

**BOARD OF ZONING APPEALS  
CITY OF NORTH OLMSTED  
MEETING MINUTES OF AUGUST 4, 2011**

**ROLL CALL**

Ms. Rudolph called the meeting to order at 7:30 p.m. in Council Chambers.

Present: Jennifer Rudolph, Maureen Diver, Laura Bellido, Alfredo Lopez,

Absent: Nancy Sergi

Staff: Law Director Michael Gareau Jr., Building Commissioner Dale Mitchell, Clerk of Commissions Donna Rote

**REVIEW AND CORRECTION OF MINUTES**

**Ms. Diver moved, seconded by Mr. Lopez, to approve the minutes of July 7, 2011 which passed 4-0.**

**RESIDENTIAL APPEALS AND REQUESTS**

**Rochelle Somsak; 29510 Josephine Drive**

Proposal consists of a shed. The following variance is requested:

1. A 72 sq. ft. variance for an accessory building larger than code allows; code permits 120 sq. ft., applicant shows 192 sq. ft., Section 1135.02(d)(1). Note: Total area of accessory structures allowed in rear yard is 1,036 sq. ft. If approved, electrical permit will be required.

Rochelle Somsak and Charles Alexander, an electrical engineer, were sworn in. Mr. Alexander said they are building a shed in the rear of the yard which will be 12' x 16' which is slightly larger than code permits. The placement of the shed was chosen to ensure it's not visible from the front of the home and will meet rear and side yard setbacks. The shed will include electricity and be used for storage and personal hobbies. He noted the distance between the rear neighbor and rear property line was 300 feet. Ms. Somsak noted the power lines ran along the back of the property which would be utilized to supply electricity to the shed. Mr. Mitchell noted not only was there a rear CEI easement there is also a drainage swale which runs along the east property line. He said the shed could not be located within a swale. He noted an electrical permit would be required. Mr. Gareau said the board could condition approval to ensure the shed is not within the swale and require a new detailed plan be submitted to the building department. Ms. Rudolph asked if the shed would be heated and Mr. Mitchell noted the plan indicated it would have baseboard heating. Mr. Alexander said electrical wiring would be provided for future baseboard heating. Ms. Somsak said she was in the process of addressing all maintenance issues on the property. Ms. Diver did not believe it would change the character of the neighborhood, it would not be visible to rear neighbors and would not affect governmental services.

**Mr. Lopez moved, seconded by Ms. Diver, to grant Rochelle Somsak of 29510 Josephine Drive the following variance as amended: A 72 sq. ft. variance for an accessory building larger than code allows; code permits 120 sq. ft., applicant shows 192 sq. ft., Section**

**1135.02(d)(1), conditioned upon the shed being placed to meet side and rear yard setback requirements, which passed 4-0.**

**Thomas & Linda Brilla; 24715 Doe Drive**

Proposal consists of an addition to the home. The following variance is requested:

1. A 5 ft. variance for rear yard setback; code requires 50 ft., applicant shows 45 ft., Section 1135.08(a).

Mr. and Mrs. Brilla were sworn in. Ms. Brilla said the addition is for a master suite and family room which is 5 feet within the 50 foot rear yard setback. They spoke with their neighbors who signed statements saying they had no objections to the request. The addition will match the sight line of the home and all exterior materials will match color and style. Mr. Mitchell said he had no objections to the request as the addition matches the existing roofline and will fit into the neighborhood. Ms. Rudolph noted that the neighborhood had small yards and asked if the detached garage and new addition would exceed lot coverage and Mr. Mitchell said no. Ms. Diver noted that the neighbor also had an addition on the rear of their home as did others in the neighborhood. Ms. Bellido believed that the addition would fit the neighborhood and increase the value of the home. She noted that the development was designed to meet lot size minimum requirements which put all homeowners in the area at a disadvantage. Ms. Diver noted that no governmental services would be affected and the addition would be an improvement to the home as well as the neighborhood.

