

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Chairman Moreal stated that he would ask the Board if there were any corrections, changes or additions to the May 16, 2019 meeting.

A motion was made by Carol Fortlage, seconded by Charles Bredd, to approve the May 16, 2019 Minutes.

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

Chairman Moreal stated that before they would start, he would like to read a little summary on what the Zoning Board was all about.

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 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.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Chairman Moreal stated that he was going to start with Item Number 2.

8051 Montello Road, Lisa Davis – Representative Don Robinson was in attendance on behalf of the owner and was sworn in. He had previously provided a letter of representation to the Board.

Mr. Robinson stated that what they were looking to do was to flare the driveway because of issues with the cars and the driveway. He stated that there was a side load garage, and it was very difficult to pull in and out of there.

He stated that the other issue was in order to (inaudible) it would require at least one vehicle to back into the street. He stated that the section of Montello has a blind spot there. He stated that they looked at a variety of different ways of doing that. They were constrained by the side yard setbacks. He stated that the other problem was the grade of the property itself. He stated that there was a fairly steep angle down Montello. He stated that there was no way to increase the pad size in the front. He stated that they didn't want to do any side pull off between the garage and the (inaudible). He stated that what they tried to do was minimize the visual impact from the front of the street as well as cut down the overall amount of concrete that would have had to be added.

Mr. Robinson stated that they received the permit through the City, had an inspector come out and walked the job with him and showed him what they were going to do. He told them to go ahead and frame it before the pour and then they were told they needed a variance. They stopped work obviously and applied for the variance.

The Chairman stated that he appreciated him stopping the work. He then asked if there were any neighbors present. There were no neighbors present.

Mr. Robinson stated that those were the nuts and bolts of the request. He stated that he would answer any questions the Board might have.

Mr. Bredt stated that it appeared to him that if they were to back out onto the major street, they would also have an issue with the shrubbery trying to see the one way.

Mr. Robinson stated that there were several trees on the front for screening, and it did become an issue backing out.

Councilperson Asseff stated that as he looked at the driveways of the other homes there, this one looked similar. It would not stand out as a marked difference between the various driveways and houses over there.

Mrs. Fortlage asked if there was any intention to use the newly poured part as overnight parking?

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Robinson stated that it was more to be able to back out instead of having to go all the way out and actually shuttle a car over, get somebody out of the garage and somebody in and then pull it back in.

Mrs. Fortlage asked how many cars were there?

Mr. Robinson stated that there were generally three cars.

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

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

6046 Brecksville Road, Vista Springs – Mr. Jerry Helsel of Cicogna Electric & Sign Company was in attendance and sworn in.

Chairman Moreal asked Mr. Helsel his reason for the extra height of the sign.

Mr. Helsel stated that the sign was in front of design review several months ago, and at that time they had the height proposed at the allowed 5'. He stated that the property was under construction, so they wanted to wait until they saw some improvement on the construction, specifically the driveway entrance and the layout so they could look at the setback of the sign, etc. He stated that in taking a look at it, and again there was a lot of paving and things going on when he originally had it submitted so he didn't get a chance to get anything with his application; but he tried to show some views of where the sign would go. He stated that as the Board could see the sign was set back considerably from the road. They were outside of the site triangle. He got a couple of different views there.

The first thing they took a look at was due to the setback and being out of the site triangle, they felt that the sign needed to be a little bit higher for better visibility. He stated that it was not going to impede traffic, anybody coming in and out if they would stop and turn left or right. The sign will be out of their visibility.

Mr. Helsel stated that when they considered the approach to the location, there was some mounding of the earth around there, there were some trees heading south on Brecksville Road; so they tried to take that into consideration depending on how the foliage might be cut back, whether or not that was their property and they could do that. He was not sure. He stated that they tried to take all of that into consideration.

Lastly, they took a look at height of surrounding signage. He stated that directly right across the street the Cleveland Clinic Courts sign was 6'8" tall. He stated that they were going to base that

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

as their benchmark for the height that he thought the sign needed to be. He stated that the sign actually sits up on a mound. It was built up pretty high. There was landscaping around it. The grade for that sign comes up considerably. He stated that the Vista Springs sign would actually sit below grade slightly. He stated that there was an inset when you come into the driveway there.

He stated that taking all that into consideration and the sign that was located directly across the street being 6'8", they felt it should be an adequate size for their sign for proper visibility since it was working for the neighbor directly across the street. He stated that they want to make sure the sign would be visible from both directions, and there would be no interest from anyone else who would say why can't their sign be that big. He stated that they understand that they were not asking for something that unlike something that was very near in the area. They were not trying to ask for anything substantial, just the minimum to get them to the height that they think they need to be for adequate visibility.

Chairman Moreal asked if it was more of the height for visibility or the fact that the sign that says Vista Springs and all the writing that it is on; to the Chairman the base was a lot higher, and he doesn't know if it was proportioned. He stated that if they would cut the base down, they would have more, they could enlarge the lettering. He asked if that would help them.

