. He stated that the 40' has become 36'. The height has gone from 19' to 17'. The Board has heard from the Engineer that Mr. Messina can't push it back because of a swale or an issue that was more amenable to him, at least himself personally. He stated that there was enough disparity and discussion going on that he would rather see this thing documented properly, and brought back after they all had an option to go out there and see if once again, refresh his memory, he still remembers something that obviously he is getting too old. He stated that the venue was too big when you get right down to it; and he would rather see the applicant make it more normal. He stated that it was not up to the Board to design it. He has heard that over the years. He stated that he thinks the Board has to take a look at this as a fresh application that would be substantially different from the one last year, and the one that the Board is looking at today if the Board would table it, which was his recommendation.

Mrs. Fortlage stated that it should be properly documented, please.

Chairman Moreal stated to Mr. Bredt that he understands that, but the Board has tabled the matter once or twice. The Board has been talking about this thing; he thinks that they have come big strides to where they are at now. The Chairman stated that he thinks that Mr. Messina is working with the Board. He stated that he thought the neighbor has even opened up a little bit. He stated that it sounded that way a little bit, but he doesn't know why the Board couldn't vote on it, subject to all their conditions. They have to be followed, they have to be enforced. The Chairman stated that it was not the Board, it would be the City or the inspectors, whoever was involved. The Chairman stated that they need to document that and enforce it.

Councilperson Walchanowicz asked Mr. Messina if he could do some nice landscaping around the building as well.

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Mr. Messina stated that he planned on it; that's why he didn't want to put it all the way back by the property line. He wanted to put some trees around the back of it. He stated that was his intent. Some trees have died, and he cut those up and ground the stumps. He wants to put some more trees in.

Councilperson Walchanowicz stated that he was an advocate of beautification of all of their homes, it doesn't matter what resident it would be. He stated that the increase of the value of your property, potentially neighbors' properties because if your value goes up, other properties are going to go up. He stated that he didn't know how much more they could do without changing everything.

Ms. Bonness stated that first and foremost, she would believe legally you would have to have all the correct documentation; and since she is hearing that there's been changes that haven't in her opinion been documented, she doesn't think the Board could legally vote on the matter.

Chairman Moreal stated that the Board could amend the variances.

Ms. Bonness stated that without diagrams, etc. and without having walked the property with the Engineer; can the Board really do that?

Law Director O'Brien stated that as long as the record would be clear on what Mr. Messina would be building there; if the Board amends it and makes sure, subject to, they have done many, many, many applications subject to certain conditions. If those conditions would not be met; for instance, the Board has been talking about an affidavit to be filed with the Recorder's office to follow the land. He stated that he would have to look at the parking and research that issue on how far it could go. It could clearly go to no parking outside anywhere other than a front driveway. He could say that, but beyond that he doesn't know. He would have to look at it.

The Law Director stated that without Mr. Messina signing the affidavit, no permits will be issued. The answer is yes, as long as the record would be clear on what the Board, if they so choose, to vote tonight; which they can do or they can table it.

Chairman Moreal stated to Ms. Bonness that if she was listening earlier, the Board did the same thing on a prior application. The Board subjected it to Engineering. He stated that the Engineering Department will call the shots; whatever the Board allows, they will have to enforce that.

Ms. Bonness stated that she would ask that the Board would not allow a 55' building to be created.

Mr. Monteleone asked if the Board could ask Mr. Messina if he could shrink the building down. He asked Mr. Messina if he would be interested in shrinking the building down to a 36' x 48'.

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Mr. Messina stated that he had already cut it down, and he talked to the neighbors to the left of him, Helen Krushinski. He went to the neighbors on the other side and asked them what they thought; and everybody gave him their blessings except for Ms. Bonness.

Ms. Bonness stated that she was the only one who could see it technically.

Mr. Messina stated that when Ms. Bonness stated that she didn't want to see the building; he spent \$4,000 putting a fence up, and after he put the fence up, then Ms. Bonness was upset because she couldn't see the turkeys and the deer.

Mrs. Bonness laughed.

Mr. Monteleone stated that he was new to the Board this year, and he was hearing a lot of going back and forth. He would suggest that that Board move forward with approving something here that says that upon the Law Director's knowledge on some things he has to look up; Mr. Monteleone thinks that the Board should go ahead and approve this thing at 55' x 36'. He would like to put a motion on it.

Chairman Moreal stated that the Board would need to amend the requests first so it would be writing. He stated that he heard Mr. Messina stated that he would be willing to go to 36' x 55'. So, he would like to amend the request for a 36' x 55' garage where 36' x 24' would be permitted.

