

**MINUTES OF VIRTUAL MEETING
BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE
May 19, 2022**

New Business:

Approval of Minutes of Regular Board of Zoning Appeals Meeting held on April 21, 2022.

- 1. Kingscote Park, PPN 563-26-001, Khaled Tabbaa** -Requesting a variance to 1354.14 to allow encroachment into the riparian setback (not permitted), and a variance to 1163.04 of 30 ft. to permit a new dwelling to be built at a 40 ft. setback (40 ft. requested, 70 ft. required per subdivision).
- 2. 6783 Delmur Drive, Dave Palider** - Requesting a variance to 1165.01 of 5 ft. to permit an addition to be 10 ft. from the side lot line (10 ft. requested, 15 ft. required) and a variance to 1165.02 of 4 ft. to permit an addition to be 36 ft. from the rear lot line (36 ft. requested, 40 ft. required).

The meeting was called to order by Chairman Mark Moreal at 5:30 p.m. and the following responded to Roll Call:

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

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

Chairman Moreal stated that at this time he would like to ask the Board if there were any corrections, changes or additions to the April 21, 2022 meeting.

A motion was made by Charles Brecht, seconded by Pasquale Monteleone, to approve the Minutes of April 21, 2022.

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

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

May 19, 2022

Chairman Moreal then proceeded to read the Board of Zoning Appeals opening statement.

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

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

Zoning Code will result in practical difficulty or undue hardship, depending on the type of variance requested.

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

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

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

Kingscote Park, PPN 563-26-001, Khaled Tabbaa – Owner Khaled Tabbaa was in attendance and sworn in. No neighbors were in attendance. Mr. Tabbaa stated that he lived at 6618 Brettin Drive, Independence, Ohio.

Mr. Tabbaa stated that he was asking for a variance only for the garage, and the house would set back farther than the 70 feet building line. He stated that the reason why was he was trying to get a side entrance for the garage. He stated that the nature of the lot and the way it was located, he doesn't think it would be an eyesore just to have the garage 30 feet to the front.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mr. Tabbaa stated that the hardship that he had was there was a creek in the back which cuts the property in half, and he would have to stay a minimum of 25 feet away from the creek for any dwelling that would be built on the lot.

He stated that most of the houses were not at the referenced building line. He stated that all the lots had the same hardship.

Mr. Monteleone asked if the driveway was going on the right.

Mr. Tabbaa stated that the driveway would be in the middle.

Chairman Moreal stated that the neighbor has a 60 foot setback, and Mr. Tabbaa would be at 70 feet.

Mr. Tabbaa stated that the house after that was almost 45 feet.

Chairman Moreal stated that when he looked at the application before he went to the site, he had a little concern with the front setback being forward. He stated that the other house was turned. You wouldn't be looking straight at the garage. He stated that it was shown on the site plan.

Mr. Tabbaa stated that it would not be an eyesore.

The Chairman stated that was true because of the way it was turned.

Mr. Tabbaa stated that it would only be the garage, the house would be almost at 80 foot.

Chairman Moreal asked if it would be a three-car garage.

Mr. Tabbaa agreed. He stated that nobody puts in two-car garages.

Mr. Bredt asked if Mr. Tabbaa's neighbors knew what he was intending to do.

Mr. Tabbaa stated that the knew.

Mr. Bredt asked if there were any issues.

Mr. Tabbaa replied no.

Mr. Bredt asked if the construction of the garage would be the same material as the house.

Mr. Tabbaa replied yes.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mr. Monteleone stated that he would rather not ruin the abatement to the water. He would rather see the building structure go to the front.

Chairman Moreal stated the encroachment to the riparian.

Mr. Tabbaa stated that it would be 25 feet minimum. He stated that he talked to the City Engineer.

The Chairman stated that Mr. Tabbaa was at 22 feet.

Mr. Tabbaa stated that was what it showed, but on his topo when he had his surveyor do it, he would not be encroaching at all, probably a foot, the rest of it would be away.

Chairman Moreal stated that it showed 22 feet.

Mr. Tabbaa stated that the City Engineer was well aware.

