

**MINUTES OF VIRTUAL MEETING
BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE
June 16, 2022**

New Business:

Approval of Minutes of Regular Board of Zoning Appeals Meeting held on May 19, 2022.

- 1. 6878 Bradford Circle, Jeanette Fitzgerald** -Requesting a variance to 1165.02 to permit a deck to extend into the rear building setback 7.29 feet (not permitted).
- 2. 8801 East Pleasant Valley Road, CSA Group** – Requesting a variance to 1151.14(a)(2) to permit a second wall sign to be placed on the building (not permitted).

The meeting was called to order by Chairman Mark Moreal at 5:31 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: **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 May 19, 2022 meeting.

A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to approve the Minutes of May 19, 2022.

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

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 16, 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.

6878 Bradford Circle, Jeanette Fitzgerald – Chris Molnar of Northeast Ohio Deck was in attendance and sworn in.

Chairman Moreal asked Mr. Molnar to explain the reason for the requested variance.

Mr. Molnar stated that this was a similar project to the ones they have done in the past on Hawthorn Trace. He stated that there was a 40 foot rear building line setback that would be 5 feet off the rear of the house. They were requesting to make a deck that would complement the house nicely going into the rear building setback 7.29 feet which would be well short of the 30 foot sewer drainage easement.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 16, 2022**

Chairman Moreal asked Mr. Molnar how far was he from the storm easement.

Mr. Molnar stated it would be 2.71 feet because it was a 30 foot easement on the lot.

Mrs. Fortlage stated that she didn't understand. She stated 7.29 plus 2.79 would equal 10 versus 30 feet that was mentioned.

Mr. Molnar stated that the current rear setback was 45.71 feet, and they wanted to build a deck 13 feet off that side. It would be 32.71, and then the 30 foot easement would come off the rear of the property line.

Mr. Monteleone asked if it was mostly going to be an overhang.

Mr. Molnar stated that the posts would be 2 feet in. The posts would be 34.7 feet from the property line. He stated that the lots across the street have a 15 foot building setback line.

Mr. Monteleone stated that he would just state that whatever Mr. Molnar would disturb, just to fix it properly.

Mr. Molnar agreed.

Mr. Bredt stated that he was looking at the layout that Mr. Molnar provided, and he was trying to figure out where the stairs were at.

Mr. Molnar stated that they were closest to the driveway side.

Mr. Bredt stated that Mr. Molnar's notation was that the first step was 13 inches below the door. He asked if that was a little excessive.

Mr. Molnar stated that there was a bunch of utilities coming out of the back of the house, vent pipes for the furnace and such; so they would do a 6 ½ inch step down to a 16 inch box step and then another 6 ½ inch step to the elevation of the deck surface.

Mr. Bredt stated that it wasn't 13 inches walking out the door.

Mr. Molnar agreed.

A motion was made by Pasquale Monteleone, seconded by Charles Bredt, to approve the variance to 1165.02 to permit a deck to extend into the rear building setback line 7.29 feet which was not permitted.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 16, 2022**

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

8801 East Pleasant Valley Road, CSA Group – Myles Houska of Brilliant Electric Sign was in attendance and sworn in.

Mrs. Fortlage asked if the Board had a record of the applicant's full name.

Councilperson Walchanowicz stated that he didn't see the name Myles anywhere.

The Secretary stated that John McRae emailed her and told her he wasn't able to make the meeting, and Myles Houska would be taking his place.

Mrs. Fortlage asked if Mr. Houska was with the sign company.

The Secretary stated that he was.

The Chairman asked Mr. Houska to explain to the Board why there was a need for the second sign on the building.

Mr. Houska stated that the signage on the property as was shown by the site plan, the B22508 was an additional wall sign that was being installed above the main entrance. He stated that the wall sign due to the height restriction of the sign band, was relatively small in nature and would be more of a pedestrian based sign once you would be on the facility. He stated that the way that it was set back in the building structure, it would not necessarily give presence from the street. He stated that the client, CSA, was looking for a non-illuminated, aluminum panel logo located at the referenced photo that could be viewed from the main street.

Mr. Houska stated that the additional wall sign will not adversely affect any of the surrounding buildings or public services in relation to the building due to the fact that the pedestrian based wall sign will not be visible for west or eastbound traffic.

Mr. Brecht stated that the sign he was applying for was actually 507.

Mr. Houska agreed. He stated that the actual drawing itself was the 507. He apologized for not confirming that.

The Chairman stated it would be the one furthest east.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 16, 2022**

Mr. Bredt stated that he thought it was a very classy sign, and it was done well. He stated that it didn't detract from anything.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone, to approve the variance for the additional sign on the building.

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

There being no further business, the June 16, 2022 meeting of the Board of Zoning Appeals was adjourned at 5:46 p.m.

Chairman Mark Moreal

Debi Beal, Secretary
Minutes Unapproved at Time of Release 06/17/22