

**CAUCUS PRIOR TO STRONGSVILLE BOARD OF ZONING &
BUILDING CODE APPEALS**

**Meeting of
July 10, 2019
7:30 p.m.**

Board of Appeals Members Present: Kenneth Evans, John Rusnov, Richard Baldin, David Houlé and Tom Smeader

Administration: Assistant Law Director Daniel J. Kolick

Building Department Representative: Brian Roenigk

Recording Secretary: Kathy Zamrzla

The Board members discussed the following:

NEW APPLICATIONS

1) ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative

- a) Requesting a 14' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 36' Rear Yard Setback is proposed in order to construct a 348 SF Addition;
- b) Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 24' encroachment into the established Rear Yard Setback is proposed in order to construct a 650 SF Deck; property located at 14961 Sherwood Drive, PPN 393-32-039, zoned R1-75.

The Board noted that there is a HOA and they have not received a letter of approval yet from the applicant. They mentioned that the lot is not deep, and that is what causes the issue with their plans. The Board stated that this falls into the topography category for the Code as well. They were informed that the representative would not be present tonight, but the homeowner would be presenting for themselves at this meeting. The Board specified that there is a lot of shrubs and trees. The Building Department informed them that the swale will have to be moved back, and will be part of the approval process by Engineering.

2) GRANT AND KELLY ROSE, OWNERS

- a) Requesting a 242 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 434 SF Floor Area is proposed in order to construct a Pergola;
- b) Requesting a 2'6" Height variance from Zoning Code Section 1252.05 (g), which permits a 15' Height and where a 17' 6" Height is proposed in order to construct a Pergola;
- c) Requesting an 8' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 12' Setback from the

Main Dwelling is proposed in order to construct a Pergola; property located at 22392 Valleybrook Lane, PPN 392-13-075, zoned R1-75.

The Board noted that these variances are to build a pergola. They stated that they will also need a HOA approval letter from the applicant. The Board mentioned that it's a beautiful, wide open backyard with nothing behind it to worry about, and where they intend to put the pergola is in a sunken part of the yard which is why they want the height variance. They decided that the setback variance isn't an issue from the house because it's not a shed. The Board confirmed that this would also fall into the topography category for the Code.

3) **RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 300 SF Patio encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 19340 Whispering Pines Circle, PPN 397-25-025, zoned R1-75.

The Board stated there is no HOA for this property. They also mentioned that there is a vacant buildable lot next to this property at the moment. The Board spoke of no issues with this variance request during the caucus.

4) **SECURE INDOOR STORAGE/Skip Collins with Allsigns and Designs, Representative**

Requesting a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where Two Wall Signs (North and South) are proposed; property located at 12878 Pearl Road, PPN 392-30-002, zoned Commercial Services (CS).

The Board acknowledged that they resubmitted their plans to reduce the square footage of the extra sign they are proposing. They also verified that they are allowed by the Code one of the two signs they are requesting. The Board noted that now they are both just under 50 SF for the two signs, and mentioned that when applicants in the past have requested more signs than were allowed by the Code they have allowed a combined SF for both signs based on what is permissible. They discussed whether the extra sign is necessary based on what kind of business it is, and pointed out that CubeSmart only has one sign on their building and they have a comparable setback on the same road. The Board argued that Pat Catan's also only had the one sign for the same building.

5) **RONALD AND LAURA KUBALSKI, OWNER**

- a) Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to install a 540 SF Patio with Fire pit;
- b) Requesting a 32' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 540 SF Patio with Fire pit encroaching 32' beyond the main dwelling into the Side Yard Setback; property located at 22129 Olde Creek Trail, PPN 392-13-108, zoned Residential Townhouse/Cluster (RT-C).

The Board noted that this is on a cul-de-sac, and that it backs up to common land that is solid with Pine trees with no swale in the backyard. They also mentioned that the adjoining lot can build right to the property line, and that variance they are requesting is so much that it will bring them very close to a possible dwelling. The Board argued that they knew the lot when they bought the property, and that it's too big of a variance request for the yard that they have. They noted that they received a letter from a neighbor, but that the items they mentioned were not germane to the variance and instead were about the land developer.

6) BRUCE STANSBURY, OWNER

Requesting a 14' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 36' Front Yard Setback is proposed in order to construct a 308 SF Garage Addition; property located at 16685 Grouse Run, PPN 397-13-025, zoned R1-75.

The Board noted that there is gravel out front and a car port. They thought the sightline for the proposed garage is about equal to the neighboring houses so it shouldn't be an issue. The Board argued that if this variance were to be passed they should make it contingent on bringing down the carport, and replace the gravel with a hard surface driveway. They decided they would like to hear what neighbors might have to say about it.

7) ARBY'S/Ken Knuckles with Development Management Group LLC, Representative

- a) Requesting a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building;
- b) Requesting a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building;

- c) Requesting a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building;
- d) Requesting a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

The Board noted it is an old lot that they knew would need variances for building something new since the Codes have all changed since it was originally developed. They mentioned similar variances done for McDonald's, Sheets, and the new car wash across the street from this lot. The Board argued that they took down an old and rundown building, and replacing it with a new building and landscaping that is going to look much nicer once it's completed. They seriously considered the possible traffic pattern issues with left hand turns onto Pearl Road, but stated that McDonald's is already set up with the same traffic pattern. The Board acknowledged that at rush hour it could be backed up from the light at Pearl and Whitney all the way back to the turnpike. They spoke about CPTED having to approve this traffic pattern after safety inspections instructed by the Planning Department, and that this Board is not responsible for approving the traffic flow. The Board verified that they need to focus on the setbacks and the parking spaces, but noted that this is for a drive thru and not a sit down restaurant which will require less parking.

8) FOUNDATION SOFTWARE/Myles Houska with Brilliant Electric Sign Company, Representative

Requesting a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where five Wall Signs (South) are proposed; property located at 17800 Royalton Road, PPN 396-12-034, zoned Office Building (OB).

The Board mentioned that all five signs that are proposed combined equal 357 SF which is well under the 411 SF that is allowed by the Code. They noted that this is a self-contained, multi-faceted building that has numerous walls. The Board stated that it has a large setback from the road as well. They questioned whether they are wasting their money on all these signs considering that once it's developed there will be a lot more in front of the building. The Board sees no issue though with the signage that is proposed.

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

**MINUTES OF MEETING
July 10, 2019**

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans
Mr. Baldin
Mr. Rusnov
Mr. Smeader
Mr. Houlé

Also Present: Mr. Kolick, Assistant Law Director
Mr. Roenigk, Building Department Representative
Ms. Zamrzla, Recording Secretary

Mr. Evans – Good evening ladies and gentlemen. I would like to call this July 10, 2019 meeting of the Strongsville Board of Zoning and Building Code Appeals to order. May we have a roll call please?

