

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 17, 2021**

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 20, 2021 meeting.

Mrs. Fortlage stated another beautiful set of Minutes. She stated that she sent the Secretary about a single letter. She was not going to talk about it.

A motion was made by Carol Fortlage, seconded by Councilperson Walchanowicz, to approve the Minutes of May 20, 2021 as amended.

**ROLL CALL: Yeas: Fortlage Walchanowicz, Bredt, Monteleone, Moreal
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

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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.

8311 Hillside Road, Ryan & Heather MacRaidl - Owner Ryan MacRaidl and Architect Randy Matejka were both in attendance and sworn in.

Chairman Moreal asked the Secretary if the neighbors had been notified and were any in attendance.

The Secretary replied that the contingent neighbors were notified and there were none in attendance.

Mr. Matejka stated that MacRaidls were building a new residence on Hillside Road. He stated that it was on a corner. He stated that there was also Twin Creeks. There was also a 25 foot park property strip to the east. He stated that the property that they had now was trapezoidal looking property. He stated that the house that they plan to build back there because of the setback requirements on the side yards; if they would go to 75 feet at the front setback, they would have to be requesting a side yard variance for approximately 7 feet. He stated that they did not want to infringe on the neighbor's property closer to their house, and they thought if they pushed back to the point where the corner of the house was inside the side yard setback, it would be more sympathetic to the neighbor.

Mr. Matejka stated that the neighbor's property, their setback of the house was 79.2 feet; so it was a little farther back. He stated that was the reason they were requesting the variance. He stated that they didn't really want to turn the house on the site to be parallel to the side lots because then it would start to become different. They wanted to keep more of the same look coming down Hillside.

Mr. Matejka stated that one other thing that he just noticed was that the two houses to the left, 8301 Hillside and 8213 Hillside. He stated that it looked like the other houses slowly step back; so it would go along with that bigger front yard setback. It wouldn't look out of place, especially with the road next to it and all the trees that were on the strip for the National Park. Mr. Matejka stated that they were requesting a 10 foot setback.

Mr. Matejka stated that there was an existing garage building, it still might be there. He didn't know if it was being used for the City sidewalk improvement.

Chairman Moreal stated that it was still there.

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Mr. Matejka stated that was approximately right where the new garage was now. He stated that it would be pretty much in the same spot just to give you an idea if you have been out there.

Chairman Moreal stated that the house to the west was 79.2 feet, and they would be at 85 feet.

Mr. Matejka agreed.

The Chairman stated that he just looked and saw the garage. He was looking at more like 25 feet on the left side of the house, but he didn't see the garage.

Mr. Matejka stated that the garage was over to the right.

The Chairman stated that it wasn't shaded in on the drawing, and he missed it.

Mr. Bredt stated that he thought it was well thought out, and he has no objection to the variance. He stated that he would move approval.

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

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

6612 Great Oaks Parkway, Doug Myers – Homeowner Doug Myers was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present.

The Secretary stated that they were notified, and there were no neighbors in attendance.

Mr. Myers stated that his request was a lot less complicated than the first applicant. He stated that they were on a corner lot, and they really enjoy outside living. He stated that there was not a whole lot of privacy. They have a nice patio, they put up an outside TV. They do have three dogs, and they also put a shed up that was closer to the sidewalk. The idea was to put a 5 foot fence that would completely surround their property, approximately 5 feet off the sidewalk and build it on the whole outline of the property. They want to ultimately put in some landscaping around it to block the shed and have privacy in the yard. He stated that the dogs think that anybody walking down the street was somebody to see them, and they want to greet them. They were bigger dogs, and people get afraid. He stated that they would like the dogs to be out there with them, and they enjoy it. He stated that they want to have some privacy in their backyard.

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Mr. Myers stated that the fence would be aluminum. It looked like the wrought iron material. It was a see-through fence, and it will be aesthetically pleasing, very similar to what he has seen throughout the neighborhood.