Mr. Helsel stated that they took a look at that, and the design of the base comes from their architect which would resemble architecture that was on the building. That was where that came from, and they did take a look at it. Originally, that base was a little bit shorter. He stated that reducing the size of the sign itself to get that down to the height, obviously proportionate, all the lettering would get smaller. He stated that they didn't want to make the sign cabinet any smaller to get the right lettering on the building with the flare that comes out of it; that was the logo above. They didn't want to make that any smaller, otherwise it would not be very visible. He stated that they thought the best way to increase the height was to increase the base of the sign. They were not actually increasing sign area per se. They weren't asking for additional square footage or anything like that; they just thought to get the sign up a little bit higher. They can't really mound it up like they did across the street. It was on a smooth grade. It was paved. They felt that was the best way to get the height up.

Chairman Moreal asked if the sign would be illuminated.

Mr. Helsel stated that the sign would be non-illuminated.

Law Director O'Brien asked if there would be lights shining on it from the ground.

Mr. Helsel stated that they were proposing some flood lighting for the sign, but they don't have anything to do with that. They have not been contracted to do that. He was not sure what style or

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

what they were looking to do. He just knows that as built now for them it was a non-illuminated sign.

Mrs. Smith asked what was the material of the sign?

Mr. Helsel stated that it would be a high density urethane. It is what they call sign foam. He stated that no one uses sandblasted wood anymore because of the cost and because it was wood. He stated that it is a very common material that most of the signs are being sandblasted from that.

Mr. Bredt asked if it was a two-sided sign.

Mr. Helsel agreed. He stated that it would be a double-sided sign, and the lettering itself would be designed in accordance with Vista Springs. They have several locations so it would be in keeping with the design that they like. At the design review, they understood that as well. They were not trying to make it any larger than it needed to be for area. They just wanted to get the sign higher.

Mrs. Fortlage stated that the standard that the Board would go by would be practical difficulty. She asked if there was a practical difficulty there? She didn't see one.

Mr. Helsel stated that they felt that, there were a couple of issues that they felt gave them the practical difficulty. Number one was to keep the sign out of the site triangle would make it far back on that driveway. He stated that it was set back quite a bit. He stated that there was mounding on both sides of the property that would impact the visibility; and again when you would be driving southbound on Brecksville Road you cannot see that driveway until you were right up on it. He stated that it was very difficult to see.

Mrs. Fortlage stated that on the other hand, there was not much in the way; and there was a lot of space on there, not much of it devoted to 6046 or the two words "Vista Springs." Those were the two things that people would need to find it. She asked if the need could be addressed in another way? It looks pretty clear to her that it can be.

Mr. Helsel stated that he thinks the only way they would get that more visible would be to make the sign larger and the copy larger which means the sign would have to get bigger. Then they would need a variance for square footage because right now they were at the size they would be allowed to be as far as square footage went. It would be either make the sign a little bit higher to get it a little bit more visible to make it stand out a little better with the area and the view, or make the whole sign larger so that the copy and visibility could get larger. That was why they increased only the base. They weren't trying to make the sign itself larger.

Mr. Bredt asked how far back from the curb would the sign be located?

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Helsel stated that the last that he measured where the base was supposed to go, he wanted to say it was like 32 feet, and the site triangle would have been around 27 feet, so even a little bit beyond that. He stated that there was a median in that driveway. He stated that they would be in that median. That median was a certain size. It was designed to separate traffic. They get a lot of vehicles coming in there, delivery, ambulances, EMS, buses and things like that. The driveway was pretty large. Again, it was set back far enough that it would not impede any kind of traffic.

Chairman Moreal stated that until he drove by today, he thought why did they need an extra foot. The sign was pretty big. He drove by and looked at it to get an idea. By looking at the picture he was seeing and hearing what Mr. Helsel was saying that they were 32 feet to the edge. He thought a lot closer would be a hindrance for people pulling in and pulling out. By looking at this, and by what he saw, he could see it being justified in height. The Chairman stated that his question to Mr. Helsel would be if it was the height to see it or just to be able to read this? That was why he thought Mr. Helsel would lower the base and enlarge the top.

Mr. Helsel stated that the rule of thumb in signage was, depending on speed, the more eye level it is, the better visibility it is. If they were a little bit lower, you would have to be a lot closer before it's at your eye level visibility. The further back you would go, the higher it is, the easier it would be to see. Again, they took a look at the sign directly across the street which was actually a little bit closer to the road, and it was 6'8" high, and it was mounded up pretty high too. He stated that it was noticeably different if you drive down the road and you compare the properties. There was quite a bit of difference in the grade there. He was not sure if they got a variance for their height or if it was a non-conforming sign. He didn't know that. He just knows that he measured it himself, and it was 6'8". He stated that they thought to keep it at 6'8", and they thought it would be high enough.