ROLL CALL: ALL PRESENT

Mr. Evans – I hereby certify that this meeting has been posted in accordance with Chapter 208 of the Codified Ordinances of the City of Strongsville. We have before us this evening minutes from the June 26th, 2019 meeting. We discussed it in caucus, and unless anyone has anything else to add or corrections to make, we will approve those and submit them as they were given to us for the official record. If there is anyone in our audience this evening that wishes to speak whether it is to present to the Board or to speak at a public hearing, I ask that you stand now and be sworn in by our Assistant Law Director, along with our Recording Secretary, and our Representative from the Building Department.

Mr. Kolick then stated the oath to those standing and anyone who wished to participate.

Mr. Evans – Thank you. Our meetings are divided into two portions. The first half are new applications, and then we'll move onto our public hearings.

NEW APPLICATIONS

1) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative**

- a) Requesting a 14' Rear Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Rear Yard Setback and where a 36' Rear Yard Setback is proposed in order to construct a 348 SF Addition;
- b) Requesting a 10' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which permits a 14' encroachment into the established Rear Yard Setback and where a 24' encroachment into the established Rear Yard Setback is proposed in order to construct a 650 SF Deck; property located at 14961 Sherwood Drive, PPN 393-32-039, zoned R1-75.

Mr. Evans – First on the agenda tonight is Abedalhakeem Abukhalil. I'm sorry I'm butchering your name. Please come up to the microphone and give us your name and address for the record.

Mr. Abukhalil – Abedalhakeem Abukhalil, 14961 Sherwood Drive. I go by Hakeem.

Mr. Evans – Alright, I wasn't even close. Tell us about what you're asking to do, and why you need the variances please.

Mr. Abukhalil – We are adding a room in the back as a playroom for the kids. We're surrounding it by deck. That's why I need the variance.

Mr. Evans – So looking at the layout of the interior of the house, some have already been out to look at it. The rest of us will be out to look at it before the next meeting. Are there other places that you could add that coming off the house or is that the only one?

Mr. Abukhalil – That's the only one.

Mr. Evans – Okay. We talked in caucus about the fact that there is a drop-off in the back and a swale. If you were to be granted the variance, it's going to be necessary for you to reconstitute that swale or recondition the swale after doing the deck and the addition to maintain the swale back there. That's important for drainage. I want to make sure you understand that.

Mr. Abukhalil – Yes, I'm aware of that.

Mr. Evans – Okay, gentlemen, are there question you have?

Mr. Baldin – No questions.

Mr. Rusnov – You pretty well covered it.

1) **ABEDALHAKEEM ABUKHALIL, OWNER/Harlan Eberhardt, Representative,**
Cont'd

Mr. Evans – There's a HOA, we're assuming that you've already submitted that to them. You'll want to make sure that you stay on them in order to get their acceptance of the variance request. If you get it ahead of time, you can give it to the Building Department. They will then send it to us. If you get it at the last minute, make sure you bring a copy with you to the next meeting.

Mr. Abukhalil – Yes, I submitted it and I'm waiting on a response from them.

Mr. Evans – Okay.

Mr. Abukhalil – As soon as I have it, I'll send it to you.

Mr. Evans – It's replacing the existing deck, correct?

Mr. Baldin – Correct.

Mr. Rusnov – Correct.

Mr. Evans – Okay, so we don't necessarily need to have that staked out then if replacing the existing deck.

Mr. Roenigk – I don't believe there is a deck. There's no deck.

Mr. Abukhalil – There's a deck.

Mr. Roenigk – There's a deck there, and the building is going to go there.

Mr. Evans – Okay.

Mr. Abukhalil – The new room, yes.

Mr. Evans – So we do need stakes out at the corners where the new deck is going to go.

Mr. Abukhalil – Okay, sounds good.

Mr. Evans – Okay, is there anything else gentlemen? So all of the members of the Board will be out to visit the property to take a look at it. The public hearing is on July 31st. Normally its two weeks between meetings, but its three weeks this time because of the Homecoming Celebration. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Abukhalil – Thank you.

2) **GRANT AND KELLY ROSE, OWNERS**

- a) Requesting a 242 SF Floor Area variance from Zoning Code Section 1252.15, which permits a 192 SF Floor Area and where a 434 SF Floor Area is proposed in order to construct a Pergola;
- b) Requesting a 2'6" Height variance from Zoning Code Section 1252.05 (g), which permits a 15' Height and where a 17' 6" Height is proposed in order to construct a Pergola;
- c) Requesting an 8' Setback variance from Zoning Code Section 1252.15 (a), which requires a 20' Setback from the Main Dwelling and where a 12' Setback from the Main Dwelling is proposed in order to construct a Pergola; property located at 22392 Valleybrook Lane, PPN 392-13-075, zoned R1-75.

Mr. Evans – Second on the agenda is Grant and Kelly Rose on Valleybrook Lane. Please come up to the microphone and give us your name and address for the record.

Mr. Rose – Hello, my name is Grant Rose, 22392 Valleybrook Lane.

Mr. Evans – Mr. Rose, you are asking for three variances to construct a pergola. Tell us about the project and what you're doing.

Mr. Rose – Behind our house we have a two-level stamped concrete patio, and the lower level we'd like to cover so we have some shade. There are no trees or houses next door or anything to block the sun. We need a variance from the house because the second level goes down before 20'. So in order to just cover the second level it has to be a little bit closer than is allowed currently. It has to be taller because as you're going down the steps to get in you don't want to feel like you're going to hit your head because you're going down three feet or so. So it needs to be a little taller than that. In order to cover that area, that semi-circle, it has to be a certain width so we're not drilling holes into the concrete. We want to hit wood so we can put in footers in correctly.

Mr. Evans – This is a prefabricated or custom built pergola?

Mr. Rose – Its custom built.

Mr. Evans – Am I right that there's a cupola on the top? No, it's just the peak of the ridge vent.

Mr. Rose – Just a peak.

Mr. Rusnov – I believe that part (b) would be topography driven, as you stated, so that's why you need the extra two and a half feet.

2) **GRANT AND KELLY ROSE, OWNERS, Cont'd**

Mr. Rose – Right.

Mr. Rusnov – Plus, that's a difference between the two levels about four feet.

Mr. Rose – Right, you step down a good three or four feet. The backyard trails off.

Mr. Rusnov – I just wanted to get that put in the record.

Mr. Evans – Thank you Mr. Rusnov. Are there other questions or comments?

