

**MINUTES OF VIRTUAL MEETING  
BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE  
September 15, 2022**

**Old Business:**

1. **6978 Ivandale Road, Michael Sliwinski** – Requesting a variance to 1363.01(c) to permit a fence to extend into the front setback line of the adjacent property (not permitted).

**New Business:**

2. **7628 Hemlock Drive, Jennifer & Ryan Amos** – Requesting a variance to 1163.04 of 38.6' to permit a new dwelling to have a front setback of 36.6'.
3. **East Pleasant Valley Road, PPN 564-22-007, Indexco Prop, Et Al** – Requesting a variance to Chapter 1354 to be permitted to be in the riparian setback and a variance to 1149.03 of 7' to permit the height of a proposed building to be 42' (35' required, 42' requested) and a variance of 90.6' to permit the frontage of the lot to be at 159.40' (159.40' requested, 250' required).
4. **6612 Great Oaks Parkway, Doug & Jen Myers** – Requesting a variance to 1165.02 to encroach into the rear building line by 6' (not permitted).

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

**PRESENT:**               **Mark Moreal, Chairman**  
                                  **Charles Bredt**  
                                  **Carol Fortlage**

**ALSO**  
**PRESENT:**               **Will Doyle, Assistant Law Director**  
                                  **Anne Lynch, City Planner**

**ABSENT:**               **Pasquale Monteleone, Jr.**  
                                  **Michael Gero, Building Official**

Chairman Moreal stated that at this time he would like to ask the Board if there were any corrections, changes or additions to the August 18, 2022 meeting.

**A motion was made by Carol Fortlage, seconded by Charles Bredt, to approve the Minutes of August 18, 2022.**

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

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

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.

Assistant Law Director Doyle stated that he wanted to put into the record that the Chairman mentioned it was a five person panel, but there were only four members in attendance tonight. The applicants would be within their rights to table their application until next month in light of that

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because for some reason if there would be a 2-2 vote, that basically under the law would get treated as a denial of the request. A tie would be a denial. There would not be a tie-breaker scenario. The applicant would be in a position of not being able to come back with the same request next month. So, given that there are an even number of members, any applicant would be entitled to table their matter until next month if they would so choose.

**6978 Ivandale Road, Michael Sliwinski** – Homeowner Mike Sliwinski was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present. There was a neighbor present.

The Chairman stated that the Board tabled the matter last month so the neighbors could work out the situation and hoped they would come to an agreement.

Mr. Sliwinski stated that they did come to an agreement the next day. He stated that there should be an updated picture.

The Chairman asked if there were any neighbors online.

The Secretary stated that there was one person online just showing a phone number without a name.

Chairman Moreal asked neighbor John Veres if he wanted to get sworn in.

Mr. Veres wished to be sworn in. He stated his name and gave his address.

Mr. Sliwinski stated that he thought the way they left it at the last meeting, the Chairman wanted them to work it out, and John and his wife and he spoke the next day. He stated that the fence will be a decorative fence.

The Chairman asked if there was a picture of the fence.

Mr. Sliwinski referred to the picture of the fence that he would like to put up. He stated that it will eventually be screened for privacy with plants. He stated that he didn't know if it would happen this year. He stated that would depend on whether the variance would be granted.

Chairman Moreal asked Mr. Sliwinski if everything else was the same other than the picture.

Mrs. Fortlage asked if the placement was the same as he talked about last time.

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Chairman Moreal stated that the property line, he asked the City Engineer. He stated that he remembered when Mrs. Graham owned the house, it was a pretty wet area. It takes all the rain and water runoff from the properties south. He asked the City Engineer what were his thoughts. He stated that they were thinking it would be best to stay off that and not put footers into that piece of property a couple of feet or so.

Mr. Sliwinski stated that the fence would not have footers. He stated that it was a no dig fence. He stated that the posts would get pounded about 3 or 4 into the ground. He stated that there would be a rod that would get pounded in 3 or 4 feet into the ground, and the posts will go over that.

Mrs. Fortlage stated that any landscaping would tend to absorb water.

Chairman Moreal asked the City Engineer if he could touch on that a little bit. He stated that he knows there was going to be work done at one point. He thought the City was going to do it, and the homeowner then didn't want it to happen, but it takes a lot of water. He stated that he was just looking out for both of them. He asked if there would be plantings on there, would it stop the water flow or would it create more of a problem? He stated that he thought they were only talking a few feet. He stated that he just wanted to hear the Engineer's thoughts on that.