Councilperson Asseff stated that he thought it was a reasonable request based on all the facts that Mr. Helsel has given. He could support the sign.

Chairman Moreal stated that he liked the fact that they were further back from the triangle, and for the foot and a half it would not be a large request in his eyes.

Mrs. Fortlage stated that she thought there were quite a few other ways it could be resolved, font, design, use of the space that was there. She was not seeing a good reason to support it.

Mr. Bredt stated that the practical difficulty issue was the one that he has trouble making a positive response to the application. He understands the desire for a larger sign, and he appreciates the fact that it would be further back from the triangle; but the reality of it was that people would be coming to the facility, they know where they were going once they have been there one time and having family that are in facilities like this, the sign would be more for the delivery people and emergency people; and the emergency people, especially in Independence,

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

knows everybody's first name, last name and also where the car keys are. He was not trying to be facetious. What he was saying was that he didn't see the practical difficulty on a larger sign, and he is becoming less responsive to oversized issues as time goes on because everybody wants something bigger. It just seems that way.

Mr. Helsel stated that he appreciates that and can understand that, and that was why one of the things they took into consideration, as Mrs. Fortlage pointed out, what other methods could they have with design and things like that. They have a design that they use everywhere else, so they tried to incorporate that. They didn't want to make the sign itself bigger, and he agrees. He doesn't over sign. When there is a height issue, more or less it always comes down to what's adequate visibility? He would also mention that these facilities get a lot of first time visitors, people who first come there. There are people coming up, there are transients that aren't there for very long. So, he agrees that there is going to be common traffic with EMS and deliveries and things like that; but you are also going to get people who don't come there often, family from out of town and things like that. There's more of a need than just common identification. I think it's going to be making sure that it's not missed. Obviously, everybody has GPS, and it kind of helps you; but we all drive and look and what is eye level and where we can go and slowing down. People drive very fast down there. I was personally out there for more than 40 minutes and almost got ran over just trying to move around because people don't want to slow down. Making sure they have enough time to see it, slow down and turn, he thinks it is important.

A motion was made by Councilperson Asseff, seconded by Chairman Moreal, to approve the variances requested.

**ROLL CALL: Yeas: Asseff, Moreal, Smith
 Nays: Bredt, Fortlage
 MOTION CARRIED**

6480 Rockside Woods Blvd., Northwest Bank – Bob Kunzen with Brilliant Electric Sign and Property Manager Diana Lis were both in attendance and sworn in.

Chairman Moreal asked the parties to share with the Board why they needed the variances.

Mr. Kunzen stated that Northwest Bank moved into that building. They were taking over 10,000 square feet in tenant space in the building.

Chairman Moreal asked how big was the building.

Ms. Lis stated that the building was 110,000 square feet.

Mr. Kunzen stated that Northwest Bank would like to show their presence in the building. He stated that as the code would allow for a sign, the Board could imagine it would look very out of

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

place if they made it within the code. He stated that there were other signs in that area on other buildings. He stated that he thought it was just a limit of the code. He doesn't know if the code was antiquated, but 30 square feet just wouldn't look good. The sign had been approved by the Architectural Board of Review. Mr. Kunzen stated that he thought the sign looked very fitting there, and the tenant would like to make their presence known in that building.

Mr. Bredt asked who owned the building?

Ms. Lis stated that it was Corporate Plaza.

Mr. Bredt asked if Ms. Lis was okay with the sign.

Ms. Lis stated that she was.

Mrs. Fortlage asked how many tenants were in the building.

Ms. Lis stated that there were 12 tenants in the building.

Mrs. Fortlage asked how many signs were on the building.

Ms. Lis stated that the proposed sign would be the first one.

Chairman Moreal stated that there was a sign on the front over the entrance.

Ms. Lis stated that it identified the building, but there were no other tenant signs on the building.

Mrs. Smith asked how the sign was being attached.

Mr. Kunzen stated that the sign would not touch the glass.

Mrs. Smith asked if that was secure enough for the sign.

Mr. Kunzen stated that they have installed signs in that fashion before. It would be secure. He stated that if the Building Department would require it, they could show the engineering of the sign.

Mrs. Fortlage stated that she thought she heard Mr. Kunzen talk about the want, but she didn't hear him talk about the need for the variance. She asked if there was a practical difficulty.

Mr. Kunzen stated the practical difficulty as opposed to not having the sign at all; they could not show their presence there.

Law Director O'Brien asked if there retail operations would be located there also.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Ms. Lis stated that it would be their corporate headquarters.

Mr. Bredt asked if that would be their corporate headquarters. He asked for how big of a geographical area.

Ms. Lis stated that she was not sure. They were based out of Pittsburgh.

Law Director O'Brien stated that they were certainly growing in the area.

Ms. Lis stated that they were actually closing their operations in Lorain and bringing all the employees to Independence.

Mr. Bredt asked if there was room for expansion.

Ms. Lis stated that there was room.

Mr. Bredt asked if the sign would be illuminated.

