

**MINUTES OF VIRTUAL MEETING  
BOARD OF ZONING APPEALS  
CITY OF INDEPENDENCE  
September 16, 2021**

**New Business:**

**Approval of Minutes of Regular Board of Zoning Appeals Meeting held on August 19, 2021.**

- 1. 7118 Kleber Court, John Gerbasi** - Requesting a variance to 1113.09(c) to permit a driveway to be 22.6 ft. in width (20 ft. permitted, 22.6 ft. requested).
- 2. 6858 Linden Lane, Samuel Capps** - Requesting a variance to 1165.02 to permit a portion of the deck to extend 2' into the rear building setback (not permitted).
- 3. 6613 Beechwood Drive, James Parsons** – Requesting a variance to 1165.01 of 7' to permit an accessory structure to be 8' from the side lot line (8' requested, 15' required).
- 4. 5280 West Ash Road, Anthony Zambito** – Requesting a variance to 1143.03(b) to permit a trailer to be parked in the front side yard (not permitted).

The virtual meeting was called to order by Chairman Mark Moreal at 5:35 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**  
                          **Gregory P. Kurtz, Mayor**  
                          **Michael Gero, Building Official**  
                          **Don Ramm, City Engineer**

**ABSENT:**           **Gregory J. O'Brien, Law Director**

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 19, 2021 Minutes.

Assistant Law Director Will Doyle stated that he thought there was a mix up, he stated that it looked like it was a miscommunication between the Law Director and himself. He stated that they would need a motion to reconsider the approval of the application from August 19, 2021 on

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Page 12 of the Minutes that a variance if granted would include a stipulation that the variance shall commence within the next seven years.

The Secretary stated that was regarding 6800 Brecksville Road.

Assistant Law Director Doyle stated correct, that was the piece of information he was missing.

Mrs. Fortlage asked if the motion would be to reconsider?

Assistant Law Director Doyle stated to reconsider the approval of the application for 6800 Brecksville Road.

**A motion was made by Carol Fortlage, seconded by Pasquale Monteleone, to reconsider the approval of the application for 6800 Brecksville Road.**

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

Chairman Moreal asked if the Board was good with everything else, everything was corrected per Carol's request?

The Secretary stated that it will be added.

Mrs. Fortlage asked so what's the next motion Will, do we vote on the motion with the change in it? Do we vote to approve the variance request as amended?

Assistant Law Director Doyle replied yes, and I think that would be covered by the motion that the Board just put it on; so he thinks they should be good.

Mrs. Fortlage asked and which Minutes does it land in?

Assistant Law Director Doyle stated that it would be reflected in the Minutes for this meeting.

The Secretary stated that they will do the motion for reconsideration to add that seven year period.

Mrs. Fortlage stated that if anybody would look for it, how would they find it?

The Secretary stated that she will put it in the August 19, 2021 Minutes to add that seven year period to the motion, and they will have it reflected in the Minutes tonight also.

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Mrs. Fortlage asked if they were done with that?

Both the Assistant Law Director and the Secretary replied yes.

Chairman Moreal stated with that being stated, did he have a motion to approve the Minutes then, all the Minutes from August 19, 2021.

**A motion was made by Pasquale Monteleone, seconded by Charles Bredt, to approve the Minutes of the August 19, 2021 Board of Zoning Appeals meeting as amended.**

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

Building Official Gero stated to the Assistant Law Director, that since they changed that to reflect that in the motion, shouldn't all motions be specific as opposed to a motion to approve the variance request.

Assistant Law Director Doyle asked if it would be a motion to request a variance to Chapter 1377, basically what the application would be.

Building Official Gero stated that specific variance as opposed. He stated that many times motions would be made as they could see on the Minutes there for the first item; the motion was made to approve the requested variances as opposed to what the variances specifically would be in the motion.

Assistant Law Director Doyle stated that he was not sure what the Building Official was looking at.

Building Official Gero stated that in the Minutes there, the first item there, 6606 Bexley Court. He stated that if he would look at Page 4, that motion there.

Chairman Moreal asked if the Building Official wanted the variances spelled out?

Assistant Law Director Doyle stated that the reason they did it that way was because the requested variance was granted. He stated that "as granted" was not reflected in the Minutes that way; that was his understanding.

Building Official Gero stated that was fine. He stated that he didn't know if it was something that they just needed to clean up.

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Chairman Moreal stated that he knows what the Building Official was saying. He wanted the Board to spell out the variance again when they make the motion.