Mr. Baldin – I think it'll look good.

Mr. Rose – Thank you.

Mr. Evans – So again, we'll all be out to take a look at it. Those of the members of the Board who have not yet will be out to visit the property to take a look at it. There will also be a notice that will go out to your neighbors within 500 feet of your property. It will state exactly the description that is written in the agenda tonight. So if you have curious neighbors that will want to ask questions, you should get together with them before the next meeting to explain simply what your plans are. That may save everyone some time and the trouble.

Mr. Rose – The people directly next to us we've already spoken with. I do have HOA approval if you give me an email address or something, I can email it to you.

Mr. Baldin – We don't have a letter on that yet, do we?

Mr. Kolick – No that's what he's saying, that he can email it. If you contact Kathy up at City Hall, she'll give it to you.

Ms. Zamrzla – You can send that to building@strongsville.org.

Mr. Rose – Okay, great.

Mr. Evans – So you are all set. The public hearing is on July 31st. We will invite you back at that time. It is not necessary that you stay for the rest of the meeting tonight. Thank you.

Mr. Rose – Thank you.

3) **RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative**

Requesting a 9' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 300 SF Patio encroaching 9' beyond the main dwelling into the Side Yard Setback; property located at 19340 Whispering Pines Circle, PPN 397-25-025, zoned R1-75.

Mr. Evans – Item number three on our agenda is Miller on Whispering Pines. Please come up to the microphone and give us your name and address for the record.

Mr. Bella – Steve Bella, 12588 S. Churchill Way, Strongsville.

Mr. Evans – Thank you. You are here for the applicant, and you are doing a side yard variance to build a deck? No, a patio.

Mr. Baldin – It's a patio on the opposite side yard.

Mr. Evans – Okay. Tell us about why the variance is necessary please.

Mr. Bella – They had an existing deck that went to a white fence, and they had a pool that used to be there. During a windstorm, a huge tree took out both. He took out the pool and the deck, and he wants to extend the patio. I thought it was a 7' side yard setback. It was just going to the existing ending of the overhang of the house which I thought was 7'. I think the fence was 9'. He only wanted to go to the end of the overhang that is there now.

Mr. Evans – We can double-check that before the next meeting. We'll post it as 9', but we'll double-check to make sure what it actually is.

Mr. Roenigk – I have 9' past the sideline of the house according to your drawing.

Mr. Bella – Yes that was a scale one. It only goes to the existing edge of the overhang. I'll go out there and double-check, but I think its 7'.

Mr. Roenigk – Okay, let me know. Yes, according to the drawing, I have 9'.

Mr. Bella – Okay.

Mr. Evans – Alright. Are there observations or questions from the Board?

3) **RYAN AND JESSICA MILLER, OWNERS/Steve Bella with Bella Cement, Representative, Cont'd**

Mr. Rusnov – No questions.

Mr. Evans – You want to let the resident know that a letter will go out to everyone within 500' so they may want to let the neighbors know what's going on. Often times when people get the notice they are subject to interpreting it differently than what it's intending to be. Getting them the right information is always helpful.

Mr. Bella – Okay.

Mr. Evans – We invite you back on July 31st, and you're all set for tonight.

Mr. Bella – Okay. If it's 7' I'll let you know, otherwise we'll just keep it at 9'.

Mr. Roenigk – That's okay, call or stop by.

Mr. Bella – Okay, thank you guys.

4) **SECURE INDOOR STORAGE/Skip Collins with Allsigns and Designs, Representative**

Requesting a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where Two Wall Signs (North and South) are proposed; property located at 12878 Pearl Road, PPN 392-30-002, zoned Commercial Services (CS).

Mr. Evans – Number four on our agenda is Secure Indoor Storage. Please have a representative come up and give us their name and address for the record.

Mr. Collins – Skip Collins, 5101 W. 161st, Brook Park, Ohio.

Mr. Evans – Thank you, Mr. Collins. Tell us about the reasons the applicant has for looking for this variance. I know you discussed this at the last meeting. You also heard us talking in caucus, so let us know the reasons why you are here tonight.

Mr. Collins – They want to be noticed from all aspects of the traffic. Seeing as though we're allowed to have the one, we'd prefer the north. For the south side, with the home games and everything next door, we just want everyone in the neighborhood to see that there is a storage place right over there. I don't know if you guys visited to see that it's very visible from the stands.

Mr. Evans – Yes, it's a middle school. There aren't that many events that take place on the field. It's designed to be able to accommodate a lot of different things, but I don't know if that is necessarily going to precipitate a lot of customers for the storage area.

4) **SECURE INDOOR STORAGE/Skip Collins with Allsigns and Designs, Representative, Cont'd**

Mr. Collins – Probably not.

Mr. Evans – As we discussed in caucus, I would be remiss if I didn't say that one of our problems is that when we allow things that are outside of the Code, such as the multiplicity of signs every business in town would cover their walls with signs. While we want every business to be successful, there's a measure that says that retail is a draw for people coming on a constant turnover basis. Storage facilities are used only on a subscription basis, and while for having new customers coming in it may be a draw. I'm sure that there is other advertising as well that they are going to do to find customers. As the observation was made in caucus, Cube Smart which is a very similar facility down the street only has one sign on the front. So again when we allow multiplicity, everyone gets on the bandwagon wanting more signs. There are circumstances where it warrants it, and circumstances where it's a little bit overkill. Gentlemen, do you have comments or observations?

Mr. Baldin – Sir, you said one word out there during your little conversation speech to us that stuck out which was visibility. That building is so visible, there is no one that is going to miss it. You put the one sign that you're allowed, and I think your people are going to be fine. Do you have any idea how many storage units are inside that building?

Mr. Collins – I think you asked that last time. I think its 250 or 300. They are small individual, and I told you they are going to do an extension.

Mr. Baldin – I walked in there and looked around and it's huge. There's so many, I just couldn't believe it.

Mr. Collins – Yes.

Mr. Baldin – Okay, thank you.

Mr. Evans – Anybody else?

Mr. Rusnov – No.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Baldin – I make a motion to approve a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where Two Wall Signs (North and South) are proposed; property located at 12878 Pearl Road, PPN 392-30-002, zoned Commercial Services (CS).

Mr. Houlé– Second.

4) **SECURE INDOOR STORAGE/Skip Collins with Allsigns and Designs, Representative, Cont'd**

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:	RUSNOV – NO	MOTION DENIED
	HOULÉ – NO	
	EVANS – NO	
	SMEADER – NO	
	BALDIN – NO	

Mr. Evans – The variances has been denied. Please understand that we still want the business to be successful, but as we discussed sometimes there are reasons that variances are not approved by this Board. That would be the conclusion of the process then. You still have the option of putting the single sign on either the north or the east elevation as the client may wish, but at this point the variance has been denied then.