Mr. Kunzen stated that it would be.

Mrs. Smith asked if it would be raceway mounted.

Mr. Kunzen stated that it would be. He stated that the raceway would be mounted to the supports which would not be visible much at all.

Chairman Moreal asked what was the name on the building on the other side.

Ms. Lis stated that there was Corporate Plaza One and Corporate Plaza Two.

Chairman Moreal asked if it said that on the building.

Several people began speaking at once.

Building Official Gero stated that if the Board would look at the photograph of the bank sign there, and look towards the atrium, right over the doorway says Corporate Plaza.

The Chairman stated that he didn't see that sign.

Mr. Kunzen stated that he didn't realize the sign would be a second sign on the building until he saw it on the agenda.

Mrs. Fortlage stated that the way that the sign was presented it seemed to suggest that was the new name of the building.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Chairman Moreal stated that he didn't have an issue with the size because the City's code on a building this size, it could not be seen if it was 30 square feet.

Councilperson Asseff stated that he agreed with that, and he could support it.

The Chairman stated that seeing that they were taking over 9% of the building, and he was hearing that there might be a chance for expansion and growth. He asked Ms. Lis if there was availability in that building.

Ms. Lis stated that there was.

The Chairman stated that he was trying to find what the practical difficulty was, but they do want to make their presence known in the area; and as he stated, he missed the other sign on the building. He could support the variances based on what he was hearing, but he will hear the rest of the Board to see what they have to say.

Mrs. Fortlage asked how much of the building was empty, what percent.

Ms. Lis stated that it was 12%.

Mrs. Fortlage stated that the Board knows what happens when they do this. The next tenant will want it as a condition of coming in; and she stated that she was not comfortable with it at all.

Law Director O'Brien stated that generally other than the sign above the door, they would have to come in for a variance; and he doesn't even think the building owner would want more than one sign.

Ms. Lis stated that they wouldn't. She stated that Corporate Plaza One was 100% completed. The Secret Service and IRS were in that building, and they didn't want any signage.

The Chairman stated that the Board has had other signs with just the name of the building, but tenants he could not recall. It shouldn't make a difference, but he couldn't recall putting tenant names on buildings.

Law Director O'Brien stated that there was Travelers, CBIZ.

Mr. Kunzen asked does the hardship have to be as opposed to no sign, or that the code itself would be it.

The Chairman stated that it would be a practical difficulty that Mr. Kunzen was before the Board for.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Kunzen stated that he believes the sign would look fitting to the area. He stated that it was not the only sign back in that area. He stated that it was not too glaring for the size of the building.

Mr. Bredt stated that he thought the scale was fine. He thinks that the use of the sign on the building in context with the buildings around it was perfectly acceptable in his opinion. He thinks that people will wind up referring to that building as that bank's building as opposed to Corporate Plaza One or Two once the sign would be up; and he thinks that is something Ms. Lis will deal with. He could support it in context and its scale for that reason. He is sure that it is part of why the bank wants to see their sign up there. He stated that he was a little uncomfortable, but it would not change his mind to support it, with having a sign for an entity that only takes 9% or 10% of the building of that size; but with the hope that it brings a corporate headquarters and puts a visible name in the marketplace, he could support it. He agrees that a smaller sign to code would not make any sense at all.

A motion was made by Charles Bredt, seconded by Councilperson Asseff, to approve the variances.

**ROLL CALL: Yeas: Bredt, Asseff, Moreal, Smith
 Nays: Fortlage
 MOTION CARRIED**

9103 Hillside Road, Dennis Messina – Homeowner Dennis Messina was in attendance and sworn in.

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

The Chairman asked Mr. Messina why he needed the variances.

Mr. Messina stated that he wanted to put up a cold storage building behind his house. He stated that he has two collector cars, and he puts them in his main garage right now. He stated that he also has a trailer that pulls the cars around, plus he has a landscape trailer, 2 lawnmowers and a gator to get around his yard. In the wintertime he has been parking the cars in the garage up front, and he has had difficulties because if he wants to go somewhere he has to go out there and push the snow off his vehicle, scrape the windows.

He stated that he retired from the City 9 years ago on a disability. He has had 2 hips replaced, 2 knees replaced, 4 heart attacks and stents; and he is a walking (inaudible). That is where he is at.

He stated that it would be much easier if he could put the 2 cars he keeps in the front garage in the back garage with the trailers and everything. He could park in the garage in the winter time.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

He could walk into the garage, open up the door and pull in without having to clean his car. It would make life a whole lot easier.

Mrs. Smith stated that Mr. Messina's garage according to the Cuyahoga County Auditor sketches, it's 22' wide by 32' deep. She stated that she noticed in the back he added more parking spaces back there.

Mr. Messina stated that was just a patio.

Mrs. Smith stated that there were cars parked there.

Mr. Messina stated that right now there was, that was why he wanted to get the cars in the garage because that was basically a patio that he has.