City Engineer Ramm stated that he thought there was a little bit of a discrepancy, but he will try to explain that. He stated that he tried to super-impose, based on Mr. Tabbaa's dimensions of the house, he tried to lay it on this drawing. He stated that it was a good survey drawing when the gabion baskets were installed. He stated that everyone could see there was a good amount of the back of it. He stated that the red line was the 25 foot riparian that would be measured from the stream, the water's edge, on this plan. He stated that there are good portions of the house that would be in the setback. He stated that by the time you would do any final grading, for numerous reasons, he just felt like a complete variance would be required and because the gabions have been installed. He stated that was a use of the code to perform stream bank stabilization work, and also knowing that there was not wooded corridor there anymore. It was mowed lawn right up to the back of the gabion, so the impact to the corridor occurred many, many years ago. This lot is a lot of record pre-dated the riparian setback code. So, he stated that he felt like anything short of full and complete relief to the riparian zone would not be given. He stated that would be even with putting the house up at 40 feet. He stated that was what he encouraged the application to read.

Mrs. Fortlage stated that City Engineer Ramm was showing two right angles that were in the setback. She thought he pointed to just one.

Mr. Tabbaa stated that was the topo that he had done by a surveyor.

The Chairman asked City Engineer Ramm if he could see what the Board was talking about. He stated that the drawing the Board has doesn't show the encroachment on the far east, the piece of the house that would bump out.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

City Engineer Ramm stated that the issue was that it was taken from the center of the stream, and the setback would be from the water's edge; so he thinks that there would be a difference. He stated that the water's edge where the gabions were would sit back away. He stated that the creek was pretty wide, and the way the ordinance reads it would be from the ordinary high water mark which would be at the water's edge. That is where you begin to establish the 25 foot setback, and not from the center of the stream. He stated that was why he thought there was a discrepancy in the way he plotted it using the water's edge and setback 25 feet versus where Mr. Tabbaa's surveyor used the center of the stream.

Chairman Moreal asked the City Engineer what that would represent scale wise.

City Engineer Ramm stated that if the line was 25 feet from the water's edge, it would probably be every bit of 7 or 8 feet, but then if you do some finish grading back there. He stated that they would be occupying and grading all the way up to the gabions in all reality. He stated that saying a variance of 7 or 8 feet specifically just for the structure, he thinks it would not be realistic.

Councilperson Walchanowicz asked if it was the back of the house or the back of the garage.

Mr. Tabbaa stated it would be the back of the house.

Councilperson Walchanowicz asked how many years ago were the gabions put in.

City Engineer Ramm asked if there was a date on the drawing.

Councilperson Walchanowicz said the reason he was asking was if they were over 20 feet away from them, by digging a 8 or 10 course basement.

Mr. Tabbaa stated that there will be no basement. It would be a slab house.

Mrs. Fortlage stated that the date on the site plan was September of 2014.

Councilperson Walchanowicz stated that his concern was if they would dig a basement, then would they be disrupting.

Chairman Moreal asked City Engineer Ramm if he knew it was going to be a slab house.

City Engineer Ramm stated that he didn't know if he even asked that question. He stated that it was a very key point and takeaway. He stated that it was good to hear.

Chairman Moreal stated that it was better to hear that it was a slab than a basement.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mrs. Fortlage stated that it was interesting to her that the Board apparently does not have to quantify the encroachment on the riparian setback. She asked if that was a yes or no.

Assistant Law Director Doyle asked if the applicant was seeking the variance on the setback?

Mr. Tabbaa stated that was the City Engineer's recommendation.

City Engineer Ramm stated he was saying full relief, 25 feet variance request.

Mrs. Fortlage stated it was not stated that way in their agenda, so as they make a motion, they want to make the motion correctly. She stated that most variances were quantified in how much space you would be using.

Mr. Tabbaa stated that he wanted to stay as far as possible away from that. He stated that he didn't want to be right on top of it.

Chairman Moreal stated that at that point, most of the house would be in the setback, but according to the other drawing.

Mr. Tabbaa stated that they couldn't verify that (inaudible). The thing that the Board should know would be there would be no basement. It would be a slab house.

Mrs. Fortlage asked Assistant Law Director Doyle if he was looking at the correct way to make the motion.

Councilperson Walchanowicz asked Mr. Tabbaa how long had he had the lot.

Mr. Tabbaa stated that it was since January.

Assistant Law Director Doyle stated it would be a variance of 30 feet.

Several people began speaking at once.

Assistant Law Director Doyle stated to the City Engineer that when he was stating that it could literally go up to one foot from the setback when he would say full relief.

City Engineer Ramm stated that he was saying Mr. Tabbaa could disturb all the way up to the edge of the gabions, which were right up to the water's edge back in 2014.

Assistant Law Director Doyle stated that in that case he didn't need a number.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mrs. Fortlage stated that she was okay without it, but she just wondered if it was a correctly designed motion.

Assistant Law Director Doyle replied yes.

