

**MINUTES OF VIRTUAL MEETING
BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE
September 17, 2020**

AGENDA:

Old Business:

Approval of Minutes of Regular Board of Zoning Appeals Meeting held on August 20, 2020.

- 1. 6803 East Sprague Road, Matt Brzoska** – Requesting a variance to 1143.02(a)(2) to permit a second accessory building on the property (not permitted); a variance to 1143.02(b)(1)(2) of 2’ to permit a height in excess of 15’ (17’ requested, 15’ permitted); and a variance to 1143.02(b)(1)(B) to permit a four car garage to be 40’ x 28’ (48’ x 24’ permitted).

New Business:

- 2. 6360 Mackenzie Drive, Timothy & Margaret Trombetta**– Requesting a variance to 1143.02(b)(2)(B) of 80 sq. ft. to permit an accessory building to be 224 sq. ft. (144 sq. ft. permitted, 224 sq. ft. requested and a variance to 1143.02(b)(2)(A) of 2’9” to permit an accessory building to be 14’9” in height (12’ required, 14’9” requested).

The virtual meeting was called to order by Chairman Mark Moreal at 5:37 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: **Gregory J. O’Brien, Law Director**
 Michael Gero, Building Official
 Don Ramm, City Engineer

Chairman Moreal stated that he wanted to ask the Board if there were any corrections, changes or additions to the August 20, 2020 Meeting Minutes.

A motion was made by Carol Fortlage, seconded by Councilperson Walchanowicz, to approve the Minutes of August 20, 2020 as presented.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
September 17, 2020**

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

Chairman Moreal stated that he understood that this evening's Old Business, 6803 East Sprague Road, has withdrawn from this month's meeting. He asked the Secretary if the applicant will be put on next month.

The Secretary informed the applicant that he had until October 1st which was the deadline for the October meeting. He would contact her with regard to be putting back on the Agenda.

6360 Mackenzie Drive, Timothy & Margaret Trombetta– Homeowner Margaret Trombetta was in attendance along with Shane Heckert of American Construction Group were both in attendance and sworn in.

Chairman Moreal stated that he did stop by, and nobody was there. He stated that he just walked around the backyard. He asked Mrs. Trombetta to explain the request for the variance.

Mrs. Trombetta stated that they were hoping to get a pool, and they wanted to have a shed to be able to put all the things that goes along with the pool somewhere.

The Chairman stated that he was at the property today. He asked if Mrs. Trombetta bought the land behind her.

Mrs. Trombetta stated that they tried to get a pool five years ago. She and the City Engineer worked real hard to try to figure it out. She stated that they decided to go to the neighbor and buy the land. They bought the rectangle where the pool will be.

Mrs. Fortlage stated that the piece was only half of the width of the backyard.

Mrs. Trombetta agreed.

The Chairman stated that it was not the full length, it was just 30' x 75'.

Mrs. Trombetta agreed.

The Chairman stated that he was guessing that the structure would be a shed/pool house.

Mrs. Trombetta agreed.

The Chairman stated that Mrs. Trombetta did have enough room back there. He stated that he liked the way they marked everything off.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
September 17, 2020**

Mr. Bredt asked why there was a height variance.

Mrs. Trombetta stated that she did not choose the height. She stated that she didn't know if that was standard.

Mr. Heckert stated that the height was following the 6/12 pitch. He stated that if they would need to bring it down to the 12' height. He stated that they would have to change the roof pitch of the building.

Chairman Moreal stated that the request was for 2'9". He stated that he definitely did not have an issue with the size of the shed. He asked if the shed was to be custom built or was it a kit.

Mrs. Trombetta stated that it was not a kit.

Mrs. Fortlage stated that Mr. Heckert stated that he was following a 6/12 pitch; and Mr. Bredt usually enlightens her about the pitch. She asked Mr. Bredt to comment.

Mr. Bredt stated that the building wouldn't be big enough by dropping it down to a 4/12 pitch to pick up 2 ½ feet. He stated that the only way they could do it was to drop the wall height also about a foot. He noticed on the drawings that they have walls that will be 10'4" to the mid point of the ceiling joists. He stated that he didn't have a problem with the square footage. He understands that; but the size height wise was the only issue he wanted to get clarified. He asked why would they need the additional height. He stated that if they would drop it down to a 9' and use 9' pre-cuts for the exterior walls and take it to a 4/12 pitch. He thinks they were so close that it wouldn't be a matter to deal with.

Mr. Bredt stated that on the other side there was a topography that basically it would not be that big of a deal either way; he was just curious why they needed the height.

Chairman Moreal stated that he thought the building would sit kind of low.

Mrs. Fortlage stated that every time Mr. Heckert speaks his voice breaks up really badly. She asked if he could type a comment instead.

Mr. Heckert agreed.

The Chairman stated that the topography does sit low where the shed would be built. He stated that as far as the extra 2 ½ feet, it would not be that objectionable or noticeable.

Mr. Monteleone stated that he was at the site today, and the house was very tall; and there was nothing in the backyard.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
September 17, 2020**

The Chairman stated that they have a couple of detention ponds to the left.

Mrs. Fortlage stated that the shed would be tucked up pretty tight to the house, the location of the shed.

Councilperson Walchanowicz stated that it would not affect the swale that was going through the middle of the yard either.