Mr. Myers stated that his wife did work nights so having the fence would be wonderful. He stated that their neighbors behind them have three little boys that were incredibly friendly, and if he takes the dogs out there while they are out, there is a lot of noise. Being able to put the dogs in the backyard while his wife is sleeping would be ideal.

Chairman Moreal stated that he met with Mr. Myers out there. He stated that the main reason for the fence would be to keep the dogs in because obviously it would not be privacy with the open fence; but then Mr. Myers would achieve some privacy with shrubs and bushes.

Mr. Myers agreed. He stated that was exactly right.

Mr. Bredt asked if the existing shed fall footprint wise inside the fence that Mr. Myers was proposing.

Mr. Myers stated that it did.

Mr. Bredt stated that it was not reflected at all on the site drawing.

Mr. Myers stated that it was put up after the site drawing. He stated that it went up two days after the site drawing was submitted. He stated that it was noted a little bit where he thought he would put it, but it went up after he submitted everything for the variance.

Mr. Bredt stated that for the record, it will be inside the fence that Mr. Myers was proposing to build.

Mr. Myers agreed.

Chairman Moreal asked Mr. Myers how far was the shed was from the sidewalk.

Mr. Myers stated that it was probably about 15 feet.

The Chairman stated that was what he had thought.

City Engineer Ramm asked if he could make a quick statement. He stated that the drawing reflected it, and it was just something to be cognizant of. There was a 10 foot utility easement that runs behind the sidewalk, and so the fence being proposed at 5 feet would put it right in the middle of the easement; and there was live active utilities running through there. He stated that he was not sure that would be wise.

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Chairman Moreal stated to miss that, what would Mr. Myers have to do.

City Engineer Ramm stated that the drawing showed a 10 foot easement that was traditionally from the back of the sidewalk, the edge closest to the house; so 10 feet from there. To actually put the fence on the easement line itself would be the safer play. It was not going to be where he originally intended it to be.

Chairman Moreal stated that if it would stay at 5 feet, it would be Mr. Myers' responsibility if they would have to dig there, that would be on him.

City Engineer Ramm stated that he thinks there could be a negative impact seeing the posts go down a certain depth.

The Chairman stated that he understood. He asked Mr. Myers if he had heard that.

Mr. Myers stated that he was trying to understand. He stated that he would need to move the fence in another about 6 feet from the proposed spot was what the Chairman was saying to make sure he was away from it.

The Chairman stated that it sounded like 5 feet would get Mr. Myers to the 10 foot line. According to the City Engineer, if Mr. Myers could be 10 feet off the sidewalk, or should they go 11 feet.

City Engineer Ramm stated that 11 feet because normally the sidewalks were 6 to 12 inches inside of the right-of-way.

Mr. Myers agreed.

A motion was made by Councilperson Walchanowicz, seconded by Chairman Moreal, to amend the variance to be 11 feet off the sidewalk.

Chairman Moreal stated that they were adding that into the application. He stated that it would not be 70 feet, it would be 64 feet.

Mr. Myers stated it was 70 feet to the edge of the fence where he proposed it, and it would be 11 feet off the sidewalk, so it would be 64 feet would be what the request would be.

The Chairman stated that would be the amendment Councilperson Walchanowicz, if he wanted to restate it.

A motion was made by Councilperson Walchanowicz, seconded by Chairman Moreal, to amend the variance to 1363.01 for a fence to extend approximately 64 feet past the front building line.

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The Chairman asked Law Director O'Brien if that was the correct way to do it.

Law Director O'Brien asked if it would be 10 feet off the sidewalk anyway? He asked if that was the code.

Chairman Moreal stated that it was off the front setback.

Building Official Gero stated that off the sidewalk would be 5 foot.

Law Director O'Brien stated that would be sufficient.

Chairman Moreal stated that it would get him to 10 feet.

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

The Chairman stated that the Board would now need to vote on the variance.

A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to approve the variance as amended.

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

4925 West Ash Road, Linda Mutryn – Homeowner Linda Mutryn was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present.

The Secretary stated that there were no neighbors present.