City Engineer Ramm asked the City Planner to go back to the site plan. He stated that the proposed drainage project that they had proposed a number of years back really was some pipe work or some swaling work right down the property line. He stated that as long as the fence would be a foot or so off the property line, he thinks that if and when the project would ever move forward or if any grading work would need to be done to help pull the water out towards the sidewalk, it was going there now anyway; but he thinks they could manage.

Mr. Sliwinski stated that they had been pretty busy moving in and getting settled, but he did want to talk with the Engineering Department about the type of landscaping that they might plant that would help with that water.

Mrs. Fortlage asked to be reminded what was the distance from the property line to where the fence would be placed.

Mr. Sliwinski stated that he didn't know that off hand.

Mrs. Fortlage stated that it looked pretty close.

Mr. Bredt stated that from the drawing it was closer than what was staked out. He stated that it looked like there was 6 feet maybe.

Several people began speaking at once.

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Mr. Sliwinski stated that was kind of an adjustment that they made. He stated that the plan was to obviously not interfere with the water drainage, work with the Engineering Department to make sure whatever they do would help.

Mr. Bredt asked Mr. Sliwinski how tall was the decorative fence.

Mr. Sliwinski replied 4 feet. He stated that it was actually shorter than what he initially proposed. He stated that with the landscaping, he was hoping to get the privacy they wanted.

Mr. Bredt stated that he would move approval.

Mr. Veres asked can I make a comment? He stated that they were leaving it open-ended as to where it's going to be in relation to the property line.

Chairman Moreal stated that he mentioned at least a couple of feet. We are going to refer to the Engineering Department, Don. He stated that he didn't think it should be on the property line. He stated that he thought at least 2 feet.

Mr. Sliwinski stated that the intent was to keep it off of the property line.

The Chairman stated a minimum 2 feet. He asked how was that?

Mr. Veres said okay.

Mrs. Fortlage stated that was within in the rules so nothing would need to be stated.

Mr. Veres stated that he would rather have it stated if you can.

Mrs. Fortlage stated that she seconded the motion.

**A motion was made by Charles Bredt, seconded by Carol Fortlage, to approve the variance to 1363.01(c) to permit a fence to extend into the front setback line of the adjacent property.**

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

Mrs. Fortlage stated that was a lot easier.

Mr. Veres stated it will be less expensive for him tomorrow.

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Mr. Bredt stated that it was really good to see two neighbors work it out.

**7628 Hemlock Drive, Jennifer & Ryan Amos** – Robert Marek of Marek Builders was in attendance and sworn in.

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

There were no neighbors in attendance.

The Chairman asked Mr. Marek to explain to the Board why he would need the variance.

Mr. Marek stated that basically it was just to keep the house in line with the other houses on the street. He stated that he was before the Board a couple of years ago with another customer who was approved at the time. He stated that what happened was the people decided not to go forward. Everything had gone crazy with lumber and all that, and now through the Engineering Department they have to do a water main extension. He stated that it was a new owner, and they were aware of everything with the lot.

The Chairman asked Mr. Marek if he had built the house next door to this one.

Mr. Marek stated that he did build that house.

The Chairman stated that he didn't have an issue with the variance request.

**A motion was made by Councilperson Walchanowicz, seconded by Carol Fortlage, to approve the variance to 1163.04 of 38.6 feet to permit a new dwelling to have a front setback of 36.6 feet.**

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

**East Pleasant Valley Road, PPN 564-22-007, Indexco Prop, Et Al** – Matthew Montecalvo of DiGeronimo Companies was in attendance and sworn in.

Chairman Moreal stated that there were no neighbors. He asked Mr. Montecalvo why the Board had two sets of drawings.

Mr. Montecalvo stated that there should be multiple things. He stated that there should be a set of civil plans. He stated that would describe the earth work, the civil engineering that goes into the project, the stormwater controls and things like that.

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The Chairman wanted Mr. Montecalvo to explain the project.

Mr. Montecalvo stated that there should be elevation drawings. He stated that the rendering was from their architect which showed what the building façade would look like. He stated that there should be a drawing that showed the wetland locations. He stated that all the drawings were relevant to their request.