Mrs. Smith asked if Mr. Messina got a permit for that because she noticed in his sketch that it showed it straight flat along the back.

Mr. Messina stated that he just did the main house, he figured it was not enclosed or anything.

Mrs. Smith stated that the roof went over it.

Mr. Messina stated that was there since his father was there.

Mrs. Smith asked when was that.

Mr. Messina stated that he died 21 years ago.

Chairman Moreal asked was he the original owner of the house.

Mr. Messina stated that he was.

Chairman Moreal asked when that was done.

Mr. Messina stated it was 25 or 30 years ago. The roof was on there for 30 years, and it was before that.

Chairman Moreal asked that Mr. Messina's plan to get back there would be how.

Mr. Messina stated it would be on the side of the garage.

Mrs. Smith asked if he was planning on putting a driveway in.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Messina stated that it would be cold storage. He would put stuff back there for the winter time and just leave it back there. Summer time he will pull the 2 cars and put them back in his front garage. The only thing in the back would be his trailers, lawnmowers, and a little gator.

Mrs. Smith asked what was Mr. Messina planning on putting in that space, 2 cars?

Mr. Messina stated that he would put in 3 cars, and then he would have a 20 ft. trailer, which was his car trailer; and he has a 12 ft. trailer which would hold his ATV if he goes somewhere and a handicapped chair. Then he has an 8 ft. trailer also.

Mrs. Smith stated it would be 3 trailers and 2 cars, but he was requesting 2,400 square foot of garage.

Mr. Messina stated that the trailer was 20 ft. long itself, and plus the 2 cars, so he would need the depth.

Mrs. Smith stated that it didn't seem like he would need that much space though for just 3 cars and 3 trailers.

Mr. Bredt stated that it was just too big. He will get right down to it.

Chairman Moreal asked what was the reason for the height variance.

Mr. Messina stated that garages should be 14 feet high, and the peak takes it up to 27 feet.

Mr. Bredt stated that Mr. Messina had drawn an 8/12 pitch roof which by virtue of its design will be well above his existing home. He stated that everyone will see that from the road.

Mr. Messina stated that they wouldn't. He stated that his backyard goes down.

Mr. Bredt stated that he knows the backyard goes down, but the other side of it was it was a massive building. He would be better off to make an addition to his existing building when he gets right down to it.

Mr. Messina stated that if he would do that, he would have so much fill back there because it starts going down.

Mr. Bredt stated that he understood, but he tries to think it was a residential neighborhood, and it would be too big.

Mr. Messina stated that behind him was Haydite, and the his neighbors next to him do not care.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Bredt stated that he appreciates what Mr. Messina has behind him, he really does. He personally looks forward to and is thankful that he lives in close proximity to the National Park; but this would take away from that flavor when you have a building of that size. He is sure that Mr. Messina's neighbors were friendly and wouldn't contest it, but that is why the Board is here. He stated that it was just too large, and it was out of place in that neighborhood. That was his own personal opinion, and he does not see a practical difficulty for the size of the building.

Mrs. Smith asked what were the size of the 2 garage doors, what was the height of that?

Mr. Messina stated that they would be 10 or 12 foot.

Chairman Moreal stated that they would be 10 foot he was guessing.

Mrs. Smith asked Mr. Messina why he would need such height if he was just putting in vehicles.

Mr. Messina stated that because if he was to back the trailer in and he had the car on top of the trailer.

Mr. Bredt stated that he would still have to get through the door. He stated that he was putting 14 or 15 feet of gable end on top of building where the garage door height will be 10 or 12 feet. He asked what was going up in all that space.

Mr. Messina stated that it would be nothing.

Mrs. Smith asked then why would he need it.

Mr. Messina stated that it was just the way the plans were drawn up, and basically he wants to pull the trailer in and have his vehicle on there, make sure he was not close to anything.

Chairman Moreal stated that Mr. Messina knows that he would be allowed a 24' x 36'. He asked if Mr. Messina had any options?

Mr. Messina stated that a 24' x 36' would just about take care of his trailers and no cars.

Mrs. Smith asked about the patio area that he was using now.

Mr. Messina stated that he wanted to have it as a patio area and that was why he wanted to build a garage. That basically was the patio area.

Mrs. Smith stated that she saw that there was a single garage door that went through.

Mr. Messina stated that where the patio (inaudible), there's a big dip going down. If he was to do an extension on it, he would have fill 6 or 8 feet tall.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Chairman Moreal stated that he understood that. It would take a lot of fill to add on to his existing. He gets the attempt. He stated that what he was hearing was that aside from the 24' x 36', Mr. Messina was asking for 40' x 60'. He asked Mr. Messina what he could live with. He said his trailer was so big, and he wanted to have some breathing room in there. He stated that if Mr. Messina would make it a little smaller, the roof line could come down.

