



**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE, OHIO  
May 20, 2021**

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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 15, 2021 meeting.

Mrs. Fortlage stated that there was not a thing.

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

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

Chairman Moreal stated that before they would start, he would like to read the opening statement of the Board of Zoning Appeals.

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

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

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

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

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

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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.

Chairman Moreal stated that the Board was going to go to the second item on the agenda.

**5145 East Sprague Road, Dwyer Conklyn** – Homeowner Dwyer Conklyn was in attendance and sworn in.

Chairman Moreal asked the Secretary if there were any neighbors present.

The Secretary replied that there were no neighbors present.

The Chairman asked if all the neighbors were notified.

The Secretary replied that they were notified.

Chairman Moreal asked Mr. Conklyn to state for the record why he would need the variance, and where he would want to place the accessory building.

Mr. Conklyn stated that being fairly removed from the road, his lot was very narrow. He stated that he was wanting to put the shed in front of his garage, just to the side of it, rather than in the back of the yard. He stated that the backyard was because of the slope of Sprague Road and all the neighboring houses, he was one of the last lots before you would get to Brookside. He stated that a lot of the drainage through and from Sprague Road and the neighboring hill going up towards Seven Hills comes right down through his backyard. He stated that he did not have a backyard that was very level and gets at least during four months, two months in the spring and two months in the fall where it was a marsh and a bog. He stated that it would be very costly to have to level, put new drainage in, in order to be able to place the shed where it would be remotely safe from all of the water that would come down through that area.

Mr. Conklyn stated that a second consideration was again the size of his lot, the shed companies that he had been looking at build the sheds and then deliver them whole. He stated to put them in the backyard would require them to come down the west side of his home which has about an 8 to 8 ½ foot clearance between a side slope and his air conditioner which puts his air conditioner at great risk if they were to bring said shed down that side of his house.

Mr. Conklyn stated that it was a predominantly monetary issue. He stated that there was an ease issue meaning his goal was to use the shed for both summer and winter. He stated that having the shed right off of his driveway allows him better access to be able to clear his driveway from snow in the winter as well.

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Chairman Moreal asked if all the members of the Zoning Board have a chance to view the property.

Several members replied yes.

Chairman Moreal stated that before he looked at the property he was thinking to himself okay a shed in the front yard; but Mr. Conklyn was set back about 300 feet from the street.

Mr. Conklyn agreed.

Chairman Moreal stated that the area that Mr. Conklyn showed him was pretty secluded. There was a lot of brush that he would tuck the shed into. He stated that he didn't think the brush was going away. He stated that Mr. Conklyn was actually in the backyard of both of the neighbors as far as he being set far back like that.

The Chairman stated that he did walk the backyard with Mr. Conklyn, and he did see the slope. He could imagine the runoff water, and he sees Mr. Conklyn's concerns there.

Mr. Conklyn stated that from a neighbor's standpoint, putting it in the backyard would actually plant it basically in the back window of one of his back neighbors. He stated that they have an extremely close property line, and if they would look at where the creek was back there, there was no useable spot behind the creek which would put it in the neighbor's yard and in Jerry's yard. He stated that it was also probably one of the most secluded areas of his yard to keep it away from the neighbors as far as them having to look at it.

Chairman Moreal stated that Mr. Conklyn's neighbor in the back would be off Brookside.

Mr. Conklyn agreed.

Mr. Bredt stated that he wanted Mr. Conklyn to elaborate a little bit his shared right-of-way.

Mr. Conklyn stated that where the pink line was on the screen, from the road; and this would go back to Mr. Kurt Hill when he owned everything, and he split everything up. He put a right-of-way between Mr. Conklyn's yard and Mr. Crooks' yard which was the corner lot. He stated that there was a 10 foot right-of-way that goes back there. He stated that it was now owned by Jerry Narduzzi who he has spoken to. He stated that where he was planning on putting the shed would be 8 foot from the back of the shed to the right-of-way.

Mr. Bredt replied thank you.

Chairman Moreal stated that Mr. Conklyn didn't need a side yard request because his lot was 80 foot wide.

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Mrs. Fortlage stated that while on paper the request would seem difficult to support; in reality, by viewing the property, she could see both the difficulties and the practicality of putting it where it was desired, where the homeowner asked it to be. She stated that she could support that.