The Secretary stated that if it wasn't done that way, that would not be verbatim minutes.

Mrs. Fortlage stated that verbatim minutes were stupid, sorry.

Building Official Gero stated that he just raised the question for clarification, that was all.

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.

**7118 Kleber Court, John Gerbasi** - Homeowner John Gerbasi was in attendance and sworn in.

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Chairman Moreal asked if there were any neighbors present.

The Secretary stated that there were no neighbors in attendance.

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

Mr. Gerbasi stated that they removed the tree up towards the house, and the main reason they want the variance would be to add an additional parking space to the left of the garage to provide for unobstructed projects. When they have a car in the garage, they could pull it out and leave another car off to the side without having to move that car.

He stated that they have a newborn on the way, and with having the multiple cars they want to be able to have both cars on their property and not have to play musical cars to get it out. They want to add that, and the existing concrete was in need of some repairs. He stated that there was some unevenness; so for safety reasons they would like to correct that. While they were doing that, they wanted to do the expansion that they desire.

Chairman Moreal stated that per the drawing, the existing that was there, they would be replacing some of it at the bottom. He asked Mr. Gerbasi if that would still be his footprint at the street. He would bend it around that tree, and it would be the same width at the street.

Mr. Gerbasi replied correct. He stated that the apron will be unaffected. He stated that the apron went out in the easement. He stated that the first three sections of concrete closer to the street were a little bit newer. He stated that they were not sure when that was added, but up close to the house past that first tree was a more of a granular look. He stated that up towards the house there was some unevenness that they want to replace. He stated that they intend to leave the apron and the first few sections of concrete as is and leave the tree as well.

Mr. Bredt wanted to ask a question about the street view that was on the screen, to the immediate right of the mailbox. He stated that it appeared that there was concrete there that was not shown on the drawing. He asked how wide was the driveway at the sidewalk.

Mr. Gerbasi stated that he didn't have that measurement as it was in the easement. He basically considered it not part of his property. He stated that he had 142 inches, that was the width of the concrete they were leaving. He stated that the apron would be wider than that. He stated that right at the pink line where it would intersect the driveway, that was 142 inches.

Mr. Bredt asked Building Official Gero if that was a three-car attached garage, how wide would Mr. Gerbasi be allowed to have the entrance to the garage itself. He was just curious.

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Building Official Gero stated that in front of the garage he would be able to have a full driveway in front of all three bays. He stated that when he would typically restrict the width of a driveway, which would be from the apron to the approach; so he would need to widen out right in front of the garage. He stated that Mr. Gerbasi was widening out, but he was widening it out back further on the drive as opposed to right in front of the garage. He was coming out about 33 feet from the front of the house. That was where he was going to begin to widen his driveway.

Mr. Bredt stated that he didn't have a problem with that, he was just curious how that (inaudible) got defined.

Building Official Gero stated that he understood. He stated that it was discussed previously on the application.

Chairman Moreal stated that he didn't have an issue. He stated that it was somewhat justified by what he was trying to do. He thought it was more to keep cars off the street because if you have ever been down that street, it was a tight street. People parking on that street right off Route 21, it was a nasty street as far as trying to maneuver and get around. It was a short street also. He stated that he didn't have any issue with that. He stated that it would fit to what Mr. Gerbasi was doing.

**A motion was made by Councilperson Walchanowicz, seconded by Charles Bredt, to approve the variance to 1113.09(c) to permit a driveway to be 22.6 ft. in width.**

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

**6858 Linden Lane, Samuel Cappas** – Homeowner Samuel Cappas and contractor Jody Morgan were both in attendance and sworn in.

Chairman Moreal asked if any neighbors were present. There were no neighbors who were present.

The Chairman asked why the variance was needed.

Mr. Cappas stated that he built the home, it was a Pulte project, on Linden Lane. He stated that he would like to put a deck up in the backyard. He stated that his property line was on an angle. He stated that he had the nature preserve behind him and a non-buildable lot to his right. He stated that he was at the end of the cul-de-sac. He stated that he would like to come out 13 feet with the deck, and his house was wider at the back and had 10 feet at the right side of the deck. He stated that from the measurements for the property, he could get the support beam to support

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up the deck in the envelope of the building line, but there would be a slight encroachment of the cantilever which would be up ten feet in the air. He stated that was where the encroachment was. He stated that as the Board could see, it would taper down. He stated that the encroachment would be approximately half of the deck, possibly a little less.