He stated that as the Board had seen through the application materials, they were planning a 260,000 square foot industrial building. He stated that the property was the northern most section off of the Rio Nero Drive cul-de-sac. He stated that it was a bit of a wedge shape because of the cul-de-sac and some of the surrounding properties. He stated that the building will be relatively decent in size. It would accommodate at least two new tenants. They actually had one tenant interested and signed up. They do not have all the contractual details worked out yet, but they were getting there. They wanted to take the piece of property and put it into a higher end use. The building itself from a use standpoint would be relatively similar, maybe a little bit more of an intensive use than what was already there.

Chairman Moreal asked if this property was the last piece of property.

Mr. Montecalvo replied yes. The others if they were to look at the plat map, they do not front on the cul-de-sac portion but front on the western edge of Rio Nero. He stated that it was kind of an odd shaped lot. They were able to locate the building to the north, run it east and west along the northern property boundary. The lot doesn't specifically conform, which would be the reason for the request. He stated that the building works quite well. They managed to work the parking in very nicely. He stated that the stormwater controls work quite well, it was just the frontage.

The Chairman stated that he was trying to figure out the frontage.

Mrs. Fortlage stated that she was not following the frontage either. She asked if it was on Pleasant Valley or on the side street.

Mr. Montecalvo stated that it was on the side street.

Mrs. Fortlage asked if the address would be the side street.

Mr. Montecalvo agreed.

Mr. Bredt stated that the frontage was just beyond the cul-de-sac where they would ingress and egress into the property.

Mrs. Fortlage asked if there was nowhere to go after that. She asked what about the next guy who wanted to build to the north?

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Mr. Montecalvo stated that there would be no way to access anything farther to the north. He stated that farther to the north of their property was actually CEI owns that property. He stated that there would be no access.

Mr. Bredt stated that before Mr. Montecalvo would get into the architecture, he had a quick question on the site plan. He stated that on L2-1 it showed what appeared to be the parking lot. He asked the property line to the west appears to be around the hash marks. He stated that what he was trying to get at was did the property line change from the original parcel to eliminate that existing gas well?

Mr. Montecalvo stated that was not the property line. He stated that the line that Mr. Bredt was talking about was not the property line. It was what they were calling their limits of disturbance.

Mr. Bredt stated that there was no coding on it. He stated that the second thing was that they had a temporary modification to the retention basin that exists. He asked what were they doing temporarily?

Mr. Montecalvo stated that the way that the civil construction process normally would work, especially for a building like what is being proposed. It would take a considerable amount of time to get the site work done and then get the building up out of the ground and go vertical. Generally speaking, the amount of stormwater that they would have to manage during what he would call the site work portion, would be relatively small. He stated that there was usually quite a bit of disturbed area, but they do not have a tremendous amount of stormwater that would be generated because not a lot of it would be impervious. He stated that as soon as they would start putting asphalt and the building would go up, they would have all this impervious surface. Now they would move into a stage where they would have to manage a lot more water, and that would become what they would call post-construction management requirements.

He stated that what their engineer has done was to give them that ability to, at least initially manage their stormwater a little bit differently during construction; and so that by the time the building would be completed and everything would be built, then it would be in its permanent state.

Mr. Bredt asked will the Engineering Department see a permanent water retention basin that would be different than the one shown.

Mr. Montecalvo stated that without looking at the exact plans, he would say that what was shown, and it was a little deceiving. He stated that what was shown on the wetlands exhibit would be a little bit different than what the actual final plan would be. He stated that the final plan was in their packet, and that was part of the civil engineering plans that was provided.

Mr. Bredt stated that the civil engineering was the potential finished product.



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Mr. Montecalvo agreed.

Mr. Bredt replied thank you.

Mr. Montecalvo stated that all of that would go through review and approval from the Engineering and Building as they would go through the process.

Mrs. Fortlage stated that not having been back there before today, she was surprised to see that it might be functioning as a dump for the excavation of materials. She asked what were all those rock things?

Mr. Montecalvo stated that all of that was recycled concrete material. He stated that it was clean hard fill, and they will actually be utilizing that. They would bring some crushing equipment out to the site. They will crush that material, and basically it will mirror the size of the aggregate that would put underneath a roadway or slab of a building or something like that. They were going to actually re-use all of that on site.

Mrs. Fortlage stated that the function of moving the contents of a truck dumped there would stop because that was their building material.