Mr. Bredt stated that to truss or build that he would have collar ties or conventional trusses where he would not have that much useable space and for what purpose. He stated that the Code allows for 864 feet, and Mr. Messina was looking for 2,400 feet. That was 3 times approximately, depending on whether if he would round up or round down. Between the height and the actual mass of the footprint of the building, it would be too much.

Mr. Messina asked if he could go 40' x 40'?

Mr. Bredt stated that Mr. Messina was talking a different application.

Mrs. Fortlage stated that was the thing about what we read at the beginning. The Board wants to hear Mr. Messina out, and they would like to be helpful; but the Board can't design it for Mr. Messina.

Chairman Moreal stated that he thinks based on what Mr. Messina was hearing, the size would be an issue. So, the Board could vote on it, and he thinks he knows how it might come out. If Mr. Messina would come back, he would have to come back for something different, or the Board could table the matter and Mr. Messina could bring in another rendering.

Law Director O'Brien stated that Mr. Messina was asking for the request. If the Board took a vote and assumed that the vote was not pass, the application was not passed and granted; he could come back with another rendering. It would have to be different than what was presented now.

Chairman Moreal stated that he guesses that Mr. Messina knows the issues now, the concerns that were brought up.

Mr. Messina wanted to ask a question. He stated that if he does another rendering, and the Board didn't like that one because it might be 5 feet too wide, and he has to have more stuff drawn up again for another \$600.

Law Director O'Brien stated that Mr. Messina didn't have to do a rendering technically. He could just show on his property where the structure would go, and he could ask for the size. He doesn't have to provide a rendering.

Chairman Moreal stated that the rendering was nice.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mr. Messina stated that he thought he had to have all that stuff.

Law Director O'Brien stated that he didn't have to have it for this Board, but he would need it for the Architectural Review Board. This Board just tells an applicant whether or not they were granted a variance as an exception to the Code.

Mrs. Fortlage stated that they want quality drawings, but they don't have to be professionally drawn for a variance.

Mr. Messina stated that if the Board would see the way he draws.

Mrs. Fortlage stated that in order for the Board to vote, they have to make a motion.

A motion was made by Carol Fortlage, seconded by Judy Smith, to approve the variances requested.

**ROLL CALL: Yeas: None
 Nays: Fortlage, Smith, Bredt, Asseff, Moreal
 MOTION DENIED**

6982 Kingscote Park, Andrew Newman – Homeowners Andrew and Jackie Newman were in attendance and sworn in. Dr. Asseff was also recused himself and was sworn in as a representative for the neighbors, Mr. and Mrs. Meister. Dr. Asseff had a letter from Mr. & Mrs. Meister.

Chairman Moreal asked Mr. and Mrs. Newman to tell the Board why they need the variance.

Mr. Newman stated that originally he planned on building his children an outdoor playset. He spoke with the Building Department and showed them his plans. The Building Official told him that if was going to dig posts and cement them into the ground, it would be considered an accessory structure; so maybe he could consider a playset that would sit on the ground because he was told there were no restrictions on playgrounds of any size at the time. That was last summer. This project didn't happen, but this summer they found the pirate ship playground on Let Go; and before they proceeded to invest money into it, he checked with the Building Official, and he determined that it would be considered an accessory structure. He advised Mr. Newman to put in an application for a variance, and here they are.

Chairman Moreal stated that there were 2 locations on the site plan. He asked if there was a preference or was Mr. Newman just giving the Board the option to look at it.

Mr. Newman stated that he was giving the Board the option to look at, and if any neighbors had an issue with placement in consideration with the neighbors on the east.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mrs. Newman stated that their preference was to keep it away from the street because their kids were little.

Chairman Moreal stated that A would be.

Mr. Newman stated that A would be acceptable.

Law Director O'Brien asked if B was the one farther back.

Mr. Newman stated that it was, but if their neighbors, Fred and Shirley, who were the east neighbors, had an issue with that for whatever reason, it would be okay.

Law Director O'Brien asked what was their last name?

Chairman Moreal stated it was Meister. So, Dr. Aseff, he was representing the Meisters.

Mrs. Fortlage asked if she understood correctly that Mrs. Newman prefers A and Mr. Newman prefers B.

Mr. Newman stated that they were both flexible on placement. If the Board suggested a C, he would be open to that also.

Mrs. Newman stated that they just prefer away from the street for safety. That was their preference.

Mr. Bredt stated that the Board was not dealing with anything other than the second building, there was no size issue.

Chairman Moreal stated that it was big, but there was no issue he guessed.

Mr. Bredt stated that if the shed weren't there, this would be the accessory building. He asked what the current shed was used for.

Mr. Newman stated that it was used for storage of yard tools and a lawn tractor.

Mr. Bredt stated that he was just curious how old the kids were.

Mr. Newman stated that they were 6 and 5.

Chairman Moreal stated that the Newmans have an interesting yard, and their backyard was like a side yard. Anything they would put in the backyard, it would be seen from the street. The

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

point being location A to B is further away from the street, but also from sight also, not that it was an issue.