City Engineer Ramm asked Assistant Law Director Doyle that they had occasion on the homes that get built next to streams to have a clause for an affidavit of fact relating to title relative to flooding and immunity to the City and all those things. He stated that it was probably pretty standard.

Assistant Law Director Doyle stated that he worked with the Building Department. He stated that they could prepare that.

Mrs. Fortlage asked if that would be part of the permit.

Assistant Law Director Doyle replied yes. Mr. Tabbaa would be acknowledging that he was going into the riparian, and if the City would need to get in there to do anything, he wouldn't oppose that.

Mr. Tabbaa stated that he was fine with that. He didn't want anyone saying he was in a flood zone because with the insurance company.

Several people began speaking at once again.

A motion was made by Carol Fortlage, seconded by Chairman Moreal, to grant the variance to allow a full encroachment into the riparian setback, subject to the proposed dwelling having no basement, and the variance of 30 feet to permit the setback to be 40 feet for the garage rather than 70 feet as required.

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

6783 Delmur Drive, Dave Palider – Homeowner Dave Palider and neighbor Jonathan Anielski were both in attendance and sworn in.

Chairman Moreal stated that Mr. Palider was in front of the Zoning Board a few months back, and you left the meeting and came back with some ideas.

The Chairman asked Mr. Palider to explain the reason for the variances.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mr. Palider stated that basically what the problem was that the house was too small. He stated that it was just him and his wife, but over the years they have accumulated a lot of stuff. They need an area for storage. He stated that he had furniture from his parents.

He stated that they have grandkids and great grandkids who would like to sleep over, but they have to sleep on the floor. He stated that with the extra room there, they did not have a dining room, it would be dining room and in the corner would be a combination computer room because his computer is downstairs. He stated that his wife has difficulty with walking down the stairs.

Mr. Palider stated that the square footage of the house was an issue. He stated that some of the stuff would go into the garage, a little bit in the basement, and some would go in the other room.

He stated that as far as the garage, he had stuff outside right now. He stated that the only thing he had was an 8' x 10' shed. He stated that he had a lawnmower in there right now and a little ladder.

The Chairman asked where the shed was.

Mr. Palider indicated where it was.

The Chairman asked what was the difference from the first time Mr. Palider was before the Zoning Board.

Mr. Palider stated that the first time he was not asking for a rear yard variance. He was asking for a 6 foot side yard variance.

The Chairman stated that Mr. Palider wanted to be 5 feet off the side yard, and the Board was pretty much against that. He asked what did Mr. Palider make smaller?

Mr. Palider stated that the variance on the side yard would be 10 feet, where he would have been 6 feet before. He stated that he took the middle addition, and it didn't kick out to the back. He stated that if the Board would see on the drawing the basement stairwell, it was actually a porch and underneath it from the outside was the old clothes chute, and what he uses that for right now was there was a side door coming out of the basement, and he shoots the dog out there.

He stated that no one understood it when he was on Zoom. He stated that it was hard to explain.

Several people began speaking at once again.

Chairman Moreal stated that the last time he was adamant that he needed.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mr. Palider stated that it was over 18 feet, but that was counting the basement stairwell. He stated it was 14'6" before. He stated that he just turned it. He stated that he would get another 250 square feet running to the garage. He stated that he talked to the neighbor behind him, and she had no problem.

Chairman Moreal asked about the driveway, and if Mr. Palider was going to have a single-car garage.

Mr. Palider stated it would be 24 feet wide. It would be a two-car garage. He stated that he thought you could only have a 16 foot wide driveway in Independence.

The Chairman stated it was 20 feet. He stated that he knows there was talk last time.

Several people began speaking at once again.

Mr. Palider stated that the cars will be on the driveway, and the driveway will be as wide as he could make it. He stated that he will not go crazy on it.

Mrs. Fortlage asked what was the distance from the edge of his driveway to the property line.

Mr. Palider asked the east property line? He stated it would be no less than 12 feet. He stated it would be 12 feet off the property line. The edge of the driveway would be 12 feet or more.

Mrs. Fortlage stated that it looked like the gravel came all the way over.

Mr. Palider stated that his driveway will have to shift over.

Chairman Moreal stated that was why he mentioned parking over there because prior. He stated that it should be no less than 10 feet. He stated that it sounded like Mr. Palider was going to put in a 20 foot driveway, so 10 to 12, no less than 10 feet.

Mr. Palider stated that the other thing he would like to bring to the Board's attention as far as the rear line property, Mr. Anielski's house was 32 feet off the back property line. He would not be any further back than his house. He would be at 36 feet.

Chairman Moreal asked if there was anything else for Mr. Palider. There was nothing.