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

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

Mr. Conklyn wanted to ask the Board a question. He stated that he would still have to apply to the Engineering Board.

Building Official Gero stated that Mr. Conklyn would need to prepare and submit a building permit for the shed from the Building Department, and they will review it and issue a permit.

Mr. Conklyn replied thank you.

Chairman Moreal asked the Secretary if the applicant for the third item on the agenda was in attendance.

The Secretary stated that he was not on yet.

**5861 Hillside Road, Carolyn & Harry Caplan -** Homeowner Harry Caplan was in attendance and sworn in.

Mrs. Fortlage stated that she had a question.

Building Official Gero stated that there seemed to be an error on the agenda as he read it. He stated that he believed it was the third variance to 1165.01 of 12 feet to reduce the side yard to 3 feet in the rear yard for a deck addition. It stated that it was 5 feet required, and it was actually 15 feet required.

Mrs. Fortlage stated that was not all. She stated that the first one stated front setback 39 feet, and it was way more than that. She asked what it was supposed to state.

Building Official Gero stated that what it should state to reduce the existing front setback by 36 feet.

Mr. Brett asked if it was still within code.

Building Official Gero stated that he was not sure. It was not 75 feet.

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Several people began speaking at once.

Chairman Moreal stated that the setback was 120 feet.

Building Official Gero stated that at some point when that house was built, that was an approved setback. He stated that the applicant wanted to reduce his setback by 39 feet.

Mr. Bredt stated that it was for the purpose of building the garage addition.

Building Official Gero stated that was correct.

Mr. Bredt stated that it was still further back than the 75 feet of the adjacent properties.

Building Official Gero stated that he didn't know what the setbacks were on the adjacent properties were. He stated that he believed that Mr. Caplan abutted some properties around the corner.

Chairman Moreal stated that on the drawing it showed his setback at 75 feet, even though it was built many years ago at 130 feet.

Building Official Gero stated that if the Chairman would look at the drawing, the 75 foot setback, if he would look at the drawing sheet, the hashed line; and that was 75 foot.

Mrs. Fortlage asked where was the house. She stated that it was gone now.

Mr. Bredt stated that there were two site plans.

Building Official Gero stated that if they were looking at the surveyor's site plan that was on the screen now; he asked the City Engineer to point out the 75 foot setback mark for the Board. He stated that was 75 foot; so when the house was built, whatever it was set back at would have been an approved setback. He stated that now he would like to reduce, he was looking to reduce the setback by 39 feet.

Mr. Bredt stated that he wanted to build closer to the 75 foot line.

Building Official Gero stated that it didn't matter. He stated that the approved setback was exactly where the house was, and now the applicant wanted to reduce the setback by 39 feet.

Chairman Moreal stated that it made sense.

Mr. Bredt asked the Chairman to take the variance in order and vote individually.

Chairman Moreal replied yes. He stated that the first variance request was okay.

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Building Official Gero asked the Chairman what he was working off of. He stated that there was an agenda that would need a motion that as it exists or what the actual variance would be before they would approve an agenda item. He stated to the Law Director that he didn't know if there was a difference in that. He asked if the agenda needed to be modified.

Law Director O'Brien stated that something would need to be modified to clarify what the applicant was requesting. He stated that in the past they have always just amended the application on the agenda. He stated that has served to amend the application, so either one.

Chairman Moreal stated that he thought right now they would need to amend the third variance of the 15 foot. He stated that the first one was okay.

Building Official Gero stated that it was not as it was written because when the agenda was written, it stated to permit a front setback to be 39 feet which was not even close. He stated that what the Secretary did was she took 75 feet and reduced 36 feet and assumed it was 39 feet which was not correct.

Mr. Bredt wanted to take a shot at it. He stated that he would move to approve the Hillside elevation only placement, that would be the south elevation in respect to the existing road as drawn. He stated that it would not approve the side variance at this time.

Mrs. Fortlage stated that she didn't even understand what Mr. Bredt had just said.

Mr. Bredt stated that what he was trying to get around was the 39, 36, 75.

Building Official Gero stated that what Mr. Bredt wanted to do was amend the variance request to reduce the front setback, the existing front setback by 36 feet.

Mr. Bredt stated that he would make that motion. Mrs. Fortlage stated that she would second that.