Chairman Moreal stated that Mr. Cappas would be overhanging approximately 20 inches to nothing at halfway down at 13 ½ feet. He stated it would be ten square feet maybe out of a 300 foot deck.

Mr. Cappas stated that was correct.

Mr. Monteleone stated that he would just like to say that if Mr. Cappas would disturb any of the protected area, he would like to make sure that it would be put back to the way it was.

Mr. Morgan stated that since he would be doing the work, that would be taken care of. He stated that he understood the need for the easement back there for the drainage system itself. He stated that they would make sure they would stay clear of that with any equipment.

Chairman Moreal stated that the support beams and columns wouldn't even encroach, the one would right on the building line.

Mr. Cappas stated that they would be within the envelope of the building line.

Assistant Law Director Doyle stated that there would be no need for licensure or anything like that, anything to take into account any encroachment. That was his understanding.

Building Official Gero stated that he was looking at this, and he was not seeing, he didn't know if the City Engineer could better interject. It may need to be looked at tomorrow on an actual full topographic site plan. He stated that he did not see any easement on the rear being listed on the submittal. He asked the City Engineer if he saw anything. He stated that there were easements on the side yards, but he didn't see any easement on the rear.

Mr. Cappas stated that he was not aware of any.

City Engineer Ramm stated that there was a storm sewer easement in the back that would go off into the detention pond.

Chairman Moreal asked the Building Official if he was thinking there was one.

Building Official Gero stated that a lot of times there was; but he didn't see one listed. He stated that would be something that the City would have to prepare a revocable agreement. He stated that was just for the rear building, that was what the Zoning Board was looking at, the

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encroachment of the rear building line. He stated that they will be able to check it out to make sure that everything was in order tomorrow.

Assistant Law Director Doyle stated that he was just asking the Chairman because he didn't see an easement listed, and he knows that there were a lot of them in that development. He stated that it looked clear to him that there was not one on the rendering.

Mr. Morgan stated that he wanted to ask a question because he had two more houses just down from Mr. Cappas' that would also be getting decks that he will have to then find out what information to look for so he will have those submittals in order as well.

Building Official Gero stated that they will need to have a good topographic rendering submitted to be able to determine if in fact they would be encroaching into the easement or if they would just be encroaching past the building line, or if they were staying out of both completely. He stated that each one would be reviewed. Each application would be reviewed to determine. He stated that if there was an easement encroachment, and it wouldn't adversely affect anything by encroaching into the easement, they will have a revocable license agreement prepared so that it will be recorded and would run with the property for any future owners to be aware of the encroachment.

Mr. Monteleone asked if the matter would get tabled or could they make a motion.

Building Official Gero stated that they could go ahead and vote on the matter. He stated that the other issue was totally separate from the Zoning Board.

Chairman Moreal asked if there were any questions from anybody else. There were none.

**A motion was made by Pasquale Monteleone, seconded by Councilperson Walchanowicz, to approve the variance to 1165.02 to permit a portion of the deck to extend 2' into the rear building setback.**

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

Mr. Cappas asked what his next step was on this.

Building Official Gero stated that they will be contacting the applicant regarding the permit and issuance and whether or not any revocable license agreement would be necessary. If so, they will have it prepared and sent to Mr. Cappas so it could be completed.

Mr. Cappas asked if there was a general timeframe on something like that.



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Building Official Gero stated that they should have any answer to Mr. Cappas sometime tomorrow, if not first thing Monday. After that it will take a few days to have something prepared and given to Mr. Cappas so he could get it taken care of with the HOA and signed off and everything.

Mr. Cappas replied thank you.

**6613 Beechwood Drive, James Parsons** – Homeowner James Parsons 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 Mr. Parsons for the record tell the Board why he would need the variance.

Mr. Parsons stated that he was requesting the variance because he was trying to be fair to both neighbors on the north side and also on the west side of his house. He stated that it would also him to be accessible to his rear patio. He stated that he was on a corner lot that was 97 feet wide and 200 feet deep, and he positioned the shed so that it would allow him to access his patio without blocking the gate. He stated that the shed would be 10' x 12', and he framed out a wooden base to hold the limestone flooring that he would be putting in to hold the gravel.

He stated that he had a series of photos that he provided to the Board. He stated that on Photo 1 that was looking at the east side towards his white fenced patio, and it showed the wood base that will contain the stone. It also shows the narrow white panel which was his gated patio there just to the left. Mrs. Parsons stated that they also would put some landscaping on the one side.