Chairman Moreal asked Mrs. Mutryn to explain to the Board why she needed the variance.

Mrs. Mutryn stated that they need an accessory building to keep the overflow from their garage, porch furniture. She stated that she had 9 grandkids, and they have all their bikes and stuff that she wants to keep out of the garage and into the shed. She stated that the way their yard was set up, she thinks that having the shed caddy corner like that would be the most aesthetically pleasing for their backyard. She stated that she had no objections from her neighbor. She stated that it would be the 2 back points that would be closer than they should be.

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Chairman Moreal stated that he stopped there yesterday, and he looked at it. He stated that the neighbor behind her, they were butting up to a garage for the most part. He stated that the way he saw it and that would be the only place that she could put it without disrupting whatever landscaping that was there. He stated that he thought it was the best place to put it, and he didn't have any issue with it.

Mr. Monteleone stated he had a question. He stated that it stated that there was an existing shed on the right side, he asked if that was going to come down.

Mrs. Mutryn stated that her dad built that her dad built that probably 20 years ago, and that was where he kept his lawnmower and yard equipment and stuff. She stated that it was still in decent shape, but if it were ever to come down, they wouldn't need it, they would put everything in the new shed then. She stated that they didn't even have a lawnmower or anything.

Mrs. Fortlage asked if this would require another variance.

Several people replied yes.

Mrs. Fortlage stated that you are not allowed to have two buildings.

Chairman Moreal stated that you would be allowed one accessory building. He asked if there were other pictures of the property. He stated that he didn't see the shed.

Mrs. Fortlage stated that it was virtually invisible.

Mr. Bredt stated that he did see it. He stated that when he was out there, he saw it.

The Chairman stated that he thought it was the neighbor's shed.

Mr. Monteleone stated that he caught it on the drawing.

Mr. Bredt stated that it was reflected on the applicant's submittal.

Mrs. Mutryn stated that it was an 8' x 10' shed. She stated that it was hidden pretty well back there.

Chairman Moreal stated that the question was that they would only be allowed one accessory building. If they were looking to keep it, the Board would have to amend the request and then the Board would have to vote on it.

Mr. Bredt stated that Mrs. Mutryn could stipulate that she would be taking it down.

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Mrs. Mutryn asked if it would have to be taken down right away. She would like to keep it as long as it would be standing.

Law Director O'Brien stated that the code would only allow one outbuilding, and the Board traditionally but for extreme practice difficulties, does not allow a second one. He stated that he thinks the Board was suggesting that to get her variance request, she may have to take down that other old building, despite the fact that he could appreciate the sentimental value.

Chairman Moreal asked Mrs. Mutryn if her yard was fenced in all around.

Mrs. Mutryn stated that it was not.

Chairman Moreal stated that he wanted to see the picture with the neighbor's house. The Chairman asked Mrs. Mutryn if the neighbors were aware that they were doing that.

Mrs. Mutryn stated that they were aware, and they had no problem with it. She stated that she thought there were no more than 2 accessory buildings allowed. She stated that was what she had thought she had seen.

The Chairman stated that it was just one accessory building.

Mrs. Mutryn asked if she could call it a dog house.

Mrs. Fortlage stated that even swing sets counted.

The Chairman asked if the Board had any thoughts.

Mr. Monteleone asked if the building was in good or bad shape. He asked why wouldn't she just use that one. He stated that he knows about the sentimental value.

Mrs. Mutryn stated that they were originally going to take the old one down and make it bigger, but because of the trees around it, they couldn't get it any bigger without having to cut down trees.

Chairman Moreal stated that he was surprised that he didn't see it.

Mr. Bredt stated that he was personally not in favor of 2 accessory buildings in the back of a 100 foot wide lot.

Mrs. Mutryn stated that even though the first one was barely visible, hidden in the trees and everything. She stated that behind it there were woods.

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The Chairman asked if it was shielded from the neighbor.

Mrs. Mutryn replied yes. She stated that on the left-hand side it had bushes surrounding it.