Mr. Jonathan Anielski stated that he just had a request and some questions. He stated that he would prefer the required clearance at 15 feet from the side line. He stated that it was kind of shoe horning that house that he has in there right now. He stated that it would be mainly to avoid any increased firefighting efforts that might be needed at some point, in addition to the drainage problems that might occur. He stated that right there it was pretty tight already, and the existing

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

driveway was right at the property line. He stated that there was no difference in the front at the street. He stated that it started out at the property line, and then as you would go back, then the gravel was just about 2 feet off all the way back. He stated that his thinking was he would like to maintain that 12 feet. That was why the Zoning requirements were in place to give you some of that breathing room. He stated that if he wanted to do some maintenance on the side of the house, if he wanted to get a new roof put on, you turn around and you would be bumping the garage. He stated that was not just a two-car garage, it was a four-car garage. It would be 44 feet deep. Regardless if you would have four cars in it or not, that would be a huge structure. He stated that would more than double the appearance of the existing house right now, he thinks by about a couple of hundred square feet.

Mr. Anielski stated that he didn't have any issue with a variance for the back. In fact, if he could hook this around, he could attach off the side and maintain the 15 feet. He would be golden, and he would have all kind of room in the back. He stated that was his thinking. He stated that from the street, it would look like he filled up the whole lot, and his house was stuck in between Ellie's place and Dick's.

Chairman Moreal stated that he wanted to touch on a couple of things Mr. Anielski mentioned. He stated that the first thing he mentioned was the driveway, and it was brought up prior. He stated that he knows what Mr. Anielski was saying. Right now the gravel was on the property line. If you would look at what was submitted, if Mr. Palider was asking for 10 feet, he would see the driveway being no less than 10 feet; so he will not be on Mr. Anielski's property line, and there will be no parking there.

Mr. Anielski stated that he understood. He stated that there were some dimensions missing there. He would like to know what the total elevation was on the gable up over the garage. That was not on there and how that would compare to his house. He stated that his was a ranch, and he understood but he didn't think there was a second floor in that garage. He stated it would stick up a pretty good distance.

Mr. Bredt asked Mr. Anielski if he would agree that what was staked out there this afternoon doesn't (inaudible) the property line.

Mr. Palider stated that they had a solid stake near the front of the yard.

Mr. Bredt stated that when he went by there were actually stakes with lines that are run all the way around the perimeter. He asked if they were in the appropriate place.

Mr. Anielski stated that he didn't know if he could say that. He was kind of tired of them being there. They have been there since the whole idea came about. They have been in place. He stated that the stakes and strings were there, and they were not required. He asked if he was right.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Mr. Bredt stated that the Board asks people to stake their property.

Mr. Anielski stated that it has been over 8 month now.

The Chairman stated that he didn't know about that. Mr. Palider was in front of the Board in January.

Mr. Anielski stated that he put the stake sin quite some time ago.

The Chairman stated that he didn't know about that.

Mr. Anielski stated that either way, he knows there was a pin near the front of the street. It was his impression that was the corner of the lot. He stated that the lot would go all the way back to where he suspects the pole was. He stated that he thought that the line would represent where the property line was.

Mr. Bredt asked from the edge of Mr. Anielski's property line, how may feet was it?

Mr. Anielski stated that he never measured it himself, but he did see today that it was 6'10" on there.

Mr. Palider stated that was at the front.

Mr. Monteleone asked the City Planner to put up the picture of the two houses next to each other.

Mr. Bredt stated that in the blue line it was not representative of where the actual property lines were.

Several people replied correct.

The Chairman asked Mr. Anielski if he was 6' away from the property line.

Mr. Anielski stated that the corner where it would flare out was where the pin was.

Several people began speaking at once again.

Mr. Monteleone asked how far was his house from the neighbor to the right.

Mr. Anielski stated that was close too.

Several people began speaking at once again.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Chairman Moreal stated that was required because the lot was 60' wide he believed.

Mr. Monteleone stated that Mr. Anielski stated something about the fire vehicles and doing his roof, the neighbor to his right has that same concern.

Mr. Anielski stated it was tight.

Mr. Bredt stated that the issue from his standpoint the last time was going from a 5 foot variance to a 10 foot variance, and using the 5 and 6 feet from Jonathan's property to the property line does in fact allow emergency equipment to get between the two buildings. That was his major concern the last time.

He stated that the other thing he would like to point out, assuming that the City Engineer was still listening, the applicant showed a grade change that would imply that any water would flow toward his house and now away from his house. He asked the City Engineer if he would agree.