Mr. Montecalvo stated that what was being dumped there would be only concrete. He stated that the other building material really didn't have any value in that sense. He stated that material there was being placed there for that reason. He stated that it would get recycled, and then obviously once the building was up and running, that practice will have to stop. He stated that there would be no space for it. He stated that was certainly nothing that a tenant would want to see. He stated that they did mention, someone asked about the steel there. He stated that those were bar joists for the eventual building construction. Those were being stored there.

Councilperson Walchanowicz stated that he had a question that was kind of off the chart. He stated that in the last few months they have had a lot of concern with the shooting range that was there. He asked where this would be affiliated with the entrance to get down to that shooting range.

Mr. Montecalvo stated that the entrance to the parcel was essentially as you would see on the plans, and that does not intend to change. They were going to utilize the curb cuts as part of their ingress and egress. He stated that as far as the shooting range itself goes, that would be something that they know they will have to get together with the rifle club and make sure that all of the protocols that they have in place with the lease agreement were being followed and the access would make sense between them and their tenant and them.

Chairman Moreal asked how do you get into the shooting range.

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Councilperson Walchanowicz stated that it was a private club.

The Chairman stated that he knew that, but he wanted to know where you would enter.

Councilperson Walchanowicz stated that was his question.

The Chairman stated that it was not off of their driveway.

Councilperson Walchanowicz stated that it was up there somewhere.

Mr. Bredt stated that he thought it was at the most eastern edge of the Kichler property. He stated that it had been a long time since he had been back there, down low. He stated that he rode back there on a four-wheeler and heard them but couldn't find it.

Mrs. Fortlage asked who owned it, Independence Excavating?

Mr. Montecalvo stated that the property that the rifle club uses was as far as he understood was on this property.

The Chairman asked if it was this lot.

Mr. Montecalvo stated that as far as they know, they own it.

Mrs. Fortlage asked if it was just a building?

Mr. Montecalvo stated that it was just outdoor as far as he knows.

Councilperson Walchanowicz stated that it was outdoor, but there has been a lot of ongoing issues with it. He stated that what he was told was that it was historical. It was one of the oldest shooting ranges in Ohio. It was over 100 years old. He stated that it was a club. He stated that he had literature right there. He stated that it was brought up again in the Council meeting on Tuesday.

Mr. Montecalvo stated that it was brought up in the Planning Commission meeting as well.

Councilperson Walchanowicz stated it was the Sagamore Hills Rifle Club, and one of his concerns was that they shoot some really high-power rifles down there. They were shooting into an embankment. He stated that it has been a topic of interest for at least six months now. He stated that his thing was if they were out there shooting, and there are people working on the top of the hill, would there be a noise issue?

Mrs. Fortlage asked how many people were they bringing in with the new construction.

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Mr. Montecalvo stated that he thought the estimate was 120, but it could change a little bit. He stated that the whole idea for the new tenant was for them to expand their business as well. He stated that it would be somewhere between 90 and 120. He stated that he believed the City's Economic Development Director has had discussions with them as well.

Councilperson Walchanowicz asked if this was the company that would be relocating?

Mr. Montecalvo agreed.

Mrs. Fortlage stated it was Faber-Castell.

Mr. Montecalvo replied yes. He stated that the Economic Development Director might have a little bit more recent information. He stated that for better or for worse, he would tend to stick to the engineering and construction pieces of the project.

Councilperson Walchanowicz stated that it would basically be a huge craft, they do kids crafts. He stated that they put them in boxes, and you could buy them. He stated that they were relocating from the building they were in.

Mrs. Fortlage stated that she was just thinking about people walking around the area.

Councilperson Walchanowicz stated that he believed that there was going to be some manufacturing in the building of that product, and those products, you can't go there to purchase them. They would be sold to Michael's and others.

Several people began speaking at once.

The Chairman stated that it would sit a lot lower.

Mr. Montecalvo stated that the grade change between the top of the hill and the bottom of the hill would be upwards of 60 feet. He stated that it was very significant.

Mrs. Fortlage stated that they were asking for some relief in regard to the riparian setback. She asked if there was any sort of mitigation that they would be proposing if that would be granted.