Councilperson Walchanowicz stated that his biggest fear was setting a precedent for future applicants. If the Board would allow one, then it could always come back.

Mr. Bredt stated that he agreed.

Mr. Monteleone stated that he appreciated Mrs. Mutryn putting it on the drawing though. He stated that she did put it on there, so she wasn't trying to hide it.

Chairman Moreal stated that he thought they would go with what was in front of the Board. He stated that once the other shed was built, they would have time to transfer everything over so they wouldn't have to take it down tomorrow. He stated that the Board could give them time. He stated that he didn't know when they planned on building the new shed, but the Board could give them 30 days after or something like that.

Mrs. Mutryn stated that as long as her sons-in-law could help her take it down.

Councilperson Walchanowicz asked the Building Official if there was a rule against, or a timeframe on that.

Building Official Gero stated he had to step away for a quick minute. He asked if Mrs. Mutryn was not taking the existing shed.

The Chairman stated that Mrs. Mutryn didn't know.

Mrs. Mutryn stated that she was not aware that there was only one accessory building allowed. She stated she thought there was no more than 2 she thought it said somewhere.

The Chairman stated that it wasn't on the applicant either; so they all kind of missed it.

Building Official Gero stated that it was on the drawing. He stated that if Mrs. Mutryn was planning on taking down that second shed, what the Building Department has done in the past is they have erected the new shed, moved the stuff, taken down the second shed and moved forward with that. He stated that should Mrs. Mutryn not take down the second shed, she would be in violation of the law and subject to any penalties thereof.

Chairman Moreal stated that he thinks she was aware of it, they were trying to figure out what kind of timeframe.

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Law Director O'Brien stated that he knows that the Board has had this situation before, someone was building a new shed, they are given time to transfer their stuff before they take down the existing shed. He asked how long would he normally like to see that.

Building Official Gero stated that it should be as soon as possible, but they have in the past have given 30 days just based upon logistics, weather and what have you, 30 days to get the old one down. He stated that he didn't think it would unreasonable, but that would be up to the Board to decide whether it would be 2 weeks or 30 days.

Chairman Moreal stated that he was fine with 30 days. He asked if anybody else had anything.

Mr. Monteleone asked if the applicant was okay with the 30 days? He asked if it was something she would want to do.

The Chairman asked Mrs. Mutryn if she was okay with 30 days from the time they have completed the other shed.

Mrs. Mutryn stated from the time the other shed was complete. She stated it was okay if that was what she had to do.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone, to approve the variance request, subject to removal of the existing accessory building within 30 days after completion of the new accessory building.

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

Mrs. Mutryn stated that she just wanted to explain why she was confused about it. She stated that the code stated it was no more than 2 separate building structures per lot in addition to the dwelling. She stated that was what she went by.

Building Official Gero stated that the next line reads after that if there was an attached garage, only one was permitted.

Mrs. Mutryn stated that she did not have that on her paper here. She stated that it just had sheds and the maximum square feet, the base. She stated that it did state if the dwelling unit had an attached garage. She stated that now she sees it.

Chairman Moreal wished Mrs. Mutryn good luck.

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Mrs. Mutryn asked when would she be allowed to tell the company that they would be allowed to start on the building the shed.

Building Official Gero stated it would be as soon as the permit would be issued, which will begin being processed and reviewed. It would probably be the beginning of next week that the permit will be issued as long as they have everything that they need.

Mrs. Fortlage asked if Mrs. Mutryn would have to go in and apply.

Building Official Gero stated that he believed that he had the application already, but he will let Mrs. Mutryn know if anything else is needed.

6262 Brecksville Road, Andrzej Czarniecki – Homeowner Andrzej Czarniecki was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors in attendance. There were no neighbors in attendance.

The Chairman asked if all the neighbors were notified.

The Secretary replied that they were.

The Chairman asked if the neighbors on Lafayette were notified.

The Secretary stated that the neighbors on Lafayette were notified.

Chairman Moreal asked Mr. Czarniecki to explain to the Board why he would need the variance.