Mr. Parsons stated that Photo 2 was looking north from his property line and showing the wood frame. It was positioned about 4 feet from off of his patio with the red reflectors indicating the outline of the shed.

He stated that Photo 3, again looking from the north property line towards the east showing the wood frame base was inside the patio enclosure boundary line.

Photo 4 would further confirm that when you look down the north side of the patio line, that the shed will be entirely inside that patio enclosure area.

Mr. Parsons stated that he had spoken with both neighbors, and both neighbors have signed off that they have no problems with him positioning the shed where he has it located on the drawing.

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Chairman Moreal stated that Mr. Parsons stated earlier when he opened up in his letter, he stated that he was trying to be considerate to both of his neighbors. He stated that the first thing he noticed when he made the turn on Maple Leaf, he appreciates how he moved that shed forward so it would not be an eyesore to the neighbor there. He stated that Mr. Parsons was not asking for a rear yard variance, but he could be 10 foot off the rear, and he moved it up. He stated that he liked what Mr. Parsons did there. He stated that it would fit in that area for sure as far as Mr. Parsons trying to help his neighbor. He stated that it was a nice gesture what Mr. Parsons did.

Mr. Monteleone stated that Mr. Parsons did a great job explaining everything and putting it together.

Mrs. Fortlage stated that she had a question for the Building Official. She asked if there was a variance for the patio, the white fenced part.

Building Official Gero replied no there wouldn't be a need for that for a patio.

Mrs. Fortlage stated that it just seemed odd that it was in line and one was already allowed, and the other one would need a variance.

Building Official Gero stated that if Mrs. Fortlage recalls, a fence could be on a property line.

Mrs. Fortlage asked if the Building Official was calling that a fence.

Building Official Gero stated that was what it was, it was a fence, isn't it?

Mrs. Fortlage stated that it was raised.

Building Official Gero stated that it was a patio with a fence on top of it, and then it could be on the property line. He stated that it was not a structure with a foundation.

Mrs. Fortlage replied okay, thank you.

Building Official Gero stated that it was not an accessory structure.

Mr. Monteleone stated that had nothing to do with the variance request.

Mrs. Fortlage stated that she was just thinking if there was already, she was questioning it because if there was something that was already on the record allowing the building at this point, they wouldn't be needing to do what they were doing. She stated that it looked like a good choice to her, and she was okay with it.

Chairman Moreal stated that it was laid out pretty nice for that piece of property he thinks. He asked if there was anybody else.

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**A motion was made by Charles Bredt, seconded by Carol Fortlage, to approve the variance to 1165.01 of 7' to permit an accessory structure to be 8' from the side lot line.**

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

**5280 West Ash Road, Anthony Zambito** – Homeowner Anthony Zambito 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 stated for the record, he wanted Mr. Zambito to explain to the Board why he would need the variance.

Mr. Zambito stated that he cannot get his trailer in the backyard out of view. He stated that he had a gate on the west side of the house between his house and the neighbor's. He stated that the trailer would not fit through the gate, it was too wide. He stated that the gate was only 67 inches.

Chairman Moreal asked Mr. Zambito if he could make the gate a double gate, could he make it wider.

Mr. Zambito replied no because the post on the right, that was actually the neighbor's fence. It was not his. He stated that to the right of the fence was the neighbor's yard.

The Chairman asked about the other side of the property.

Mr. Zambito stated that it butted up against the freeway.

Councilperson Walchanowicz stated that it was pretty tight there. He stated that he was down there a couple of times looking with Mr. Zambito, and there was not a whole lot that he could do with it over there.

Mrs. Fortlage stated that she had some questions and asked if they were ready. She asked who owned the property basically across the street from Mr. Zambito.

Mr. Zambito stated that it was private property, part of it was owned by the State and part of it was private. He stated that there was nothing there.

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Mrs. Fortlage stated that she knows, but it also looked empty and she wondered if it had been attached to Mr. Zambito's property.

She asked what was the trailer for.

Mr. Zambito stated that it was for ATV's.

She asked if the trailer was there year round.

Mr. Zambito stated that it was. He stated that he only had the trailer a year. He stated that it had been there for a year, and no one had said anything. He stated that it must have gotten noticed. He stated that he wasn't trying to scam anybody, he thought he could leave it there.

Chairman Moreal stated that obviously it was in the front yard on the street.

Mrs. Fortlage asked where were the ATV's.