The Chairman stated that the shed would not be on the property line, it was 15 feet off the side and 10 feet off the rear. He stated that he didn't really see an issue.

Mr. Bredt stated that he just wanted to get it on the record.

Building Official Gero stated that at the Architectural Board of Review meeting, it was discussed as far as the location being near that swale going to that pond. It was advised at that time that the Engineer would review. He asked the City Engineer if he had reviewed that for the location.

City Engineer Ramm stated that he believes the location will work, but it came up that they had to address the conveyance of water through that area. He stated that earlier today he got a revised updated drawing. They were looking to put a culvert pipe in and maybe some small drains. They were working through that. He stated that he believes they could make it happen. He would like to make everyone aware that some of the concrete would be within the 20 foot easement. The building would also mostly be located in the drainage easement. He stated that they will require a Revocable License Agreement.

Building Official Gero asked the City Engineer if it was a drainage easement for pipe or just an access easement.

City Engineer Ramm stated that it was a drainage easement. He stated that it might be an access and drainage.

Building Official Gero asked if there was a pipe in the ground.

City Engineer Ramm stated that there were no pipes there now, but because of the sidewalk there and the building; they would propose a pipe to pipe underneath all of that to keep it flowing easterly.

Mrs. Fortlage asked if they would need special language in their resolution that would recognize the easement and the need for the participation of the Engineer.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
September 17, 2020**

Building Official Gero stated that he didn't think they did. He stated that it would be just a motion for the size and the height. He stated that it was not a location request for the Board of Zoning Appeals.

City Engineer Ramm asked the Building Official if they would still need to Revocable License Agreement.

Building Official Gero stated that they would, but it would not be part of the Zoning motion. Law Director O'Brien asked if that was a City easement there that they would be putting their drain pipe on.

City Engineer Ramm stated that it was an existing drainage easement to the City and probably to the HOA, putting a pipe within the same drainage easement.

Law Director O'Brien stated that he would agree with the Building Official. The Board would not need to make it a condition of the approval because they wouldn't be allowed to put it in without it.

Mrs. Fortlage stated that she sees the reasoning, and she was willing to move approval of the requested variances.

Councilperson Walchanowicz stated that he would second.

The Secretary stated to Chairman Moreal that there were some attendees listening in if he wanted to ask if they were concerned neighbors.

Chairman Moreal stated that he didn't ask that in the beginning. He asked who they were.

Mrs. Fortlage stated that she will pull back her approval motion, and the Board could wait.

The Chairman asked if there were any neighbors present who wanted to speak.

The Secretary stated that there was one neighbor who wanted to speak.

Marc Zanath of 6315 Brookside was sworn in by the Chairman.

The Chairman asked Mr. Zanath if he had some concerns about the shed.

Mr. Zanath stated that the end of his property where the triangle would start, he asked if the shed would be 15 feet off his property line. He stated that there was not much room from the end of his property to the Trombetta's house. That was his concern.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
September 17, 2020**

Chairman Moreal stated that the shed going towards Mr. Zanath's house would be 52' 1 3/8" on the side. He stated that the equipment pad would be 6' 10", and the accessory building was 12' 10 3/4".

Building Official Gero stated that the code would require 10 feet off the rear property line.

Mr. Zanath asked about all the cement with regard to his property line, along with the pool.

The Chairman stated that the pool location was not in front of the Board today.

Mr. Zanath stated that just so the applicants would know if they have to redesign something.

Building Official Gero stated that the pool would be 10 feet from the property line. The concrete, there was no restriction on where the concrete could go.

Mr. Zanath stated that when he did his driveway he was told that there was a restriction.

Building Official Gero stated that was true. For a driveway it would be 3 feet.

Mr. Zanath stated that the sidewalk on the side of the garage also.

The Chairman stated it would be a side yard.

Mr. Bredt stated that for the purposes of today's discussion, the Board doesn't have any setback issues.

Mr. Zanath stated that he would hate for them to put up a shed if something would come up with the pool, and the shed would already be built.

Several people began speaking at once.

Building Official Gero stated that the plans were reviewed for zoning compliance, and the only issues were the height and the size of the shed. The pool would meet all zoning requirements.

Mrs. Fortlage stated that it was good that it was pointed out so the Board knows.

Mr. Monteleone stated that if the Board could move on with the process for the shed.

The Chairman asked if there was anybody else. There were no other comments.

A motion was made by Carol Fortlage, seconded by Councilperson Walchanowicz, to approve the variances as requested.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
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September 17, 2020**

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

Mrs. Trombetta asked what it meant. She asked if it was all done.

Chairman Moreal stated that the shed was done. Mrs. Trombetta was in front of the Zoning Board for the shed. The pool was not in front of the Board.

The Secretary stated that the Architectural Board of Review approved the pool.

Mr. Monteleone stated that it sounded like Mrs. Trombetta was good to go.

Mrs. Fortlage stated that the next thing was then a visit to the Building Department for the permit.

Building Official Gero stated that the next steps would be the Engineer and Building Official reviewing and approving the plans.

Mr. Bredt asked whose barn was that back there. There was no one to address the question.

There being no further business, the Board of Zoning Appeals meeting of September 17, 2020 was adjourned at 5:55 p.m.

Chairman Mark Moreal

Debi Beal, Secretary

Minutes Unapproved at Time of Release 09/18/20