Mr. Collins – Okay, thanks.

Mr. Evans – Thank you.

5) **RONALD AND LAURA KUBALSKI, OWNER**

- a) Requesting a 3' Rear Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a 10' Rear Yard Setback and where a 7' Rear Yard Setback is proposed in order to install a 540 SF Patio with Fire Pit;
- b) Requesting a 32' Side Yard Setback variance from Zoning Code Section 1252.16 (e), which requires a patio maintain the same Side Yard Setback as the main dwelling and where the applicant is proposing a 540 SF Patio with Fire Pit encroaching 32' beyond the main dwelling into the Side Yard Setback; property located at 22129 Olde Creek Trail, PPN 392-13-108, zoned Residential Townhouse/Cluster (RT-C).

Mr. Evans – Item number five on our agenda is Kubalski on Olde Creek Trail. Please come up to the microphone and give us your name and address for the record.

Mr. Kubalski – Ron and Laura Kubalski, 22129 Olde Creek Trail.

Mr. Evans – Thank you. You are looking at two variances. You heard us talking in caucus. I do, before I ask you to speak, want to note that we did receive a letter from Joe Wilson and Michelle Zernike at 22341 Pinnacle Point. The letter was about the circumstances that the developer had said would be taken care of in the area, and really didn't pertain to this specific request for the variance. So we just want to note for the record that there was a letter received, but after reading

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Mr. Evans continues - through it we decided it really wasn't germane to this specific request for the variance. Having said that, take us through the process of why you are requesting the variances and what the numbers are that you are looking for.

Mr. Kubalski – Basically when you look at our property, and I gave all the members a copy of the plats around us, we have one of the shortest lots. If you look around that whole area you can see that, but we paid a premium to have a wider lot in the back. So if you look at all the other lots in that vicinity, you can see that all the lots have a wide back end. These are cluster houses we're talking about, so you have to assume that these pins are all localized in distance, if you look at our neighbors they are only 10' away. It's a cluster home. Where I'm putting the fire pit potentially, the minimum amount of distance would be 20', and I'm saying minimum because if you look at the angle of the neighbor to the left of us, he is also on a large pie-shaped lot. His orientation for all practical purposes, I would think would be right in the center so that he has wide open areas on both sides. With that being said, we thought that we should try and move ours a little to the left because we didn't want to impose on people on the right because they have a very small lot as well. So we thought we'd move everything to the left. Even with that being said, the fire pit regulations here require 15'. I talked to the Building Department a couple days ago, and there are no rules in terms of freestanding fire pits. So even though I'm putting in a gas fire pit. It's nothing with ashes, or wood. It'll be gas, and raised above the ground. Even still the City is still going to hold me accountable for 15', even though any of us here, if we have a patio in the back, can go buy a free standing fire pit and have it as close to the house as we want. It's the same type of fire pit that I would have, the only difference is that I'm going to have brick around it. I have a wide back yard, my neighbor is going to have a very wide backyard. I have all privacy in my back yard. The whole idea was that we utilize my area that we paid a premium for knowing that we bought this cul-de-sac lot, and when we talked to the builder we told him we wanted a gas fire pit. We have two gas lines that we put back there. So we spent an awful lot of money for this lot with the intention that we were going to have a fire pit for the back there. When you take in account the 15' of the location, there's really no location to put that fire pit. I can move it a couple feet inward, but I'm dealing with three different constraints. The backyard constraint is 10'. The side yard constraint is 10', and then the 15' for the fire pit itself. We're just trying to utilize the property that I own.

Ms. Kubalski – Not only that, if you look at the other parts of the development, where there is the circle, the houses are right on top of each other back to back. They all have patios, they all stare right at each other. We're not asking for anything out of the norm that isn't already in our development. All the patios are back to back facing each other. Houses 5' from the property line. Our patio will be further from 5' from the patio line. So we have more than enough space compared to all the rest of the development on that circle.

Mr. Evans – Ms. Kubalski, I know that your husband stood up earlier, did you stand up to be sworn in?

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Ms. Kubalski – I did.

Mr. Evans – Okay, I'm sorry. Okay, are there questions or observations?

Mr. Baldin – When you purchased this lot, and you talked with your builder, and you decided what you were going to put it in, the type of house you were going to put in, you had a patio that was going to come with the lot with the home, did he advise you at all about the size and what all you can and cannot do? Did he have no conversation with you whatsoever about limitations?

Mr. Kubalski – No, when we first went to the builder, we were going through the line items by line items, and we said that we didn't know what kind of patio we want to put in, but we do know we're going to put in a fire pit. They knew all along that they were going to put in a fire pit because we had a gas line installed outside.

Ms. Kubalski – Their exact words were that we don't have to worry about it, and that we can design your patio next year when you move in.

Mr. Baldin – Did he suggest that you check with the Building Department or with the City at all to see what you can and cannot add in your yard behind your house?

Mr. Kubalski – No. He did not.

Mr. Baldin – Behind your patio, in addition to what you're normally allowed?

Mr. Kubalski – No, he gave us Mark Hudesec to work with as a concrete guy, and we waited for Mark to come. He just came and looked at our loose layout. He set up everything with the forms, he put in the stonework and the mesh. Then the City came out and inspected it, and that was it.

Mr. Baldin – Were there any emails back and forth between you and the builder?

Mr. Kubalski – Yes.

Mr. Baldin – About your patio.

Mr. Kubalski – Yes.

Ms. Kubalski – After the fact.

Mr. Baldin – After the fact. After it was red tagged or before? About putting it in or not putting it in.

Ms. Kubalski – We questioned in emails with the cement guy about who is doing what first, the land excavating or the concrete guy.

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Mr. Baldin – Your concrete guy should have known himself. He's done other work in this City.

Mr. Kubalski – He was a subcontractor. We paid Parkview a credit, and he said that he would take the credit. We assumed that Mark Hudesec was going to do the concrete work, and we assumed that he would know about all the variances. When it failed, I contacted Mark and asked if he knew that the fire pit can't go beyond the shadow of the building? He said yes. I asked him who he told, and he was silent to us. So the only person he could have told was Parkview.

Mr. Baldin – So you're saying that after the inspection, and it was red tagged, that's when you had the emails back and forth with the builder?

Mr. Kubalski – We had other emails with Parkview all along saying that we can't go to the City with anything until Mark Hudesec tells us what we can build or not build. Again Mark came out to our place...

Mr. Baldin – You're the one who wanted to build it. You can't leave it up to the concrete guy to tell you what you can or can't build.