City Engineer Ramm stated that there are a couple of contour lines there. He stated that generally the flow as south to north. He stated that the homeowner represented that there was 10 to 12 inches of a drop from.

Mr. Palider stated that it was 12 inches right now.

Mr. Bredt asked if that was accurate.

Several people began speaking at once again.

Chairman Moreal stated that there were water concerns last time and Mr. Palider had water concerns.

Mr. Palider stated that he doesn't have water concerns.

Chairman Moreal stated that whatever the Board would do, they always refer to the City Engineer.

Several people began speaking at once again.

Mr. Monteleone stated that when he was concerned about the fire engine, but being that Mr. Anielski was 6 feet on the other side.

Mr. Anielski asked if the Board thought 6 feet was fine for emergency vehicles or anything like that. He stated that he didn't think it was aesthetically for the house next door to where he was at. He stated that he knows that his a ranch, and it would fill that whole spot; but that was the

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
May 19, 2022**

Zoning Code for that 60 foot lot at the time. He stated that he knows they have a little more elbow room, but he doesn't see that he was taking any advantage of having the use of the backyard to add that size of a garage. He stated that was a four-car garage. It was a big garage. He stated that he didn't know what the elevation was exactly.

The Chairman stated that Mr. Palider was already into the rear setback by 5 feet. He stated that right now Mr. Palider was in line with the front of Mr. Anielski's house. He stated that he looks at this being acceptable like this more so. He does like the fact that even from 5 feet to 10 feet. The last time, that was tough, but now it's better.

Mr. Anielski stated that right now from the front corner of his house, that would be the south corner, his house was 6 from the line.

Chairman Moreal stated that he likes what was before the Board now. He stated that he doesn't want the driveway infringing on Mr. Anielski's property. He stated that was no way he could if he was looking at this correctly. The drawing looks like it was parallel 12 feet all the way down, a minimum of 10 feet.

The Chairman asked how wide was Mr. Palider's garage?

Mr. Palider stated it was 24 feet.

The Chairman stated that the most you could do with a garage would be 20, so that would be 2 and 2.

Mr. Palider stated that garage floor was 16 feet.

The Chairman stated that Mr. Palider could do his driveway at 20 feet.

Mr. Palider stated that he swore he read something different.

The Chairman stated that if Mr. Palider would do it like he should, he would be off the property line. He stated that there would be no driveway near the property line.

Mr. Anielski stated that he was not concerned with the driveway. He was concerned with the size of the addition. He was still requesting 15 feet side lot to be in place for this. It would be a huge addition to what was existing now, and he thinks he has room, and doesn't understand the reasoning for having the addition in the first place. He doesn't see the breezeway doing what Mr. Palider was describing it would do. He stated it was a connection to the house, but if he was just to maintain that 15 feet, he would be good with the project.

Mr. Palider asked what did he mean?

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

May 19, 2022

Mr. Bredt stated that they were not the Architectural Review Board. They were looking at the obligation for a variance. He stated that the Building Department would deal with the elevation on the gable. Construction materials displayed on the working drawings will be the Architectural Review Board's doing. He stated that they were here to talk about the variance application. He stated that now based on the application, there was enough room for emergency equipment and maintenance between the buildings, and he was satisfied that the water issue was not of a concern.

Mr. Anielski wanted to add one more thing. He stated that it didn't represent any overhang on his house. He stated that it was nearly a two-foot overhang on that side of the house all the way down. He stated that if they would put that into play, he would not have the dimension that he thought he had.

Mr. Bredt stated that they would still have 14 feet, and that would be more than enough for a vehicle in an emergency.

Mr. Anielski stated that wasn't the only reason for thinking of that. The watershed that will come off of the gable roof will go towards his house.

A motion was made by Charles Bredt, seconded by Chairman Moreal, to approve the 5 foot side yard variance.

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

Mrs. Fortlage stated then they have a rear yard variance to discuss, and she stated that she would move approval of the 4 foot variance on the rear yard.

A motion was made by Carol Fortlage, seconded by Pasquale Monteleone, to approve the 4 foot rear yard variance.

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

Mr. Anielski asked if the stakes and strings could get taken down.

Councilperson Walchanowicz stated that the applicants stake out where the additions, property lines and sheds will go so the Board could get an idea.

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

May 19, 2022

There being no further business, the May 19, 2022 meeting of the Board of Zoning Appeals was adjourned at 6:14 p.m.

Chairman Mark Moreal

Debi Beal, Secretary

Minutes Unapproved at Time of Release 05/20/22