Mrs. Newman stated that it was also their intention to plant a living fence for a lack of a better description along the perimeter. So, over the years they have had to cut down 38 trees because of the Ash Borer infestation; so they lost all those trees. They had it cleared out, they had it re-graded, removed a pond; so it was expensive to do all of that. They were doing it all in phases; but she has 2 little girls, and they are beautiful. She stated that she was very objective, but she does know that she wants to have a private backyard.

Mr. Newman stated that an actual fence would really stick out in the street, it is a very open street.

Mrs. Newman stated that was their intention as well. That would probably come next spring or plant in the fall.

Dr. Asseff stated that he spent a couple of hours with Mr. & Mrs. Meister, sitting in their kitchen; and you will be able to see the structure, you can see the shed. It was obvious there, and with the 2 positions. Mr. & Mrs. Meister are not against the product, they were against where it would go. They would like to see it go between the Newman's house and those trees over by their air conditioner. Therefore, it would not be seen. It would not be seen from the street, and it would still give them all the privacy. In fact, it would keep them a little bit further away from the road.

Chairman Moreal asked if that would be A. He didn't know where the air conditioner was.

Mr. Newman stated that he thought he was thinking farther over. He stated that the only issue he would have with that would be from their kitchen. He stated that there was a table nook on the house, and the kitchen table is located there. He stated that from there they would be able to see that playground. They could be in the kitchen and let them play in the backyard and be able to watch them. If they would put it farther over there, there would be no line of sight from the kitchen where they spend a lot of time.

Dr. Asseff stated that there were things they could do. They could have a camera there with a little thing and see it in the kitchen. He stated that he was trying to appease the Meisters because they were very concerned. They were already looking at a shed and a pile of rocks; and they said they could support putting it there on the eastern side of the house and not be a problem. He stated that he being a neighbor, he would not oppose that either. He stated that he didn't think it was a practical difficulty to put it there or undue hardship.

Mrs. Newman stated that she would disagree. She would like to be able to watch her children if she has to go into the house and prepare dinner. They don't have lots of windows. Their house is brick so that is the living room that faces. The house was set up uniquely because of the street

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

situation. She stated that where Dr. Asseff was proposing, there was a little narrow window, and they have their TV in the living room which obviously they can move the TV; but there is like a little window. She could not see them on top of it. It was not possible.

Mr. Newman stated that the line of sight would be very poor to watch the children if they were in the house.

Chairman Moreal stated that he could appreciate everybody's comment here. He stated that the shed was a given. It was there, and he sees it there. He asked Mr. Newman if where he wanted to put the playset it was screened by the shed and they could still see their kids with Position A.

Mr. Newman stated that they could see the children from their kitchen there.

The Chairman pointed out where the Meisters' house was. The Chairman stated that the shed would block the playset.

Mrs. Newman stated that it would block most of it. They would probably see a little bit of it.

Chairman Moreal stated that stepping back to the natural screening that Mr. and Mrs. Newman wanted to do, would they be talking about doing it on the side.

Mr. Newman stated it would go all the way back from the street back across the property line.

The Chairman asked if the goal could be to do it first, get the landscape in on the side that would affect the Meisters.

Mr. Newman stated that he didn't have an issue with that.

The Chairman stated that it would help the neighbors if they have a concern. He stated that he thinks Location A would be a good location. He understands their point as a mother and father, the site. If their plan was to incorporate some shrubs here, it would help the neighbors.

Mr. Newman stated that they had actually talked about doing it in sections to make sure the bushes took because they wanted the tall ones.

Mrs. Newman stated that they would be the ones that look like a wall.

Mr. Newman stated that they would start in sections to make sure the bushes took because it's a very large area to do the whole house. They would do sections at a time to make sure they didn't die and lose a whole investment, just a partial one if the plants didn't take for whatever reason.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mrs. Newman stated that they could start back there. She stated that they were talking about planting towards the end of the season. For the type of shrub they looked into, that's the best time.

Mr. Newman stated that he didn't have a problem starting there.

Dr. Asseff asked if they could have that area staked off where the Newmans were going to put it so the Meisters could look at it.

Mr. Newman asked for Position A?

Dr. Asseff stated for Position A, moving Position A as close to behind the east part of the house, yet given them the visibility that they want to see their children. There would be a compromise on that. He stated that they have it there, but they could say okay A, but A would be what? They should stake it off and show exactly where it would be located. That would then allow the Meisters to look at that and say that they could support that.

Mr. Newman stated that if the Board felt that was necessary, he could do that.

Mrs. Fortlage stated that she had a question for the Law Director. If the Board was to approve it subject to its lasting only the duration of that one piece of equipment, she thinks that would be preferable to just allowing a second outbuilding forever more. Would she be on the right track?

Law Director O'Brien stated that the as long as the applicants consent, meaning they would approve it, he doesn't hear any objections. It would be where they would want to put it so they could see their children, subject to a robust landscaping plan he was hearing; provided that for that clubhouse and then once they remove it, the children get older, they would not put another big shed in there.