Mr. Montecalvo stated that he would say not conditioned, what they were asking for in their particular request would be relief from the setback. He stated that as far as the wetlands themselves, and this was something that was discussed a little while ago; but as far as the wetlands themselves, they actually have a delineation. They were planning to permit their removal through the Ohio EPA. He stated that as they could see in that last drawing in the packet, those were inside the building footprint, the wetlands that were inside the building footprint. He stated that they intend to permit their removal, and that will require mitigation.

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Ohio EPA them to mitigate, and so they were going to do that. He stated that the issue at hand would be they need to get under construction sooner they think than the EPA would allow them to remove the wetlands. He stated that their typical approach to that would be to fence off the wetlands with some bright orange construction fence to make sure that everybody knows not to go into the wetlands, and then they continue to work around them. He stated that because of their quality, they were Category 2, they qualify for the City's wetland setback requirements. So, they were asking for relief from that setback requirement, so they could essentially place their barrier fence right on the edge of the wetland and work right up to them until such time as they have a permit to remove them.

He stated that they didn't want to get anybody in trouble by doing that common practice. He stated that they were not going to get rid of the wetlands until they have to do so, but they also want as much workable area as possible to do as much work as they can before they get that permit. That was why they were asking.

Mrs. Fortlage asked the Assistant Law Director if there was any sort of a contingency they should be discussing about the riparian setback.

Assistant Law Director Doyle stated that his only concern with that would be if it would start infringing on any of the other easements that the City might have in there. In that case, they would put together the standard form that they deal with the Building Department on; but otherwise no not from his perspective.

Mrs. Fortlage asked the City Engineer if there were any easements for the City back there.

City Engineer Ramm stated that there were some bigger utility easements. He stated that he thought CEI had an easement. He stated that he didn't believe there were any City interest out there by way of easements. He stated that he agreed with everything Mr. Montecalvo stated. He stated that one thing just to clarify on the application it stated relief to the riparian setback. He stated that to be clear and to be specific, it would be a relief to the wetland setback was what they were talking about.

Mrs. Fortlage stated that they will change that word.

City Engineer Ramm stated that it was the same code, it would be the same accurate code. He stated that it was the wetland setback specifically. He stated that he thought the proper way to approach it from an approval standpoint was to permit the setback variance contingent upon and subject to the Ohio EPA approval of those wetlands being filled in. That was probably the prudent terminology exactly as Mr. Montecalvo explained it from a chronological standpoint.

Mrs. Fortlage stated that maybe the Board should vote on the variances one at a time.

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The Chairman agreed.

Assistant Law Director Doyle stated to the City Engineer that he stated contingent upon the Ohio EPAs approval of the wetland.

City Engineer Ramm stated of the wetland impacts that Mr. Montecalvo explained that they were seeking a permit from the Ohio EPA to fill those wetlands. It would be subject to the ultimate permit from the EPA.

**A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to grant the variance for the wetland setback as explained above.**

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

Chairman Moreal stated that the next one the Board didn't touch on, the 42 foot height of the building.

Mr. Montecalvo stated that he would say that within the last five to ten years with the prevalence of pre-cast concrete structures and this concept of flexible industrial where you have some amount of manufacturing, some amount of distribution, some amount of office space, the building architecture has changed, and they find that most of their tenants want a higher cleared space inside the building. A 32 foot clearance is normally what they have been asking for. That was typically what they would see requested. That is what they have built everywhere else that they have done in the last eight years. He stated that this was a very common architecture for them.

He stated that the code only allows for 35 foot exterior height, and a building of this type, of the 32 foot clear span inside would actually be 42 feet high outside. So, that was the reason for the request for the variance, but again it would come down to the architecture, the use and the building construction.

Chairman Moreal stated that from clear space to the roof there was 10 foot there.

Mr. Montecalvo agreed.

Mr. Bredt asked if that was because the roof was pitched, or were they putting mechanicals up in there.

The Chairman asked if they were hiding the mechanicals up there.

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Mr. Montecalvo stated that in terms of the pitch, there was a small pitch to the roof. He stated that he didn't remember exactly, but there was a small pitch to it. He stated that the other thing was the bar joist and the trusses that would be used would take up, and they could see them when they were actually staged out there; they do take up some considerable amount of space, several feet of their own as well. Then you have roofing materials that would be built up on top of that, and there will be some mechanicals on the roof.

Mr. Bredt asked if the front elevation would have a parapet to it?

Mr. Montecalvo stated that he was going to say yes. He has not looked at the architectural plans. He stated that typically it would be yes.