Law Director O'Brien stated that so the record will be clear, he wanted the Board to do the amendments one at a time. The Law Director stated that with any amendment, Mr. Messina would have to put it into the record that he would consent to the amendment. If he doesn't, then the Board will just vote on what he had requested.

Chairman Moreal stated that he would like to amend the size of the garage to 36' x 55'.

Councilperson Walchanowicz asked Mr. Messina if that was okay.

Mr. Messina replied yes.

**A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to amend the size of the garage requested to be 36' x 55'.**

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



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Chairman Moreal asked the Law Director if he should amend the next one, or should the Board vote on it.

Law Director O'Brien stated that the Chairman could go through the amendments.

Chairman Moreal stated that he wanted to amend the building height of 2' with 15' permitted, and 17' requested.

Law Director O'Brien asked Mr. Messina if he consented to the amendment.

Mr. Messina replied yes.

**A motion was made by Chairman Moreal, seconded by Pasquale Monteleone, to amend the variance for the building height of 2'.**

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

Mr. Monteleone asked Building Official Gero if the parking spaces will stay the same.

Building Official Gero stated that a 36' x 24' is a three-car garage; he would be doubling that in size; so it would be a six-car garage. So, 6 plus 2 would be 8 spaces requested, 5 spaces would be permitted. So, it would be 3 additional spaces.

Chairman Moreal stated that he would like to amend the parking spaces to 3 additional parking spaces, 5 permitted and 8 requested.

Law Director O'Brien asked Mr. Messina if he consented to the amendment of the 3 additional parking spaces.

Mr. Messina replied yes.

**A motion was made by Chairman Moreal, seconded by Pasquale Monteleone, to amend the variance for 3 additional parking spaces, 5 required and 8 requested.**

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

Chairman Moreal stated that if there was nothing else, he would like to move forward and vote on all the variances.

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Building Official Gero stated that he thought that the side yard variance was being eliminated.

Chairman Moreal stated that the Board could vote on it, or the Board could eliminate it right now, either way.

The Secretary asked if the Board was considering the side yard variance.

Chairman Moreal stated that he would amend removing the side yard variance request, keeping it at 15 feet.

Councilperson Walchanowicz asked Mr. Messina if he was in agreement.

Mr. Messina replied yes.

Law Director O'Brien asked Mr. Messina if he consented to the removal of his request for a side yard variance.

Mr. Messina replied again yes.

**A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to remove the side yard variance request.**

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

Chairman Moreal asked if he could move forward or was there anything else.

Ms. Bonness asked Chairman Moreal if he was going to put something in there about the guarantees that there will be no outside storage.

Chairman Moreal stated that he will.

Ms. Bonness stated that she wanted it specifically stated that no parking be on that patio. She wanted to make sure there would be none parked on the grass anywhere.

Law Director O'Brien stated that there shouldn't be any parking on grass Ms. Bonness because it would be in violation of the codes.

Ms. Bonness stated to the Law Director that she was just going to tell him that until Mr. Messina applied for the permits last year, he has always parked cars on that grass, as long as she has lived

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there. She wanted to be sure that it would be specifically stated that no grass parking by the building, around the house, anywhere. No cars parked on the patio.

Law Director O'Brien stated to Ms. Bonness that he was going to make sure that the affidavit that will be filed with the County Recorder, that Mr. Messina will have to sign that there will be no outside parking on the concrete turnaround, on the patio. There shouldn't be any parking on the grass because the City's covers that. So, they wouldn't need to cover that, except for in the traditional driveway which is something that the Law Director cannot prevent.

Mrs. Bonness stated to the Law Director that she was going to interrupt, and she stated to Mr. Messina that this would be for him. She stated that Mr. Messina has difficulty walking. He was talking about a turnaround which would be a parking space in front of his house, near his steps. Mr. Messina would need to be able to park the car there for his own good. That would be a safe parking space for him. Mr. Messina would need to be able to park there.

Chairman Moreal thanked Ms. Bonness, and he stated that it would be a usable car, that would be Mr. Messina's everyday car. The Chairman stated that the Board doesn't want to see any historical cars that might not even be titled; they want no cars parked in the front there that would not be drivable.

Ms. Bonness stated that they would be cars not being driven on a daily basis. She asked if that was correct.

Several people replied yes.

Mr. Monteleone asked if it would be correct to say that anything that doesn't move within 24 hours.

Law Director O'Brien stated that there was a provision in the Revised Code.