Mr. Newman stated that he wouldn't.

The Chairman stated that it would run with this application.

Mr. Newman stated that he understood.

Mrs. Fortlage stated that it was like a vehicle id number. In this case it would be just not any old building they would choose to put, but only that particular playhouse.

Mrs. Newman stated that was reasonable.

Several people began speaking at once again.

Law Director O'Brien stated that the Building Department would have a picture of this playhouse in their files. He assumes that once the children get older and off to college, they would probably have a better use for that space.

Mrs. Newman agreed.

Mr. Bredt asked how would the Board approve it, subject to placement without knowing if the placement would be approved by the neighbors?

Law Director O'Brien asked when do they have to pull the trigger on buying the playhouse.

Mrs. Newman stated that they have been holding it for them.

Dr. Asseff stated that if they would stake it out, and he would talk to the Meisters and let them see. What he would like to do is give the Newmans what they need to watch their youngsters, give them what they need to have minimum visibility of the structure. That would be a fair compromise.

Mrs. Fortlage stated that it sounded like communication more than moving it. She could be wrong, but that how it sounded to her. They would get a chance to see what the staked out place would be.

Mr. Bredt asked if Dr. Asseff was prepared to be the intermediary between them.

Dr. Asseff stated that what he will do, the Newmans will stake it out, he will let the Meisters look at it from their window; and if everything would be satisfactory, they will get a letter from the Meisters to the Board.

Law Director O'Brien stated that he appreciated that, but what he was hearing was that the applicants need to move on.

Mrs. Newman stated that and also what would happen if they don't agree.

Law Director O'Brien stated that although everyone likes to have harmony, and he was sure they did too, they can't have a non-designated person be the decider. It would have to be the Board.

Dr. Asseff stated of course. He stated that a letter will come to the Board and say that the Meisters would be in agreement; and then the Board could act on it.

Law Director O'Brien stated that was certainly one option that the Board could take, The other option that the Board could approve it, subject to the placement that they designate right here on the sheet and put that into the record. They could designate the specific location. Then they would go out and mark it, that specific location, but for them putting it in a totally different place, they would be fine. Then it would be subject to a landscaping plan approved by the City Planner, which should not hold the Newmans up pulling the trigger on it.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Mrs. Newman asked how should they go about the landscaping plan.

Law Director O'Brien stated that basically it would be they are going to put in these types of trees. What he was hearing was the Board wanted to make sure that they have some sort of screening there for the Meisters. So, they may have in their mind putting in some flowers, and the City Planner would want to make sure that they have a robust green fence.

Chairman Moreal stated that his thoughts on the landscape plan what he was hearing that he would work on the side yard right now. Their plan would be to do the whole yard, and he knows it is costly; but they should start there and it could be part of the Board's motion.

The Chairman stated that Location A was what the Board was looking at. So, however it would fit there, they would do it subject to.

Mr. Bredt asked if the playset would get fixed into the ground or just sit on top of the ground.

Mrs. Newman stated that it would sit on the ground.

Mr. Bredt stated that they would just have to grade so it would be level.

Mrs. Newman agreed.

Mrs. Fortlage stated that she thought there were posts involved.

Mr. Newman stated that was the original plan that he was advised against doing.

Mr. Bredt stated that 10 years from now, which will come all too soon, they will be able to hopefully make the playset available to somebody else.

Several people began speaking at once again.

Mrs. Fortlage asked the Building Official to help her out for the need for the variance. She stated that the reason it was deemed a second building would be because of the posts and permanence; but now that was not a factor. She asked if they would need the variance?

Law Director O'Brien stated that they would because it was a clubhouse. If they were bringing in a swing set, they wouldn't need it.

Building Official Gero stated a swing set with a slide, they would not be before the Board.

Chairman Moreal stated that the fact that they are doing it now with all the water, they need a boat.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
June 20, 2019**

Law Director O'Brien asked Mr. and Mrs. Newman if they would be willing to stake out Position A at some point over the next couple of days.

Mrs. Newman stated that they would agree to do that.

A motion was made by Chairman Moreal, seconded by Charles Brett, to approve the Buccaneer Boat Amish playset as set forth in Exhibit A, provided that the structure would be located and placed in Position A as set forth in Exhibit B, and subject to the submission and approval of a landscaping plan for the section on the east property and conditioned upon this Amish playset solely.

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

Law Director O'Brien stated that the Secretary will give Mr. and Mrs. Newman the City Planner's contact. It will not have to be a set, a just a listing of the type of landscaping that they would want to put in there. He may give them different recommendations.

Mrs. Newman stated that they have pictures too. They had a landscaper come out to advise them.

There being no further business, the Board of Zoning Appeals meeting of June 20, 2019 was adjourned at 6:45 p.m.

Chairman Mark Moreal

Debi Beal, Secretary
Minutes Unapproved at Time of Release 06/25/19