Mr. Czarniecki stated that he was before the Board to request a variance to the code that the Chairman mentioned. He stated that his background was that he studied horticulture, plant science, and the reason they bought the property was to make it a self-sufficient homestead. He stated that they have a pretty big garden now, and they were trying to build the high tunnel, which it stated in the variance that it was a greenhouse. He stated that it was a little bit different as defined by the USDA. He stated that there will be no electrical components to it, no foundation, no footers. He stated that it was pretty much a blanket for a garden to extend the growing season so they could grow stuff a little bit sooner, and they can grow a lot later into the season. They could grow through the winter time as well.

Mr. Czarniecki stated that the reason they want to have this is because first of all with Covid and everything, they have seen a lot of inflation with a lot of products going up with wood costs and food, materials; and he stated that he feels that things are going to get more expensive as time goes on. He stated that they want to be prepared for another crisis if it occurs. He stated that he

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saw first-hand people fighting in the store over things such as toilet paper, meat and produce. He stated that they were not the only people, he looked on Google maps, and there was someone down the street who has two high tunnels that he saw. He stated that he thought they were longer, approximately 100 feet by 22 feet looking at the scale of Google maps.

Mr. Czarniecki stated that they were pretty close with their neighbors, and the neighbor behind them, they always barter and trade goods all the time. He stated that they want to uphold the value and the mission of Independence with communication, fairness and respect. He stated that they want the high tunnel for them, for their families and friends to grow food. He stated that they have an orchard behind where they want to build the high tunnel. He stated that they have a huge garden next to the garage, and they plan to get chickens and stuff like that. He stated that it was basically just for them to be able to grow food for themselves to be self-sustainable.

Chairman Moreal stated that Mr. Czarniecki did know that this was not permitted in the residential district, but he was permitted to do like an 8' x 10' residential greenhouse. He asked the Building Official if he would call it that.

Building Official Gero stated that it could be something smaller, like the size of an accessory building which would be 8' x 10' type of size.

Mr. Bredt stated that he wanted help understanding a couple of things. He stated that it stated it was non-permanent. He asked how was it affixed to the ground.

Mr. Czarniecki stated that there was a pole that you would pound into the ground. He stated that he got this one from free from the City of Cleveland. He volunteered, and the Mayor gifted it to him. He already moved it to his property, and he has all the pieces and parts. He stated that it was basically just pipes that would go into the ground. He stated that it was a skeletal structure with plastic that goes over it. He stated that the plastic could be taken down in an hour. He stated that it was just a covering to extend the growing season. He stated that it was not like a house you would think of with a wall and screws and drywall. He stated that it was a very simple skeletal structure that can be removed and taken down. He stated that they removed it in less than 4 hours, him and his father.

Chairman Moreal stated that it sounded like it would be up at least half of the year he was guessing, if not more.

Mr. Czarniecki stated that it would be up, but it could be moved very easily. As far as a permanent structure, it would not be concreted into the ground. He stated that there would be no foundation. The plants would grow into the ground, there would be no base to it. He stated that there was no flooring, it would be just a covering for a garden.

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Mr. Bredt stated that he was not going to name a customer of his, but they supply one of the major, his company supplies one of the major nurseries in northeast Ohio with materials for hoop houses. He stated that the only thing that they do not supply was the framework itself. He stated that every year the plastic scrim that would go over the hoops has to be repaired to the neighbor's satisfaction, and frankly the neighbor's satisfaction was never satisfied; so they have to replace that scrim covering every single year which was expensive for all the reasons that Mr. Czarniecki already listed. He stated that when he hears that it was donated to Mr. Czarniecki, he was immediately concerned with the quality of the scrim, plastic whatever that was being used in this particular instance, the quality and condition of it.