Mr. Messina stated 24 hours that they were asking for, the problem that they are having, his truck has been sitting there for 6 or 7 days in a row.

Chairman Moreal stated that was Mr. Messina's vehicle.

Several people began speaking at once again.

Ms. Bonness stated that was not the issue, it would be the other stuff that would sit there for years on end sometimes. That was the issue.

Chairman Moreal stated that as he understands it, people weren't going anywhere now.

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Mrs. Fortlage stated that the Law Director was going to tell the Board what the Code stated.

Law Director O'Brien stated that it was in the Revised Code, a definition of storage; but they could figure it out. He would just need to think about the proper wording in there so that it wouldn't turn into storage of vehicles. It would be used for vehicle daily parking, and when things get back to normal, it will be moved as Mr. Messina and future property owners go about their daily lives. He stated that he just needed to think about it. He stated that it shouldn't hold up the application because Mr. Messina will have to sign it when they put it in front of him to meet the conditions that the Board will vote on tonight.

Chairman Moreal stated that with that being said, he will make a motion on the first request.

Law Director O'Brien stated that he wanted to stop the Chairman and move things a little faster. He stated that he wanted to talk about all the subject to's; and then they can be articulated. He stated that it wouldn't necessarily mean a particular Board member will vote to approve any of the variances; but everyone can work together on making sure that the record will be clear on the subject to's. He stated that all the motions that the Board will vote on, will be subject to the following: The City Engineer's review and approval as to placement of the building. He asked if that was one of them that the Board would like on there.

Chairman Moreal replied yes. He stated that personally it would be as far back as possible.

Councilperson Walchanowicz stated as far back as the Engineer would allow.

Law Director O'Brien asked Mr. Messina if he understood that condition.

Mr. Messina replied yes, no problem.

Law Director O'Brien stated that it would also be subject to an affidavit filed pursuant to Title 53 of the Revised Code in a form approved by the City Law Director, including but not limited to that there will be no installation of any HVAC equipment in the facility, no electricity connection to the facility. That there will be no outside storage of vehicles, automobiles on the property except for the traditional driveway and the turnaround for use of a personal vehicle, and no permanent storage of any kind, including but not limited to, tires, machinery, gardening equipment and approval by the City Planner as to additional landscaping and a landscaping plan approved by the City Planner, Jeff Markley.

Building Official Gero stated to the Law Director that he wanted to interrupt. He asked why the Law Director would want to restrict electricity out there?

Law Director O'Brien stated that Mr. Messina stated that he wasn't going to run any electricity out there.

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Building Official Gero stated that Mr. Messina wasn't planning to, but if you were filing an affidavit with the property, the next owner may want to put some lights in there.

Chairman Moreal stated that he wouldn't say 220 power back there, but 110 for a light switch. He stated that if someone would be storing historical cars.

Building Official Gero stated that it would be one thing for heating or water; water would require a sanitary connection, and you wouldn't want to do that, but he would think electricity would almost be a requirement.

Law Director O'Brien stated that the Secretary will make sure the record reflects that there will be no installation as to HVAC or water connections, and no electrical connection other than for standard lighting of the building itself.

Councilperson Walchanowicz asked the Building Official if it would have to be underground electrical to feed the building.

Building Official Gero stated that it would have to be a trench underground back out there for the distance. He stated that he wouldn't even want to restrict a 220 because someone may want to run a sub-panel for the size of the building for what you would be doing out there. If you would get too specific, and then you would create too many problems, especially tying something to the property in perpetuity.

Ms. Bonness stated that something flitted through her mind, and only because of one of the discussions the Board had with another homeowner earlier would be drainage. She stated that was the lowest part of Mr. Messina's property, of all of their properties back there. She asked how the drainage off of a roof of that size would be handled?

Chairman Moreal stated to Ms. Bonness that he thought that the Law Director talked about the City Engineer with the drainage.

Law Director O'Brien replied yes.

Ms. Bonness asked if something would have to be done. Mr. Messina could not just build a building and let it go to the ground.

Councilperson Walchanowicz stated that Mr. Messina would have drainage for it.

Ms. Bonness thanked the Law Director.

Law Director O'Brien stated that the City Engineer would not dictate a placement unless he considers a whole bunch of things, one of them being (inaudible).

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Law Director O'Brien stated to the Building Official's electrical issue, he would like some direction on that because it would be a large building, and Mr. Messina will use it for the purpose he had mentioned; but what Mr. Messina has done, he would like to limit the electrical current there so it would be strictly for lighting and someone wouldn't turn it into a workshop, a commercial workshop.