Mr. Kubalski – But also we don't know the rules and regulations.

Mr. Baldin – But the City could have told you that if you had come to the City.

Mr. Kubalski – We didn't know the design. How to design it so we were asking for a designer. We didn't know if it was 15' or 10'. We don't know any of that, we figured the concrete guy who we're paying money through Parkview would have done all of that.

Mr. Baldin – Thank you.

Mr. Evans – Are there other questions? I think in caucus one of the things we talked about is that the 32' variance is substantial. It's over the top really, and I guess part of our conversation is whether you can reduce that variance maybe down to 20' or something like that so it's a little less egregious. Please understand that our job is to try and turn down variances or minimize them or work with them. Given that you are going to have neighbors that are going to continue to build as well, and they are all going to say that they want to go this way or that way, our job is to try and set it up for success. As you pointed out, Ms. Kubalski, there's a lot of other decks, patios, and everything else nearby. Everyone always feels like their backyard is their castle, and they should be able to do whatever they want with it. Our job is to try and control that, minimize it, and make sure that it works for everybody; both existing residents, and people who are building new homes, and everything else. As you heard with the signage, once we allow things like allowing a 32' variance on a side yard setback, it's going to be something people look at and think that they should be able to get that as well. Then it becomes a problem. We have to live with what we do, and sometimes that's not always very easy.

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Mr. Kubalski – Can I ask you a question? Okay. Let's just say I work down that path. So knowing that you don't have any regulation on stand-alone fire pits, would you allow a variance for my concrete...

Mr. Evans – Patio.

Mr. Kubalski – Not for the fire pit itself? Because again, anybody in this room can go out and buy a free-standing fire pit at any of the big boxes, and they can put it right on their patio and be 5' within it. I'm doing the same thing, but mine is in the ground with concrete.

Mr. Kolick – There's a reason for this. It's the Fire Department's reason. They don't want the fire pits that close to the house. We understand that someone could buy something and bring it right up against their house. We can't stop that because we can't be patrolling every house, but we can certainly make sure that if it's a permanent structure that it's 20' away from the house so we're not allowing someone to burn down their house. I'm sure you all don't want that. We don't want that. We don't want to see the Fire Department out there so we don't normally vary that requirement for a permanent fire place next to a house, because it's dangerous. It's just that dangerous. Whether you get an ember or whatever to go up onto your house, you don't want that and we don't want to see that, and the Fire Department doesn't want to see that. We understand that some people do some dangerous things that we try to avoid when we can. So I can't speak for the Board, but that's not something we want to vary because it's a safety reason.

Mr. Kubalski – I understand that fully. My next question would be that again I'm looking for 15' of clearance and I need help. I can't move it. You've asked if I can shave it. I wish I could, but now I'm starting to get into my property itself that the 15' is going to be away. What about my backyard, my back line? What can I go there with a variance then?

Mr. Evans – Right now you're requesting the 3' rear yard setback variance where its 10' required. You could go back further. You're up against common property, right? So at that time, that would change the dynamics with the HOA approval perhaps, but I think that would probably be a moot point. So if you wanted to do the flip and instead of a 3' variance, you wanted to do a 7', I'm thinking that it probably wouldn't be that big of a deal.

Mr. Kubalski – Okay.

Mr. Rusnov – To dovetail with what I think I hear. You guys are not familiar with the Zones Codes of the City. You were relying on the "experts", and the people who you trusted to give you guidance as to what you can and can't do. If I heard you correctly, it was crickets that you heard. That means nothing.

Ms. Kubalski – Yes, right.

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Mr. Kubalski – Yes, correct.

Ms. Kubalski – Yet we have all this money already invested into the work that has already been done because...

Mr. Rusnov – Is it possible that you might be able to table this issue and go right to the horse's mouth which happens to be two seats over, and maybe reach some type of an agreement that might be palatable and a little bit more into the allowable Zoning area so you wouldn't require as much or any variances? Would you be willing to try that?

Mr. Kubalski – Yes, work with Brian?

Mr. Rusnov – Yes.

Mr. Kubalski – Sure.

Mr. Rusnov – That's kind of a Band-Aid at this point in time, but at least you can get some correct information that you can rely on. That would require you, Mr. Chairman, to table this for the evening so they can go back to the drawing board.

Mr. Evans – That delays it until the 31st, and Mr. Kolick will kick me, and the Mayor always calls me and tells me I can't do it, but I always use the term horse-trading. Part of what we do here is try and mitigate the request for the variance and figure out a way to make the applicant happy and be able to stay within the Code as much as we can. We do this because every time we expand it, we get in trouble. Council does oversee what we do, and they yell at us too.

Mr. Rusnov – They can hold us down.

Mr. Evans – I think that if you can work with the City, and you understand what our position is and what we're trying to accomplish. We understand what you're trying to do. Everyone who works with a Builder accepts the fact that they should be the experts that's why you pay them the money you do. Often time communication is a fine art that nobody seems to do anymore today. So we understand that things do happen like that. What we want to try and do is bridge that gap and try and get the problem resolved.

Mr. Kubalski – I respect that.

Mr. Rusnov – What we're trying to do is work with you here, and maybe give you some good information. Not that everything you were told was wrong, but to make sure this is more conforming to the Codes.

5) **RONALD AND LAURA KUBALSKI, OWNER, Cont'd**

Mr. Baldin – I think one of the things we keep hearing here is your fire pit. It's not so much that I have a problem with a fire pit. I have a problem with a 32' variance. That is what I think is the whole key here gentlemen is how far out they want to go from this building line. I don't care if the fire pit is 6' wide or 30' wide. It's the outside of the building line. That's the whole issue here. Forget the fire pit. They need to relook at this. You got a HOA approval for the existing concrete stamped patio. Then you went ahead and decided to do something else.

Ms. Kubalski – That existing stamped concrete patio was never a design that we wanted.

Mr. Kubalski – Credit. We never...

Mr. Baldin – I understand that, but it's all part of it.

Ms. Kubalski – Why is it an issue that the patio is wider than the home when again you said you don't want to start a precedent with other homes, but in that circle up on the trail, everyone is staring at each other's patios and they are all close together. So just having the patio outside of the shadow of the home, you're still looking at people's patios no matter where you are in that development because the houses are on top of each other. We have more land though that we should be able to use beyond the shadow.

Mr. Baldin – I understand that, but again we don't know who's going to build next to you. We don't know what kind of home they're going to put in. We don't know what kind of design they are going to have or how it's going to be set there. If we gave you that variance, and you're sitting out there and the guy comes and buys his lot. He pays a premium for his lot, he's going to say how am I going to set my home when I'm going to be staring at that patio and that fire pit?