Mr. Bredt asked if that was included in 42 foot height.

Mr. Montecalvo replied yes. He stated that the 42 foot was floor to ceiling, to the highest point of the building.

Mr. Bredt asked if a building of that size would require it to be sprinklered.

Mr. Montecalvo replied yes. He stated that they will have it fully sprinklered. He stated that in fact typically they will have it all done long before tenants would come in.

Mr. Bredt asked if there would be drafting capabilities.

Mr. Montecalvo stated that he couldn't say for sure.

Mr. Bredt stated that he was just curious because of the size. It would be a monstrous building.

Mr. Montecalvo agreed.

Mrs. Fortlage stated that based on where the building would be, she didn't have any trouble with granting the height variance.

**A motion was made by Carol Fortlage, seconded by Charles Bredt, to approve the variance to the height of the building.**

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

Chairman Moreal stated that last was the variance of 90.6 feet to permit the frontage to be at 159.60 feet.

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Mr. Bredt stated that there was really no other way to do it.

Mrs. Fortlage stated that there isn't, and the applicant has already explained it.

**A motion was made by Carol Fortlage, seconded by Charles Bredt, to grant the variance of 90.6 feet to permit the frontage to be at 159.60 feet.**

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

Mr. Bredt stated that he had one last question, and it was only out of curiosity. He asked how long Mr. Montecalvo thought that there would be a ruling on his application.

Mr. Montecalvo stated that it was the Ohio EPA, and the approval will come out of the central office in Columbus. He stated that was how they cycle all the permits out of the central office. He stated that the folks in Twinsburg tend to just do site inspections and things like that. He stated that he believed, and he was probably going to get it wrong, he believed the Ohio EPA had a statutory obligation to return a permit decision in 90 days. He stated that actually he would go with Ohio EPA all day long. He stated that the problem that they find with the Corps of Engineers for water to the State of the United States of America, is that if you are outside the nationwide permit process, there is no statutory obligation. He stated that they could take as long as they care to.

Mr. Bredt stated that the Ohio Construction Manager for Buffalo EPA, his name was Matt Snyder, and he was fantastic. He was from Cleveland. He stated that he could give him a call and get him all the information.

Mr. Montecalvo thanked Mr. Bredt.

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

The Chairman asked if there were any neighbors online.

The Secretary replied no.

Chairman Moreal asked Mr. Myers to explain the reason for the variance.

Mr. Myers stated that they were taking out their deck. They were having a 20' x 30' stamped concrete patio put in which was already approved. He stated that the idea was to attach a pavilion to a roof over a 16' x 18' portion. He stated that when you walk out it will be literally just four

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posts and roof. He stated that they could then enjoy the patio nine months out of the year. He stated that he didn't understand how the code worked. He stated that they have a bigger front yard. By putting it on there, it would not overhang the patio at all, it was just because of the rules that it was attached to the house. It was a roof.

Mr. Myers stated that the canopy will go. He stated that it will improve the look of yard. He stated that his neighbors all know about it.

Councilperson Walchanowicz stated that he knew the neighbor next door and talked to him about it. There were no issues.

Mr. Myers stated that the four posts will have to go into the ground, and they will concrete around it. That part will have to be done first.

Councilperson Walchanowicz asked Mr. Myers if he came to the Zoning Board for the fence.

Mr. Myers agreed.

Several people began speaking at once again.

Mrs. Fortlage stated that based on her visit, it was her understanding that the roof will extend no farther than what was already on the ground, in other words, it would change nothing for the neighbors or area. She stated that she was willing to move approval.

**A motion was made by Carol Fortlage, seconded by Councilperson Walchanowicz, to approve the variance to encroach into the rear building line.**

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

Mr. Myers asked if the builder would have to redo the permit, or how would that work?

Mr. Bredd stated that it would require an inspection.

Mr. Myers asked if they had to redo the permit after the 30 day period was up.

Mrs. Fortlage stated that the Secretary might know something.

The Secretary stated that she would give the Building Department a call on Monday. She stated that the Building Official was out of the office until then.



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Mr. Myers replied thank you.

There being no further business, the September 15, 2022, meeting of the Board of Zoning Appeals was adjourned at 6:14 p.m.

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**Chairman Mark Moreal**

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**Debi Beal, Secretary**

Minutes Unapproved at Time of Release 09/19/22