Building Official Gero stated that it could state for residential power.

Law Director O'Brien replied okay. He stated that it wouldn't have to be specific in the Board's motion there, the affidavit would be subject to the Law Director's approval as to form. He stated that he would make sure it was included in there.

Chairman Moreal stated to the Law Director that besides the outdoor parking and cars and vehicles, they want to clean up the side of the house, no tires and all that. There would be no outdoor storage, in his opinion, anything.

Councilperson Walchanowicz stated of any kind.

Law Director O'Brien stated that he did have that in there.

Several people began speaking at once again.

Mr. Messina stated that he had a question. On his back patio, he would still be allowed to have a barbecue grill back there and chairs and table.

Chairman Moreal stated that he thought that was what a patio was for.

Mr. Messina stated that everyone was saying no storage, nothing out there at all. He was just wondering.

Mr. Monteleone stated that there was more of a concern with car stuff.

Chairman Moreal stated that he would like to see it be a patio, and Mr. Messina use it for a patio and get rid of everything that was out there.

Chairman Moreal asked the Law Director if they were good.

Law Director O'Brien stated to the Chairman that he should make all that the Board was voting on, subject to all those conditions.

Mrs. Fortlage asked if the Board was voting on all four at once.

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Ms. Bonness stated that she wanted to jump in with one more thing, and she apologized. She stated that somebody mentioned something earlier on their thing about backing up to the West Creek Conservancy; and that crossed her mind. She stated that Mr. Messina's property backs up to the National Park, and she doesn't know if there would be any restrictions as far as how close you can get to a National Park.

Councilperson Walchanowicz stated that in that it was 35 feet for that deck.

Ms. Bonness stated that was West Creek, and she didn't know what the National Park would be.

Chairman Moreal stated it would be 10 feet.

Building Official Gero stated that (inaudible) as how close you could get with something. You could theoretically put a fence up right up to the property line. He stated that the West Creek Conservatory would be a whole different ball of wax compared to the National Park.

Mr. Monteleone stated that was a good question, and he was glad that Ms. Bonness asked it. He wanted to make sure he stayed away from it as far as he has.

Chairman Moreal stated that he thinks there would only be a concern if there was an easement, and there was no easement on that property.

Building Official Gero stated that there was no storm easement.

Chairman Moreal stated that with that being said, the Board has the amended requests. He stated that they got rid of the side yard. The Board has the size, the height and the parking spaces.

**A motion was made by Chairman Moreal, seconded by Pasquale Monteleone, to approve the three amended variance requests.**

**ROLL CALL:        Yeas: Moreal, Monteleone, Walchanowicz  
                      Nays: Bredt, Fortlage  
                      MOTION CARRIED**

Chairman Moreal thanked everyone. He thanked everyone for chiming in and helping out with this.

Mr. Messina stated that he would like to thank everyone for working with him and helping him out, getting it done. He stated that it was a pleasure.

Several people began speaking at once again.

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Mr. Bredt asked the Secretary why the Independence Shopping Center did not show. He asked if there were any issues.

The Secretary stated that the Chairman of the Architectural Board had a problem with the sign not being Western Reserve; so they just decided to withdraw and think about what they were going to do.

Mrs. Fortlage asked if the meeting was a video recording or not.

Kathleen Colan stated that the meeting would be video recorded, along with an audio recording.

Mr. Monteleone asked if the look for the City, was it a certain look like Presidential or would it be the Liberty bell. He asked if they have to follow a theme for the City to keep that look for the future?

Building Official Gero stated that Norm Casini was the City Architect, and he guides things toward the Western Reserve look. He stated that there was no formal definition in any architecture book for Western Reserve architecture; it would be kind of an Early American type of architecture. He stated that some areas of the City were a little more modern, a little less on the Western Reserve. The downtown area and the 21 and Rockside areas, he likes to keep that Western Reserve look there.

Mr. Monteleone stated that he appreciated that look too. He was just wondering for his own personal use.

Building Official Gero stated that Norm Casini also likes cupolas.

**A motion was made by Chairman Moreal, seconded by Carol Fortlage, to adjourn the Board of Zoning meeting of April 16, 2020.**

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



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**There being no further business, the Board of Zoning Appeals meeting of April 16, 2020 was adjourned at 7:49 p.m.**

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**Chairman Mark Moreal**

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**Debi Beal, Secretary**

**Minutes Unapproved at Time of Release 04/21/20**