**A motion was made by Charles Bredt, seconded by Carol Fortlage, to amend the variance request to reduce the front setback by 36 feet.**

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

Chairman Moreal stated that he would like to amend the third variance.

Building Official Gero stated that they should just take the next one. He wanted them to go right in order.

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Chairman Moreal asked if there were any neighbors present.

The Secretary replied no.

The Chairman asked if they were notified.

The Secretary replied yes.

Chairman Moreal wanted Mr. Caplan to explain to the Board why he would need the five variances.

Mr. Caplan stated that the house was built in about 1955 only 2 feet from the westerly property line. He stated that the reason that it was built there was that the drainage from the properties to the north, and the contour of the property, he gets a creek when it rains heavily from the northwest corner across the eastern side of his property to the 25 foot storm easement that was in the front of the house. He stated that was why they put the house 2 feet off the property line.

Mr. Caplan stated that they variance he was requesting was to add a garage to the west side of the property, but increase the separation of that garage addition so instead of 2 feet off the property line, it would be 5 feet off the property line. That was as far to the east that they could pull the garage without impacting the entrance to the house.

He stated that the neighbor's house, Alvin and Betty Jett, who was in the property to the west, their house sits way behind his house. He stated that the next house over literally faces I-77; so he was not impacted, and he was quite a distance away. He stated that the driveway of the neighbor was above his property, and he would drive by his living room window now; but he was also about 4 feet higher than his house. He stated that the property slopes up dramatically on the west side.

Mr. Caplan stated that was the reason for requesting the side yard variance for the garage.

Chairman Moreal stated that the closest point of that garage, the 5 feet, Mr. Caplan's addition would be 5 feet from the property line. Whereas, the existing house at one point, was at 2 feet.

Mr. Caplan agreed.

The Chairman stated that Mr. Caplan moved it over. He stated that was the side yard and the front yard.

Mr. Caplan stated that they did the same thing with the back deck, moved it over too.



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Chairman Moreal asked if Mr. Caplan was in line. He asked Mr. Caplan how much was he moving it over.

Mr. Caplan stated it would be about 5 feet off the property line.

Mrs. Fortlage asked who's drawing was that because it didn't look 5 feet off the property line.

The Secretary interrupted the Chairman stating that Mr. Mastroianni was on the line.

Chairman Moreal asked the Law Director if it was proper to take the other matter as they were at a wake.

Law Director O'Brien stated that the Board should table the application and move on to that application, and then bring back this application for reconsideration.

Chairman Moreal stated to Mr. Caplan that the Board was going to table the matter for a few minutes.

**A motion was made by Councilperson Walchanowicz, seconded by Pasquale Monteleone, to table the matter.**

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

**6050 Mackenzie Drive, Frank Mastroianni** – Homeowner Frank Mastroianni was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present.

The Secretary replied no.

Chairman Moreal asked Mr. Mastroianni to tell the Board what he was looking to do.

Mr. Mastroianni stated that they were looking to put a roof, a gazebo over their back patio. He stated that they have a southern exposure, and the sun beats down on the house in the back. He stated that they can't sit out there in the heat of the summer. He stated that his wife wanted to try to put something up there so she could be in the shade with the grandkids. He stated that was why they were doing it.

Chairman Moreal asked if the Board got a chance to view the property.

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Mrs. Fortlage replied yes. Mr. Bredt replied yes. Mr. Monteleone replied yes.

Chairman Moreal stated that he did the other day. He stated that he saw what Mr. Mastroianni was looking to do. He stated that it would be set on the concrete and fasten it down to the concrete. He stated that was pretty much a roof extension off the house, and the reason for the extra structure was because he has a shed at the back of the property. The Chairman stated that he didn't have any issue with it.

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

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

Mr. Mastroianni thanked the Board and apologized to the person that was tabled.

Chairman Moreal stated that the Board was going to go back to the fourth item on the agenda.

**5861 Hillside Road, Carolyn & Harry Caplan** – Chairman Moreal stated that they were talking about the deck. He stated that like Mrs. Fortlage stated, it looked to him that it was even with the house.

Mr. Caplan stated that he was not correct exactly. He stated that what the architect did was he put the surface of the deck only close to the property in line with the existing house. He stated that there was a roof over the deck, and it was displaced. He stated that if the Board looks on the drawing, they will see the columns of the roof over the deck would go 6 feet off the edge. He stated that the deck itself was lower than his neighbor's driveway, and the roof was in line with the back of the house. He stated that it was 6 or 8 feet away from the property line.