Mr. Evans – As Mr. Baldin suggested, going 10' or even 15' beyond the building's shadow might not be an issue. 32' is a large area. If you go 32', then someone else will want to go 40', and then someone wants to go 50'. That's where we get into the difficulties. So again, I think we can do that, but before that I want to do the public hearing so we get that taken care of tonight. I'm going to go ahead now and do the public hearing, and then we'll come back to whether or not we table this for the evening. Okay?

Mr. Baldin – Before you go to public hearing. Keep in mind why they've asked you to table this. Maybe with the Building Department or maybe with a different contractor, and really think about this. We don't want you to have to tear something out. Fortunately the concrete is not in yet. You may have the gas line underneath, I guess, but you don't have the concrete in so there's not a lot to be torn out. We've had patios torn out that were poured already. We've had homes taken down, we've had buildings taken down because they did it without the proper permits and were way outside the lines. We don't want to be that hard, but I'm letting you know what can happen. Thank you.

5) RONALD AND LAURA KUBALSKI, OWNER, Cont'd

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed. Then I would entertain a request from you to table so you may talk with the Building Department and see if we can reach a common solution.

Ms. Kubalski – We request to table.

Mr. Kubalski – Thank you.

Mr. Evans – Okay. Thank you. So you can do that because we have until July 31st. So again, we appreciate your willingness to do that, and you'll take it from there then. Okay.

6) BRUCE STANSBURY, OWNER

Requesting a 14' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 36' Front Yard Setback is proposed in order to construct a 308 SF Garage Addition; property located at 16685 Grouse Run, PPN 397-13-025, zoned R1-75.

Mr. Evans – Alright, then we will move on in our agenda to Bruce Stansbury on Grouse Run. Please come up to the microphone and give us your name and address for the record.

Mr. Stansbury – Bruce Stansbury, 16685 Grouse Run Place, Strongsville, Ohio.

Mr. Evans – You heard us in caucus talking about a couple of things. I know the minutes reflected that your wife wants the carport down. So you did agree at the last meeting that it will be part of the process. You also heard us talk about the gravel where cars are parked.

Mr. Stansbury – Yes.

Mr. Evans – So I want to make sure that you understand that were we to grant the variance that any area where you park cars would have to be a hard surface. That could be pavers or it could be concrete or whatever, but it would have to be a hard surface, not gravel. That's just not something we permit in the Code.

Mr. Stansbury – Or I could return it back to grass.

Mr. Evans – Or you could return it back to grass and not park on it.

Mr. Stansbury – That was there when I purchased the house 23 years ago. I just never did anything with it.

6) BRUCE STANSBURY, OWNER, Cont'd

Mr. Evans – Okay.

Mr. Stansbury – It serves a purpose once in a while for a car.

Mr. Evans – Let me take you back and give us a quick description of why it is that you want to build the addition to the garage. I know you talked about it at the last meeting, but because it's a public hearing we'd like for you to identify for anyone who might be here tonight that wants to know why you need to build the addition.

Mr. Stansbury – Certainly. So I am looking to add the garage stall on the front of my house because I have multiple vehicles. Some of you gentlemen have walked around my property and saw that I have a carport on the side that I use for various things. I have a motorcycle sitting underneath there right now. I also have a car in storage at an out lot that I pay a monthly fee on. I would dearly like to bring it home. My wife, as I've mentioned, would love to get rid of that carport. I have agreed that if I put up a garage, I'd get rid of the carport. I would see that it would eliminate the need for the carport. I'd be willing to not park on the gravel, and I'd most likely return it to grass which would also make my wife happy. So at this point in time I would go ahead and tell you that I spoke to 7 of my 9 neighboring residents that live on the cul-de-sac. Two of them were not available to talk to. Everyone was in agreement with it. No one gave me any issues with it at all. They all said good luck to you, and said they had no reservations about me putting up the garage. So it's really the only option I've got to add any kind of storage space on my property. My side yards are 14' and 15' to the property line. I wouldn't want to put a garage on either side because it would restrict access to the backyard as well. It's unfortunate that it's the only option I've got that if I'm to add a stall I'm going to have to add it to the front of the house. I do understand that you looked at the line of sight, and I would agree. I did talk to both my neighbors on either side, and I asked if they thought there was any kind of an issue with looking out their window. They both told me that they have no reservations about it. They said they were sure I would do a good job on it, and it won't look like an eyesore when it's done. That's what I'm here for.

Mr. Evans – I'll tell you that for me, as one of the Board members, any time that you're coming out on that setback it's a problem for me because it means that if you want to go 14', then the next one wants to go 16', then we've got 20', and then all the sudden we're up at the street. Obviously that isn't something that we want to do. You're a 23 year resident. You've been in Strongsville a while. If you've lived on Grouse Run for 23 years, that's a long time and in my estimation that also counts to being a resident that has been in the City for a while. I guess the question is, the 14' that you want to come in, could it be less than that?

Mr. Stansbury – I could probably reduce it 2'. I think 12' would be about the standard for a single car if I remember looking at it, and looking at various plans online. I asked for 14' only to allow for 2' of storage, but 12' is basically what I saw online as far as standard building. Correct me if I'm wrong Sir. I'm not an expert on that.

6) BRUCE STANSBURY, OWNER, Cont'd

Mr. Roenigk – We talked about that. I believe you and I talked about that.

Mr. Stansbury – I can reduce it to 12'. I would be willing to reduce it 2'.

Mr. Evans – That's a good answer. I like that answer. As one of the Board members, and again I'm going to get kicked for mentioning horse-trading, the idea is that our job is to try and minimize those and also accommodate what you want. So if that can be done, and it would still accommodate what you're looking for, that may be important towards our consideration. It may not be.

Mr. Stansbury – I have no reservations about reducing the depth of it by 2'.

Mr. Evans – With that, are there questions from Board members?

Mr. Smeader – What would the size of the garage be if you reduced it by 2'?

Mr. Stansbury – Well I proposed a 14' by 22'. The 22' would meet the original garage.

Mr. Smeader – So it would be 14' by 20'?

Mr. Stansbury – 12' by 22'. So the setback variance would be 2' less.

Mr. Smeader – So how many square feet is that?

Mr. Stansbury – I was looking for a 14' front yard setback, and it would be a 12'.

Mr. Roenigk – So the garage would be 264 SF.

Mr. Smeader – 264 SF?

Mr. Evans – So questions from Board members?

Mr. Rusnov – The 36' front yard setback would be 38'.

Mr. Stansbury – That would be correct.

Mr. Evans – Yes.

Mr. Rusnov – Okay.