Mr. Zambito stated that one was in the shed, and one he has to leave at his mom's house.

Mrs. Fortlage asked Mr. Zambito if he could put the trailer at his mom's house.

Mr. Zambito stated that she did not have room herself.

Chairman Moreal asked Mr. Zambito what he kept in his garage.

Mr. Zambito stated it was a car. He stated that it was supposed to be a two-car garage, but it was not a two-car garage. He stated that there were kids' bikes, lawnmowers. He stated that it was not as big as it looked.

The Chairman stated that Mr. Zambito just has a lot of stuff.

Mr. Zambito agreed. He stated that the right side of the garage has a refrigerator, a freezer. He stated that the front was storage. He stated that by the time you put everything in there, there would be no room for anything except one car.

The Chairman asked Mr. Zambito how often would the trailer leave the yard.

Mr. Zambito stated that it would leave the yard not very often. He stated that at this time of the year they go on a few trips riding, but for the most part the trailer would stay there until it was used. He stated that people seem to like to borrow it. He stated that it does not leave every day. He stated that he might use it a couple of times a month.

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Chairman Moreal stated that the Board has a lot of people who come to them, and they tell them that there are places to park it or rent a spot. He stated that he knows of quite a few around that they just have to find a home for it to try to park it somewhere. He stated that Mr. Zambito would not use it every day, so that was where the Chairman was going with that. He stated that if he would use it once or twice a month, it would not be that much of an inconvenience to go pick it up somewhere.

Mr. Zambito stated that he and his wife were under a tight budget, and he thought about renting; but it would not be in the budget to rent a space to put the trailer.

Mr. Bredt asked why was the trailer where it was and not closer to the house.

Mr. Zambito stated that up by the garage, there were four cars in the driveway. He stated that he has his car, his wife's car and he has two kids who drive. He stated that obviously the other two cars weren't there.

Chairman Moreal stated that he was thinking what Mr. Bredt was asking, if the trailer was up more by the house, it would be more out of sight.

Mr. Zambito stated that if the Board would go to the side picture, he has the trailer back about 10 more feet right now. He stated that there was kind of a pad right there. He stated that it goes off on a little bit of an angle by a wheelbarrow right there.

The Chairman stated that he saw it.

Mr. Zambito stated that the trailer was about ten feet further back right now.

Mr. Monteleone asked if Mr. Zambito ever considered getting in touch with ODOT and asking them if they could give him a variance for that fence.

Mr. Zambito stated that he had not asked them.

Mr. Monteleone stated that they will listen. He stated that he had some experience working with them, it was all about calling them and having someone come out and showing them the issue. He stated that maybe they could have it where it would be removable and put it on the side of the house.

Mr. Zambito stated that on the left side and bringing it back that way. He stated that the problem with that was that there were pine trees that were right there. He stated that the fence was removed. He stated that he didn't know if ODOT would let him remove the fence and a couple of posts.

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Mr. Monteleone stated that maybe they would make it so he could open and slide it through there while it was not being used. He stated that maybe they would let Mr. Zambito put a gate on there where he could slide it through the gate or something. He stated that he has seen ODOT talk to some other people about other issues.

Mrs. Fortlage asked the other Zoning Board members what they thought about giving Mr. Zambito a one year variance to resolve it in a different way.

Chairman Moreal stated that obviously they were trying to help Mr. Zambito out a little bit. He stated that when he made the turn and came down the street, it was more than he expected. He didn't expect to see the trailer. He stated that his son has trailers. He stated that it was like in the front yard by the street. He stated that was not what he expected. He stated that he has an issue where the trailer was at. He stated that he would like to see it disappear somewhere or like Mrs. Fortlage stated, try to work with the Board. He stated that if Mr. Zambito could maybe try to find a home or work something out. The Chairman would be okay with that.

Councilperson Walchanowicz stated that if the Board would give Mr. Zambito a year, that would give him time to contact ODOT and see if he could work something out with them.

The Chairman stated that maybe if Mr. Zambito gets along with his neighbor, he could make a bigger hole in the fence on the side or something to get into the backyard.

Mr. Monteleone stated that if he has four wheelers, he could probably go through the neighbor's yard and cut a hole in the fence and park it back there. He stated that it was not a heavy trailer. He stated that the Board could give Mr. Zambito a year to figure something out, either a friend's house or grab a lot somewhere, put it in the backyard somehow, call ODOT.