Mrs. Fortlage stated that Mr. Caplan was stating that the base of the deck was farther from the property line, but the roof of the deck goes within the 2 feet of the property line.

Mr. Caplan stated that it was exactly the opposite. He stated that the roof over the deck was 6 feet away from the property line. He stated that the actual decking was level with the living room as it was, but it will look probably lower than his neighbor's property.

Chairman Moreal stated that all the good drawings that Mr. Caplan had, that was the one thing that he didn't see. He stated that he didn't see an aerial shot of that. He stated that was why the Board couldn't figure it out. He stated that he understands what Mr. Caplan was saying now.

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Mr. Caplan stated that they could see the columns of the roof that was over the deck. He stated that there were four posts.

Mr. Monteleone stated that it probably veers off to 3 feet, it looked like it went from 2 to 3 feet probably somewhere along there.

Mr. Caplan agreed.

Chairman Moreal stated that would take care of the rear yard/side yard variance request. He stated that if the Board would move on to 4.

Mr. Bredt asked that they be taken in order.

The Chairman stated that he thought the Board had.

Mr. Bredt stated that they really didn't talk about the new garage side yard variance. He stated that now they were in the backyard.

The Chairman stated that was what they were talking about.

Mr. Bredt stated that they were talking about the deck in the rear.

The Chairman stated that they talked about the garage before the Board cut away to take care of the other applicant.

Mr. Bredt stated that he would like to make a motion that the Board approves the side yard variance as it would apply to the new garage only.

The Chairman stated that Mr. Bredt wanted to do one at a time like that.

Mr. Bredt stated that was what he stated originally.

Mrs. Fortlage stated that they were doing 2 when they hadn't done 1 yet. She asked if that was right.

The Chairman stated that Mrs. Fortlage was right. He stated that 1 was the front setback.

Mrs. Fortlage stated to reduce the existing front setback by 36 feet.

Mr. Bredt stated that actually the Board did approve that.

Mrs. Fortlage stated that they approved the amendment.

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Chairman Moreal stated that they would go back to 1. He asked Mr. Bredt if he was making a motion on 1?

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

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

**A motion was made by Mr. Bredt, seconded by Pasquale Monteleone, to approve the side yard variance for the new garage only.**

Mrs. Fortlage stated that she had a question about that. She stated that it was already 2 feet from the property line, she asked if there was no record of that, why were they making a variance approval?

Chairman Moreal stated that the existing house was 2 feet.

Mrs. Fortlage stated that would suggest that there must have been an approval of a variance.

The Chairman stated that he was sure there was back in 1975.

Law Director O'Brien stated that it may pre-date the Code.

Chairman Moreal stated that it was no different when people were adding on, and they come across this a lot. The Chairman stated that in this case the applicant couldn't stay in line with it because it would be on the property; so he moved it over 5 feet. He stated that the 2 feet was what it was because it has been there. He stated that Mr. Caplan was asking for 5 now; so he has moved it over.

Mrs. Fortlage stated that she didn't have a problem with the 5 feet, she was just questioning why the Board has to even vote on it since it was clearly okay at 2 feet.

Building Official Gero stated that it was new construction. What was existing was there. He stated that it was an addition, it was new construction. He stated that it was a two-story garage addition to a single-story ranch home; and they were looking for a variance to reduce the side yard to 5 feet.

Mrs. Fortlage stated that it would only apply in the front yard and not the back.

Mr. Bredt stated that was why his motion was for the new garage only.

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Mrs. Fortlage stated that she would second it unless somebody already did.

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

Chairman Moreal stated that next was the third variance which was the side yard for the rear deck, with 15 foot required and 3 foot requested.

Mrs. Fortlage stated that she had to ask another question. She asked if it was in line with the house, shouldn't it be 2 feet?

Chairman Moreal stated that he thought the way the property went out at the back, he thinks that Mr. Caplan was at 3 feet.

Mr. Bredt stated that there was a little angle to it.

Mrs. Fortlage replied okay.

The Chairman stated that he thought it went from 2 feet in the front, and then by the time you would get to the back you would make up a foot. He stated that he thought Mr. Caplan was in line at 3 feet. He thought it grew a little further as it would go along.