Mr. Czarniecki stated that the plastic would have to be all brand new. He stated that it was taken down and thrown away. He stated it would be all brand new. He stated that it was not too expensive. He stated that there were different grades of plastic. He stated that if you would get the thicker one, it would last 2 years; but it would come in a big role. He stated that he has done it before. He has put it on for other people. He stated that they did it in college. He stated that it would be replaced no matter, so it would be brand new. He stated that the metal structure was what was being reused, and there was not much rust on it. He stated that it was in excellent condition. It was abandoned in the City of Cleveland in south Collinwood; so nobody was using it this year; so they moved it here. The plastic would have to be replaced no matter what.

Mr. Bredt asked how big was Mr. Czarniecki's existing house.

Mr. Czarniecki stated it was 780 square feet.

Mr. Bredt stated relatively speaking it was huge.

Mr. Czarniecki stated that he was willing to downsize it to a like a 30'x40' if that would be fine. He stated that he could also make it smaller if that would be something that would be better for the Board. He stated that the pipes would run 3 feet in distance from each other. He could take out 20 feet and not make it as long, but it looked like it was big in the picture; but it was not a greenhouse. He stated that the Board would have to see it. If they would look up a high tunnel on Google, it would be a little bit less.

Mr. Bredt asked if there was a wall on the sides.

Mr. Czarniecki stated that the sides would be roll up walls, they would roll up and down. It was plastic. It would be like a curtain like you would have in your house. He stated that it has a gear box that would go up and down. He stated that if you would want to increase ventilation into it if it would get too hot, you could open up the side walls to let air go through; and you could see through the whole thing.

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Councilperson Walchanowicz asked Mr. Bredt if he would say it was basically a plastic Quonset Hut.

Mr. Bredt stated that in his opinion, properly built, the hoop houses look better than a Quonset Hut. He stated that what he can't get from the drawings or the pictures submitted, was the elevation of the sides, whether it would be rounded or there was basically a roof on side walls. He asked if the Architectural Review Board looked at it.

Building Official Gero stated that there was no reason for it to go before the Architectural Board because this would be a commercial structure, and it was not permitted. That was why Mr. Czarniecki was before the Zoning Board.

Chairman Moreal stated that he went up on Lafayette, and he looked at the 2 properties that would abut to his property. He stated that the backyards there were fairly shallow, and he saw where it was staked out. He stated that he has a hard time with this for his neighbors' point of view. He stated that it was a big commercial, it was like a nursery in their backyard, and the neighbors would be affected more than anybody.

Mr. Czarniecki stated that he talked to Larry at 6733, and he talked to the owners next to him, he works next to him at the restaurant at 6725 Lafayette, and they were totally cool with it. He stated that the guy at 6709 has a huge garden in the back, and he seems like he was into the same thing. He talked to them, and they weren't opposed to it; and they were kind of excited about it. He stated that he has known them for a while. He goes hunting all the time, and he brings him meet; and he gives him stuff that they cook at home. They trade and barter and stuff all the time; so they were totally cool with it.

The Chairman stated that to me it was more commercial. He stated that it was definitely commercial. He stated that a little 10' x 10' like the Building Official stated earlier that he has seen around, a residential type greenhouse, he would have no problem with that; and he believes that they would be allowed that. He stated that this just doesn't sit with him. He stated that he couldn't see supporting it.

Mrs. Fortlage stated that there were 2 unique things about this. She stated that it did abut now commercial property. She stated that the house that you could see to the north has been torn down. She asked if that was correct?

Several people replied yes.

Mrs. Fortlage stated that it was gone. The City owns that property, and then comes Chase Bank. She stated that if you would stand in the Czarniecki yard and look west, beyond the swimming pool was an enormous building which Mr. Czarniecki tells her houses an indoor swimming pool.

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Chairman Moreal stated that it was a pool house.

Mrs. Fortlage stated that she believes what they see on the picture was not it. Next to the pool was a pool house that was even bigger.

Mr. Czarniecki stated that it was like a huge commercial pool, it was bigger than the high tunnel.

Mrs. Fortlage stated that she sees some unique characteristics to the property that make it at least worth considering approval.