Mr. Baldin – No questions.

Mr. Rusnov – No questions.

6) **BRUCE STANSBURY, OWNER, Cont'd**

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will declare the public hearing closed and I will now entertain a motion.

Mr. Smeader – I make a motion to approve a 12' Front Yard Setback variance from Zoning Code Section 1252.05, which requires a 50' Front Yard Setback and where a 38' Front Yard Setback is proposed in order to construct a 264 SF Garage Addition; property located at 16685 Grouse Run, PPN 397-13-025, zoned R1-75. This is subject to removing the existing carport, and installing a hard surface to or removing the gravel area.

Mr. Rusnov – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL: ALL AYES MOTION PASSED

Mr. Evans – They accepted the variance and approved it with the conditions stated.

Mr. Baldin – See how easy that is?

Mr. Evans – There is a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. If Council does not overturn it you can proceed at that time.

Mr. Stansbury – Alright.

Mr. Evans – Alright.

Mr. Stansbury – Thank you very much for your time. Have a good evening.

Mr. Evans – Thank you.

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative**

- a) Requesting a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building;

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative, Cont'd**

- b) Requesting a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building;
- c) Requesting a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building;
- d) Requesting a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

Mr. Evans – Next on our agenda is Arby's with Ken Knuckles representing. Please come up to the microphone and give us your name and address for the record.

Mr. Knuckles – Ken Knuckles, Development Management Group, 4209 Galitin Pike, Nashville, TN.

Mr. Evans – Welcome to our meeting.

Mr. Knuckles – Thank you.

Mr. Evans – Okay, so we have a plethora of variances here. Let me first state that we did receive a letter from Bruce and Karen McDiarmid and basically they were making our Board aware of the fact that the Arby's plan does not meet the minimum lot size, building setback, parking setback, and traffic considerations. We all received a copy of their letter. They made reference to the fact that some of the developments in the area did not require variances which is not true because as we discussed in caucus there were multiple variances for Sheetz, for the gas station across from Sheetz, for McDonald's, for the car wash, O'Charley's, etc. So I will then ask for you to tell us about the plan, and what it is you are asking for. We know it's an existing lot which complicates things. Tell us about what the development plan is and why you are doing the things that you are doing.

Mr. Knuckles – Thank you. This parcel is, if you go by tax record, 1.27 acres which is out to the center line of the streets. To the right of way it is 0.92 acres. It has frontage on two streets, and it's also adjacent on the eastside to residentially zoned property. The building setbacks that are imposed from Pearl and from Whitney are substantial, particularly the one off of Pearl Road which is 125'. When you graphically create that envelope where the building can go it's a pretty small

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative,**
Cont'd

Mr. Knuckles - area. This is an Arby's standard prototype. There's nothing special or particularly fancy about it. We're not asking to put a building here that is larger than what they would normally construct. There is a 30' parking setback or buffer along Pearl, and 20' along Whitney. In order to even get 30 parking spaces that we are required to have by Ordinance, we need these encroachments in those two street yards to make that work. The reason the building encroaches slightly into the 125' setback is mainly because we're also sacredly holding the 20' buffer requirement along the residential area. We figured out of the variances that we could ask for, that was probably the one that would be least desirable to the City.

Mr. Evans – Yes.

Mr. Knuckles – So we held that and worked our way outward against those parking and building constraints per the Ordinance. As I said, we have 30 parking spaces based on 60 seats, and that's the minimum. That's what we have so we can't lose any parking to try and make any adjustments here. That only triggers yet another variance request.

Mr. Evans – So you do meet all the parking Codes. You do meet the setbacks to the residential property and the property next door. Mr. Rusnov do you want to do your spiel?

Mr. Rusnov – You're repurposing an existing parcel.

Mr. Knuckles – I love that word.

Mr. Rusnov – College education, what can I tell you? You're repurposing an existing parcel, and you really have no choice. I remember the last conversation, you cut the size of the building down.

Mr. Knuckles – Correct.

Mr. Rusnov – The chicken place down the street had numerous variances also. I can't remember the name. Raising Cane? This is all necessary to construct this building. The only condition we would probably have here would be approval by the Planning and Architectural Review Board concerning safety issues to see if there are in fact any. That's pretty much all the questions I have for you. I understand where you're going with this. The place has been vacant for some time. It was a somewhat beat-up building and you're going to put a new Arby's in there. You're mainly carry-out, not sit down.

Mr. Knuckles – Well, there's 60 seats in the building.

Mr. Rusnov – 60 seats? Okay.

Mr. Evans – Still that isn't as many as Mad Cactus or Ho Jo's had, but you were also going to mention about the trapezoidal shape of the lot correct?

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative,**
Cont'd

Mr. Rusnov – The shape of the lot is also very irregular, trapezoidal, yes thank you.

Mr. Knuckles – Even despite the fact that we are encroaching into some of these buffer yards, I'd still like to point out that the results of redeveloping this based on what we're proposing with Arby's...

Mr. Rusnov – Considering it was a Ho Jo's and it was the Mad Cactus that in fact utilized this, you're just inheriting it and repurposing everything.

Mr. Knuckles – ...but what we're going to end up with, which you haven't had up to this point, is we're going to have 35% of the lot as landscaped green area.

Mr. Rusnov – It'll be an improvement to the area.

Mr. Knuckles – So even with the encroachments into the buffer yards, we're still going to greatly exceed what is required regarding the landscaping and that sort of thing. I'd also like to point out, which you are very aware of the fact, that this is zoned for a restaurant. It's been historically a restaurant before.

Mr. Rusnov – Forever.

Mr. Knuckles – In response of the email that was sent, they specifically said to look at McDonald's.

Mr. Evans – We did variances for McDonald's.

Mr. Knuckles – You did, but I mean McDonald's is basically a quarter acre larger than this parcel. It's a 5000 SF building. It has nearly 60 parking spaces on it, and they are not encumbered by being adjacent to any residential area where they need a 20' buffer.

Mr. Rusnov – Plus the shape of the lot, and you're a 2800 SF building. The Raising Cane down the street is almost a mirror image except the shape of the lot. I think that was an EPA site also.

Mr. Knuckles – It's an interesting site, but it's also a very desirable location. I know that the City is excited about what Sheetz and McDonald's have done to the intersection, and they are looking forward to getting this corner redeveloped too.

Mr. Rusnov – Okay, that will do it for me.

Mr. Knuckles – Okay.