Mr. Bredt stated that when he went out there and sighted the stakes, it definitely increases in distance from the line at the northwest corner of the new deck as proposed.

Mr. Monteleone stated that it can be seen in the drawing. He stated that the little dots with the line, that was the property.

Chairman Moreal stated that he was looking at the height. He asked if there was anything in front of the Zoning Board? He asked if they were missing something on the height?

Building Official Gero stated that there was no variance required for the height of it. The Architectural Board will have to deal with the appearance of the side of the garage at the property line.

The Chairman stated that would be for the Architectural Board.

Mrs. Fortlage stated that she thought she heard a motion, and if there was no second, she would second it.

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**A motion was made by Pasquale Monteleone, seconded by Carol Fortlage, to approve the variance to reduce the side yard to 3 feet in the rear yard for a deck addition.**

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

Chairman Moreal stated that they were caught up. They were going to go to the fourth variance which was a variance of 20 feet to reduce the rear yard to 43 feet, 63 feet required, 43 feet requested.

Chairman Moreal stated that was the end of the deck being at 43 feet instead of 63 feet.

Mr. Caplan stated that was correct.

Building Official Gero stated that the existing house was not even at 63 feet; so he just wanted to reduce the rear yard setback to 43 feet.

Mr. Monteleone stated that the house was not even encroaching.

**A motion was made by Pasquale Monteleone, seconded by Charles Brett, to approve the variance to reduce the rear yard to 43 feet.**

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

Chairman Moreal stated that the fifth variance was a variance of 4 feet to permit a 10 foot high board-on-board fence in the rear yard. He stated that 6 feet was allowed, and Mr. Caplan was asking for 10 feet. He asked Mr. Caplan to explain to the Board the need for the 10 foot fence.

Mr. Caplan stated that his property to the west and the property to the north of him were already 4 feet higher than his property at the property line. He stated that if he would put a 6 foot fence on his property at the rear, he would end up with a fence that wouldn't screen anything because the neighbor's driveway to the west and the neighbor's house to the rear; if you would follow the contour lines of the surveyor, you could see his house literally sits in a hole compared to the house to the west and the house to the north.

Chairman Moreal stated that he walked the property today, and the way he saw where he would be putting the fence according to the dimensions there, going down the west side, he was already going to be putting the fence on a mound. He stated that it was all mounded. He didn't think that Mr. Caplan was tearing the mound down; it would change the whole contour of the property.

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He stated that the way he sees it, a 6 foot fence on there, he would be elevated off the finished property, the backyard by 3 or 4 feet already. He asked Mr. Caplan if he was going to put it on that mound.

Mr. Caplan stated that the way he read the code, he would have to be able to go on both sides of his fence. He stated that the fence would actually have to come down that slope and be within his property by at least 2 feet off the fence or 3 feet so he could paint the fence on the neighbor's side. He stated that if he was allowed to put it on the property line, he would be tickled pink to have a 6 foot fence. He would take that. He stated that if he couldn't put the fence on the property line, then it would need to be a little taller.

Mr. Bredt stated that he wanted to talk about the west property line as it currently exists. He stated that it appeared to him, and he was out there today also, that the property line itself goes along the top of most of the berm that was built on his neighbor's property.

Mr. Caplan stated that he agreed with that.

Mr. Bredt stated that there were also tree stumps and vegetation regardless of where he would build it which would probably have to be removed. He stated that some of that removal would necessitate Mr. Caplan being on the property owner's side of the neighboring property to get at it. He asked if that was a fair statement.

Mr. Caplan agreed, and he stated that he would rather not do that.

Mr. Bredt stated that he agreed. He stated that he would also think that the existing berm or elevated western edge that Mr. Caplan's property line would straddle with the neighbors, if he would tear that down, he would open up a drainage issue that would hit the side of Mr. Caplan's house and the new garage where right now that berm, a little higher than the neighbor's driveway, probably diverts some of that water to the south. He asked if that was a fair statement.

Mr. Caplan stated that he would agree.

Mr. Bredt stated that for the record he cannot, and he has never approved a fence 10 foot tall, regardless of the situation. He stated that would be in effect a one-story wall; and in that the house was currently going through some remodeling and was bought recently, certainly since 1955, he does not see a practical difficulty supporting allowing a 10 foot tall fence as drawn. He stated 6 foot, yes. He stated 7 foot or higher, no. He stated that was his position.