The Chairman stated that the pool house, by the looks of the property, it was before the City's code. He stated that it looked like an old pool house, and he thinks it didn't affect any neighbors. It was set way back. He stated that this would affect his 3 neighbors. He stated that all 3 of those people would see this, and there was nothing there shielding it.

Mr. Czarniecki asked if the Board had talked to Larry and talked to 6725, and had they responded.

The Chairman stated that he talked to somebody, and he stated that he was aware. He stated that it was big, and he didn't say much. He stated that they just let him walk in their backyard; but he wanted to visually see it for himself.

Mr. Monteleone stated that to him it would be a big structure; he can't understand it. It would be a huge structure. He stated that he could see dropping it down to maybe the size of a big shed, so maybe a little bit bigger than the 10' x 12'; but his question was in the winter time would he take the plastic down or leave the hoop house up. He stated that he didn't think it would withstand the winter.

Mr. Czarniecki stated that it was the reason you do a high tunnel so you could grow throughout the season. It was basically to help you grow your garden longer into the season. It was not a greenhouse. It was just a plastic covering that would allow you to increase the temperature around the plants to allow you to grow longer; but it will be there throughout the winter time. He stated that it would not blow away or anything like that. He stated that there would be anchors installed. He stated that he has built one before for somebody, and he took this one down himself. He stated that he had years of experience in construction, and his background was in horticulture and plants. He stated that he didn't plan for this thing to fly away or go anywhere. It would be there for them to grow food.

Chairman Moreal stated that basically it would never come down, and it would be up all year.

Mr. Czarniecki stated that it could be taken down with ease pretty quickly and moved. He stated that he just moved it to his house from Cleveland with just a van.

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Mr. Bredt stated that he thinks the bottom line is from his perspective is that it was just too darn big when you get right down to it. He stated that it was bigger than Mr. Carniecki's existing house. He knows that it would be movable, but it would still be a substantial structure; and once it would be up, it would probably stay in pretty much the same space and hopefully in great repair. He stated that it was just too big, and it would be a precedent that he just doesn't want to be supportive of.

The Chairman stated that he feels the same way. He stated that it would affect the character of the neighborhood too. He stated that Mr. Czarniecki has 2 or 3 neighbors that it would affect them more than it would affect Mr. Czarniecki, and it would be big.

Mr. Czarniecki asked what about the one guy that has them on Google maps. He has 2 of them that were like 100 feet long. He stated that he has 2 of them in his backyard.

Building Official Gero stated that those were existing. He didn't know if those pre-date the City's code, and he was not looking to request them. Furthermore, he doesn't know if those were even visible from the street.

Law Director O'Brien asked if Mr. Czarniecki was talking about the picture he put in with his application.

Mr. Czarniecki replied yes.

Law Director O'Brien stated that he looked up the property online because he was intrigued by it. He stated that he didn't know if it was the commercial nursery that pre-dates the City's code; but he thinks the backyard was 3 times the size of Mr. Czarniecki's backyard. He stated that Mr. Czarniecki's average goes back, it was over 1,300 feet deep.

Building Official Gero stated that he thought it ran back to the river.

Law Director O'Brien stated that it was close to 1,800 feet, and Mr. Czarniecki's was 300 feet.

Mr. Bredt stated that the Board has had this discussion before when other applicants brought in examples of what other people have done; but that's really not the Board's position tonight. The Board was looking at an application that on the specific application his feeling was that it would be too large for the property. He stated that a smaller application might be more amenable, if it would exceed the basic code; but this was just too large.

Mr. Czarniecki stated that he didn't think they made small high tunnels though. He would have to look at it. He stated that greenhouses they make small ones, but high tunnels were different than greenhouses. He stated that he understood.

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Chairman Moreal stated that he thinks a small greenhouse as opposed to a high tunnel would fit back there and not look so commercial. He stated like the Board said earlier, an 8' x 10' shed or a 10' x 10' shed; this would look very commercial, whether it would be 60 foot long or 40 foot long or 30 foot long. He stated that he didn't think it would fit the neighborhood.