**Ms. Bellido moved, seconded by Mr. Lopez, to grant Thomas & Linda Brilla of 24715 Doe Drive a 5 ft. variance for rear yard setback; code requires 50 ft., applicant shows 45 ft., Section 1135.08(a) which passed 4-0.**

**David & Kelly Amen; 3631 West 230<sup>th</sup> Street**

Proposal consists of a three season room. The following variance is requested:

1. A 7 ft. variance for rear yard setback; code requires 50 ft., applicant shows 43 ft., Section 1135.08(a).

David Amen and Larry Wagner, contractor, were sworn in. Mr. Wagner said the three season room would include electricity but would not have heating or A/C added. The owners are upgrading their landscaping and replacing the existing driveway in addition to the three season room. Mr. Mitchell asked if the wall between the home and room would be opened and Mr. Wagner said there are existing double doors which will remain and a second door added along the south wall. Mr. Mitchell said he had no objections to the request as it would add value to the home and neighborhood. Ms. Rudolph said she would recuse herself from addressing the case as she is friends with the applicants. Ms. Diver commented that she was glad to hear the driveway and landscaping was being enhanced.

**Mr. Lopez moved, seconded by Ms. Bellido, to grant David & Kelly Amen of 3631 West 230<sup>th</sup> Street a 7 ft. variance for rear yard setback; code requires 50 ft., applicant shows 43 ft., Section 1135.08(a) which passed 3-0. Ms. Rudolph abstained.**

## COMMERCIAL APPEALS AND REQUESTS

### **Chick-fil-A; 4777 Great Northern Blvd**

Proposal consists of two wall signs. The following variances are requested:

1. A variance for 2 additional wall signs; code permits 1, applicant shows 3, Section 1163.28(a). See Note 1.
2. A 2.5 sq. ft. variance for excessive wall signage on a building; code permits 96.9 sq. ft., applicant shows 99.5 sq. ft., Section 1163.25(b). See Note 2.

Note 1: One wall sign permitted in July 2006. Variance issued for 2 additional ground signs (menu and reader boards) in April 2006.

Note 2: Includes 2 proposed signs and existing wall sign.

Brandon Guest with Clayton Signs was sworn in. Mr. Guest said there is currently a wall sign and ground sign in front of the building but since the store opened a cut through between North Olmsted Town Center and Chick-fil-A was opened. Sign C along the south elevation and E along the west are needed to identify Chick-fil-A to traffic along Brookpark Road and within the neighboring shopping center. Mr. Mitchell said variances were granted in July of 2006 for ground signs and wall signs. He does not object to a wall sign on the west elevation sign E however he questions if sign C is warranted. Ms. Rudolph felt sign C was not warranted as the neighboring building would block its view from Brookpark Road traffic. Sign E is understandable as it will be seen by the neighboring site and Brookpark Road. Mr. Clayton said although the line of sight is limited the south elevation sign would be visible from Brookpark and neighboring sites. The signs will match the existing wall sign and be illuminated. Ms. Diver felt an illuminated sign on the west elevation would have an adverse impact on the neighboring residents to the northwest. The cut through can only be used by traffic behind the shopping center and is not a road. Ms. Bellido said traffic traveling east along Brookpark can see the building however they don't know the name of the site until they have passed the Brookpark and Great Northern intersection. She believes sign E is warranted however sign C is not. Mr. Lopez and Ms. Rudolph agreed that sign E was warranted but didn't feel sign C was.

**Mr. Lopez moved, seconded by Ms. Bellido, to grant Chick-Fil-A of 4777 Great Northern Blvd a variance for 1 additional wall sign (Sign E) on the east side of building, which passed 3-1, Mrs. Diver voted no.**

**Mr. Lopez moved, seconded by Ms. Bellido, to grant Chick-Fil-A of 4777 Great Northern Blvd a variance for 1 additional wall sign (Sign C) on the south side of the building, which failed 4-0.**

Ms. Bellido noted that denial of wall sign C negated the need for a 2.5 sq. ft. variance for excessive signage on a building.

## COMMUNICATION

**Ms. Diver moved, seconded Mr. Lopez, to excuse the absence of Nancy Sergi which passed 4-0.**

**ADJOURNMENT**

With no further business the meeting was adjourned at 8:30 p.m.

  
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Jennifer Rudolph, Vice Chair

  
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Donna Rote, Clerk of Commissions

Approved:

  
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