Chairman Moreal stated that being said, he still thinks that the way he looked at it, he thinks if Mr. Caplan maintains the fence along the property line, he would think Mr. Caplan would want to be tight to his deck rather than being 2 feet away and have a little catch-all in there. He won't be able to maintain it himself on his side; but if he stayed in line with his house, he will still be

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on the mound, and he would still be off the neighbor's property by a couple of feet. That was the way the Chairman saw it. He stated that he thought Mr. Caplan had the best of both worlds. He has some height. Mr. Caplan was looking for 10, if he would put a 6 foot fence on the mound, he has picked up some height there; and he could still maintain it on the other side.

Mr. Caplan stated that he was okay with that.

Chairman Moreal stated like Mr. Brecht had stated, Mr. Caplan would not be taking that mound down. It would cause him water problems. The mound was helping Mr. Caplan out for water running down. The Chairman thinks that Mr. Caplan could achieve what he was looking for with a 6 foot fence.

Mr. Caplan stated that he was good with it.

Chairman Moreal stated to the backyard, and Mr. Caplan was looking for the same thing there. He stated that there were a lot of trees there, and he looked at the back. He thinks if Mr. Caplan would stay a foot off the property or 2 feet off the property, he was also in a higher elevation. He stated that the backyard was in a pocket, and he thinks around the perimeter, and he doesn't think Mr. Caplan would tear out the mound. He would need that to maintain the water and keep it off his property if he could.

Mr. Caplan stated that he was happy with what the Board has done. He would be grateful. The 6 foot fence would be good enough. He stated that the Board should forget the request for the variance on the fence, he was withdrawing that request.

Chairman Moreal stated that just so Mr. Caplan would know, he would have to be able to maintain it. He could get together with the surveyor so he could get on the other side and maintain the fence.

Mr. Monteleone stated that he would like to thank Mr. Caplan for telling the Board about the 10 foot fence. He stated that he didn't understand the 10 foot fence when he first read the variance because he was in that pocket. He stated he appreciated Mr. Caplan talking about it, but he thinks the 6 foot fence would be a lot better.

Mrs. Fortlage stated that with the issue withdrawn, there was room for it to come back if needed, but the Board was good there. They do not have to make any decisions about the fence. She asked if that was right.

Law Director O'Brien stated that was correct.

Mrs. Fortlage stated that was a unique property that really was justifying the variances that had been granted.



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Chairman Moreal agreed.

**5700 Brecksville Road, AAA** - Dustin James of Advance Installation was in attendance and sworn in.

Chairman Moreal asked Mr. James to tell the Board why he needed the second sign.

Mr. James stated that some of the Board may remember him when he was before the Board for the AAA monument sign that was located out front on Brecksville Road. He stated that they just got that installed earlier this week; so the sign was complete with the brick base, sandstone top. He stated that the sign looked very beautiful, and he was very proud of that. He stated that the landscaping will still need to be done around there. That should be taken care of shortly.

Mr. James stated that originally AAA had 2 signs, one out there and the sign that the Board was discussing today. He stated that it would be a directional sign that would dictate which way you would go when you get into the facility at that point. He stated that it was a big area. He stated that there was another building there for sure. He stated that the picture was an older one and didn't have the updated road. He stated that he was sure there were other things going on.

Mr. James stated that they would like to freshen up that directional sign with a small monument sign that would look similar to what they just put out front. It would be a smaller version. They thought it would be tasteful and would help identify them where they were located as you would go down Rockside Woods Blvd.

Chairman Moreal asked if it was more for coming from Topgolf.

Mr. James stated that it would be for coming from Brecksville Road as they were coming down Rockside Woods Blvd. He stated that it would provide additional directional clarification for out of town AAA members or members not familiar with the location of the building. He stated that it would eliminate any potential confusion, including traffic incidences on Rockside Woods Blvd. for AAA members looking for the entrance to the building. He stated that it was a big facility, and just the parking lot was enormous.

He stated that if they don't get the variance to have that sign, the existing sign will just stay there because what the Building Official has told him that they were not allowed to have 2 signs on the property. He stated that they had 2 signs, and they were not allowed to have it now; they were proposing something that was really new, really fresh and mimics what they have out front. It was a nice look. He stated that was why he was before the Board to see if they would agree.