**A motion was made by Councilperson Walchanowicz, seconded by Pasquale Monteleone, for a one year variance for the applicant to speak with ODOT or a neighbor for a side entrance to his backyard.**

**ROLL CALL:           Yeas: Walchanowicz, Monteleone, Moreal, Fortlage  
                          Nays: Bredt  
                          MOTION CARRIED**

Chairman Moreal asked Mr. Zambito to see what he could do.

Mrs. Fortlage stated that she has been having a sidebar with Assistant Law Director Doyle about her uncertainty that the Board had accomplished the objective in the beginning of the meeting.

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She stated that she hoped that he would consult with Law Director O'Brien and make sure the Board did it right. If not, that the Board would fix it the next time.

Assistant Law Director Doyle stated that he responded to Mrs. Fortlage a moment ago, and he was of the opinion that they did do it right. He stated that the Board could do another motion.

Mrs. Fortlage stated that the Board would probably need to see the Minutes. She stated that if they were verbatim, it would be interesting to see how those turn out. She stated that she asked the Assistant Law Director for his opinion, and he gave it. She stated that she was just alerting the Board about her concern.

Chairman Moreal stated that he understood what Mrs. Fortlage was saying, but he stated that when he read the request, he stated everything; so the Board was acting on that request. He asked if she wanted it repeated again when the Board would make the motion.

The Secretary stated that they were talking about two different things.

Mrs. Fortlage stated that she was talking about the correction of the motion for the variance granted at the last meeting, that whole process she has some qualms about, but they shall see how the Minutes turn out.

Mrs. Fortlage asked the Building Official if it was still the case that there was a code.

Assistant Law Director Doyle stated that one of the applicants was still on the Zoom call. He stated that he wanted everyone to know it was not just the Board and himself and Don.

Several people began speaking at once.

Chairman Moreal stated that they could close the meeting.

Assistant Law Director Doyle stated that he just wanted the Board to be aware that was the case if they wanted to close the meeting.

Mrs. Fortlage stated that it was hard to know about who was on, she doesn't keep a participants list in front of her.

She asked the Building Official if it was still in the record books for Independence, you may not overnight park in front of the building line of your property?

Building Official Gero stated that he would have to look specifically to see what it said or how it was written. He stated that if that was the case, then everybody would get citations.

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Mrs. Fortlage stated that she didn't want to enforce it, she wanted to get it changed because it is a nonsensical regulation at this point.

Building Official Gero stated that he had a book full of those Carol.

Mrs. Fortlage stated that when people come to the Board, so her question was who was going to address that because when they get people coming to the Board for approval of things that would obviously cause them to park in front of the building line of their house, she was uncomfortable if that was an actual portrayal of what the code was.

Building Official Gero stated that he was thinking not because there were so many homes that have front loaded garages and driveways that were in front of those garages; that it would be in front of the building line. The garage would be the building line; so that would be the way the house was approved. It would be approving something that was in contrary to the code. He stated that he would have to look at the code and see what the code actually reads.

Mrs. Fortlage stated remember how they went from 18 foot to 20 foot driveways because of the times they were doing this; so they brought it to the attention of Council, and they fixed it.

Building Official Gero agreed.

Mrs. Fortlage asked if it was up to the Board to bring it to the attention of Council if that was still a rule on the books?

Building Official Gero stated that Mrs. Fortlage as a citizen of Independence, if she has an ordinance that she would feel would be improper or unjust or antiquated, she would have every right to bring it up to Council to have them propose to change it. He stated that if there was something she didn't like, if she thinks the ordinance of having trailers visible from the right-of-way would be improper, then tell the Council that she would have it changed and see what will happen. He stated that she should let them talk it out and decide what they want to do.

Councilperson Walchanowicz stated to Mrs. Fortlage that she knows a Councilperson.

Mrs. Fortlage stated that she was seeking confirmation of whether that would be in fact a rule on the books.

Building Official Gero stated that she would have to look. He stated that he would look it up, he would research it and find out exactly what the specific rule would be as far as parking on residential property.

Mrs. Fortlage stated that she knows they used it in the past on decision-making on a corner lot.



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Chairman Moreal stated that they should adjourn the meeting.

**A motion was made by Chairman Moreal, seconded by Councilperson Walchanowicz, to adjourn the meeting.**

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

**There being no further business, the Board of Zoning Appeals meeting of September 16, 2021 was adjourned at 6:05 p.m.**

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**Chairman Mark Moreal**

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**Debi Beal, Secretary**  
Minutes Unapproved at Time of Release 09/27/21