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative,**
Cont'd

Mr. Evans – You also heard us in caucus talking about the fact that we're not necessarily thrilled with the idea of the left-hand turn onto Pearl Road, but that we understand that the development agreement has specific mention for Arby's that it's necessary for them. That will still be something that we will not have any action on, but that the Planning Commission will go to our Police Department to ask about that as a safety issue. The last thing that we would want is to put safety at risk, but it would basically be the same situation as it is with McDonald's coming out across three lanes of traffic.

Mr. Knuckles – We completely understand the concerns. We've talked with Lori numerous times. We'll continue to have those discussions until we reach some sort of a resolution where everyone is satisfied.

Mr. Evans – Okay.

Mr. Knuckles – We understand that it is going to be a topic of discussion until it's resolved.

Mr. Evans – I do see one monument sign on here. That is the only monument sign that is going to be proposed.

Mr. Knuckles – Correct.

Mr. Evans – Signage on the building you are anticipating will not need to have variances either?

Mr. Knuckles – No. I can't believe how many we can have. I think its two wall signs?

Mr. Evans – On the corner, yes.

Mr. Knuckles – Then one smaller monument ground sign. That's all as far as I know. That's what they are proposing.

Mr. Evans – Okay, are there any other comments or questions?

Mr. Rusnov – No.

Mr. Smeader – No.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

7) **ARBY'S/Ken Knuckles with Development Management Group LLC, Representative, Cont'd**

Mr. Rusnov – I make a motion to approve a request for a 4.6' Building Setback variance from Zoning Code Section 1258.11 (a), which requires a 125' Building Setback from the Centerline of Pearl Road and where a 120.4' Building Setback from the Centerline of Pearl Road is proposed in order to construct a New Restaurant Building; and also approve a request for a 16.1' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 30' Parking Setback from the Pearl Road Right of Way and where a 13.9' Parking Setback from the Pearl Road Right of Way is proposed in order to construct a New Restaurant Building; and also approve a request for a 11.5' Parking Setback variance from Zoning Code Section 1258.11 (a), which requires a 20' Parking Setback from the Whitney Road Right of Way and where a 9.5' Parking Setback from the Whitney Road Right of Way is proposed in order to construct a New Restaurant Building; and also approve a request for a 1.07 Acre Minimum Lot Area variance from Zoning Code Section 1258.08, which requires a 2 Acre Minimum Lot Area and where a .93 Acre Lot Area is proposed in order to construct a New Restaurant Building; property located at 9175 Pearl Road, PPN 395-16-004, zoned Motorist Service (MS).

Mr. Smeader – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. We wish you well taking the project forward, we think it will be a good addition. You're done.

Mr. Knuckles – Thank you Chairman.

Mr. Evans – Thank you.

Mr. Rusnov – You know there is one other thing I want to mention about Arby's. That when that place was built and designed the Zoning Code was antiquated compared to what we have today. So it might have conformed in that timeframe, but that's part of the whole repurposing part of it.

8) **FOUNDATION SOFTWARE/Myles Houska with Brilliant Electric Sign Company, Representative**

Requesting a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where five Wall Signs (South) are proposed; property located at 17800 Royalton Road, PPN 396-12-034, zoned Office Building (OB).

8) **FOUNDATION SOFTWARE/Myles Houska with Brilliant Electric Sign Company, Representative, Cont'd**

Mr. Evans – Item number eight on our agenda is Foundation Software for the building at 17800 Royalton. Please have a representative come up and give us their name and address for the record.

Mr. Kunzen – Bob Kunzen with Brilliant Electric Sign Company, 481 Van Eps Road in Brooklyn Heights, Ohio.

Mr. Evans – Thank you, we have the plans that were given to us for the signage that is being requested. This is being redeveloped as a business building. It's going to have a lot of projects in front of it. I intimated in caucus that once the development is up, it's going to change the visibility of those signs most likely. Has the applicant, the owner of the building, thought about that in their process?

Mr. Kunzen - They have thought about that, and that's why they would like the presence of these signs on the building. I believe its 750' back from the road, and they share a drive with the rest of the development. A monument sign out by the road would not help them. I apologize, after hours, I thought there was one more item that was in this submittal. I was handed one copy, but the way these signs look on here I was concerned that in the architectural drawings that they look quite bold.

Mr. Rusnov – Excuse me Sir, even with the number of signs, you're still within the allowable amount of 411 SF.

Mr. Evans – The number of signs equate to 357 SF.

Mr. Rusnov – So they are actually smaller than permitted.

Mr. Evans – They are allowed 411 SF.

Mr. Rusnov – You are repurposing this building that is multi-faceted. That's one of the items that was brought up in caucus. You don't have one flat 275' wall. It's very irregular. From what you're saying it's necessary to be able to identify where you're going because this is a repurposed building that is going to be multi-use, which is a new concept, like first floor retail restaurant, second upscale office, or retail, so you're changing the whole dynamic. So this is also going to fit into the rest of the project.

Mr. Kunzen – Correct, as well as name the three sub-companies under the umbrella, and give them some presence.

Mr. Rusnov – Did that help you?

**8) FOUNDATION SOFTWARE/Myles Houska with Brilliant Electric Sign Company,
Representative, Cont'd**

Mr. Kunzen – It did. It states the owner's intentions.

Mr. Evans – Are there other questions.

Mr. Baldin – No questions.

Mr. Smeader – No questions.

Mr. Rusnov – No.

Mr. Evans – Alright. This is a public hearing. I'll ask if there is anyone here this evening who would like to speak for the granting of this variance. Is there anyone here who would like to speak against the granting of the variance? Hearing none and seeing none, I will now entertain a motion.

Mr. Baldin – I make a motion to approve a variance from Zoning Code Section 1272.14 (b), which permits one Wall Sign and where five Wall Signs (South) are proposed; property located at 17800 Royalton Road, PPN 396-12-034, zoned Office Building (OB).

Mr. Rusnov – Second.

Mr. Evans – We have a motion and a second, may I have a roll call please?

ROLL CALL:

ALL AYES

MOTION PASSED

Mr. Evans – The variances have been granted again pending a 20 day waiting period during which time Council may review our decision. You will get a notice from the Building Department when that time has passed. We wish them well with the project.

Mr. Kunzen – Very good. Thank you for your consideration.

Mr. Evans – Thank you.

Mr. Kolick – Would you like Findings of Fact and Conclusions of Law?

Mr. Evans – Yes, Mr. Kolick, if you'd be so kind as to do the Findings of Fact and Conclusions of Law for the storage facility which is number four on the agenda tonight, thank you.

Mr. Kolick – I will do so.

Mr. Evans – Alright, if there is no further business to come before the Board this evening, we stand adjourned.

Signature on File

Signature on File

July 31, 2019

Mr. Evans, Chairman

Kathy Zamrzla, Recording Sec'y

Approved