Chairman Moreal stated that the sign that was there now, the temporary one leaning against a tree or whatever it was, that is where this new sign would go.

Mr. James stated that it looks like there was a directional sign to the left, and it had the measurements of 42 inches by 42 inches, and to the right would be the proposed monument sign that they would like. It would be in the same position. He stated that the sign would be 9 feet from the curb. There is a lot of room there.

Chairman Moreal stated that he drove by there today, and there was a sign there; but it was not the directional sign.

Mr. Bredt stated that the drawing that was on the screen was pretty typical of what he remembered seeing. He stated that this new one would go in the old one's place.

Building Official Gero stated that this would be inside their parking lot on one of the islands of the parking lot.

The Chairman stated that was where he saw the sign. He stated that it was AAA with an arrow.

Several people began speaking at once.

Mr. James stated that you would have to come up a half mile and take a right. He stated that he was talking about the one way up front close to the road. He stated that was several hundreds of yards away from the entrance of the building.

Chairman Moreal stated that was not the one he saw. He saw it, and he continued on because he was at Topgolf; and he turned around.

Several people began speaking at once again.

Mr. Monteleone stated that what he was understanding was that you would see the sign on Brecksville Road, but when you turn in it would be quite a ways down to the driveway into the building.

Mr. James agreed. He stated that where it would be positioned, if you look to the right as you were trying to find the entrance, you would see it right there.

Mr. Bredt stated that if you were coming from Topgolf, that necessary sign would direct people to take that driveway.

Mr. James stated that he was not real familiar with the area.

Mr. Bredt stated that he had a question about the proposed new sign, and he agree that the one that was on Route 21 now was every bit as classy as he had hoped; and he really likes it. He stated that the new sign which would look very similar in size, what will be on the back side of it. There were no notes.

Mr. James stated that it would be just a single sided sign.

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Mr. Bredt asked again what they would see on the back side.

Mr. James stated that it would be the same color as the rest of the sign.

Mr. Bredt asked if that would be white.

Mr. James stated that it would be like a metallic gray with some speckled in there.

Mr. Bredt asked if there would be any graphics or anything on the back like “Thank you for visiting” or anything like that.

Mr. James stated not that he was aware of. He stated that when you look at the sign on the screen, you would see the colors on the sign. He believes that they will just continue on with that.

Mr. Bredt stated that he just wanted to get on the record that it would be a flat back panel with no graphics or anything like that.

Mr. Bredt stated that his last question was since this was at the driveway, where would the address be on the sign.

Mr. James stated that was a good question, and it doesn’t appear to have an address on there. He stated that they would be more than willing to put it on there. He stated that it would have to be on the front per code.

Mr. Bredt stated he believed so.

Mr. James stated that they could put it right at the base. He stated he didn’t know if the old sign had the address on there. That was a good point. He didn’t think about that.

Building Official Gero stated that he was not sure if the address would be appropriate because that was actually an entrance off of a side street, and the only way the address would fit on there if it stated 5700 Brecksville Road.

Mr. Bredt stated it might be contradictory.

Building Official Gero stated that you would really not see the sign from the street, but it would be when you turn into the parking lot.

Mrs. Fortlage stated that her recollection was that the Board was not about sign content.

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Mr. Bredt stated that he knows that they don't (inaudible) on them, but the content includes the fact that it was AAA.

Mrs. Fortlage asked the Law Director to help her out.

Law Director O'Brien stated that what Mr. Bredt was referring to was that the City has a specific code section that has to have the address. There was one exception, and that would be the need to have an address because it would be a compelling purpose to make sure the safety forces would get to where they need to be based upon an emergency. Any other content, the Board does not get into content. He stated that the address would probably be the one exception to that rule.

Mr. Bredt stated that he was just thinking aloud, if there was somebody walking from their car across the parking lot and, he doesn't wish this on anybody, a health issue where EMS was called; he thinks it would be prudent for them to recognize that their safety forces would know where the AAA parking lot was. He stated that he hated not to bring it up on the record.

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

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

**There being no further business, the Board of Zoning Appeals meeting of May 20, 2021 was adjourned at 6:29 p.m.**

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**Chairman Mark Moreal**

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**Debi Beal, Secretary**  
Minutes Unapproved at Time of Release 05/20/21