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

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

Chairman Moreal told Mr. Czarniecki good luck.

6001 Quarry Lane, Delmonico's – Owner George Schindler was in attendance and sworn in.

Chairman Moreal asked Mr. Schindler to explain why he was in need of the variance.

Mr. Schindler stated that first of all to clarify, the agenda called out that it would be 3 signs, when in fact, although it does have the sign turns in 2 areas on a 45 degree angle to wrap the building; they would look at it as one contiguous sign.

He stated that he didn't believe the current sign was in the proposal; but the current sign that they have, the pole sign that was up on top of the hill, the sign was grandfathered in when they first put it in. He stated that it was no longer compliant with the current code, and their proposed LED wall sign on the building would replace this one complete. He stated that they believe it would be a benefit to the City.

Mr. Schindler stated that relative to the existing pole sign, the square footage of that sign was actually bigger than the new sign would be since it was actually two-faced. He stated that the existing pole sign was 17 years old now, and it has been a maintenance nightmare for probably at least half of its life. He stated that because it was neon, it has been good target practice from the angle you were looking at for anybody driving downhill with a beer bottle coming out of a bar or the hotel; and it wouldn't work more than it does. He stated that the expense of keeping it going would be a little bit of a hardship. He stated that it has a very broken down appearance to the property. He was planning on improving that.

Mr. Schindler stated that lastly the location of the pole sign, although it was visible from the highway up high; it really doesn't relate directly to their building. He stated that before Winking Lizard became Winking Lizard, it was Frank and Pauley's and was closed for about 2 years. People would see that building closed and thought it was the building that the sign was for. He stated that they had a lot of calls consistently wondering if they were closed because Frank and Pauley's was closed. He stated that he believes the new signage as a whole, which has been

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approved by the Architectural Board, would be a huge improvement to the property. He stated that although he would need a variance for this, it would eliminate the grandfathered pole sign which was no longer in compliance. He stated that although he was requesting a variance here, it would eliminate an old variance.

Law Director O'Brien stated that they go back a long time. He stated that the pole sign was not really grandfathered, he had received a variance for the pole sign. He stated either way it will be coming down.

Mr. Schindler replied absolutely. He stated that it can't come down fast enough.

Mr. Bredt asked Mr. Schindler if the sign will be illuminated all night, 24/7?

Mr. Schindler replied no. He stated that it would be on a timer like the rest of the sign.

Mrs. Fortlage stated that when she looks at this, she thinks that it looks nice the way it was proposed; but she wonders about the sign at the east end of the building and its necessity. She stated that as she reads the proposal, it sounds as if he wants to leave the sign there.

Mr. Schindler replied absolutely.

Law Director O'Brien stated that he will say to Mrs. Fortlage that if the east one, there was an ingress and egress over there.

Mrs. Fortlage stated that she knows, she went by it today when she drove by it.

Law Director O'Brien stated that whenever he would be going into that area, he uses it. He stated that if someone would pass that up, they only have the one opportunity. So, they should keep that in mind.

Chairman Moreal asked which was the east sign. Was there a picture?

Building Official Gero stated that there was a sign on the building that Mrs. Fortlage was referring to.

Mrs. Fortlage stated that was what she was talking about.

Building Official Gero stated that sign would be redone with LED's and refaced so it would look a lot better. It was neon right now, and it will be refurbished. He stated that even though Mr. Schindler referred to it as one sign, it was technically 3 signs put together to give that appearance of wrapping around. He stated that the variance was straightforward, there were no square footage issues. He stated that it would be strictly to allow the 3 signs to be placed on the

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building in addition to what was there now. He stated that the pole sign was coming down, and he thinks it will benefit the property immensely.

A motion was made by Councilperson Walchanowicz, seconded by Carol Fortlage, to approve the variance.

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

There being no further business, the Board of Zoning Appeals meeting of June 17, 2021 was adjourned at 6:29 p.m.

Chairman Mark Moreal

Debi Beal, Secretary
Minutes Unapproved at Time of Release 06/18/21